

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 959

By: McIntosh

AS INTRODUCED

An Act relating to health care; defining terms; granting certain protections to health care institutions and health care payors; requiring certain disclosure; providing certain immunity from civil actions; providing certain construction; providing exception; conferring certain rights on medical practitioners, health care institutions, and health care payors; authorizing certain requirement by health care institution; prohibiting certain discrimination against medical practitioners and health care institutions; granting certain immunities to medical practitioners and health care institutions; granting additional protections; prohibiting certain disciplinary actions by professional licensing board or state agency; requiring certain provision of complaint; providing remedy for failure to notify; making certain interference unlawful; providing remedies for unlawful interference; directing promulgation of certain rules; providing certain construction; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-728g of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act, unless the context requires otherwise:

1 1. "Conscience" means the ethical, moral, or religious beliefs
2 or principles held by a medical practitioner, health care
3 institution, or health care payor. With respect to institutional or
4 corporate persons, as opposed to individual persons, the term is
5 determined by reference to that entity's or body's governing
6 documents including, but not limited to, published ethical, moral,
7 or religious guidelines or directives, mission statements,
8 constitutions, articles of incorporation, bylaws, policies, or
9 regulations;

10 2. a. "Discrimination" means an adverse action taken
11 against, or a threat of adverse action communicated
12 to, a medical practitioner, health care institution,
13 or health care payor as a result of the medical
14 practitioner, health care institution, or health care
15 payor's refusal to participate in a health care
16 service on the basis of conscience including, but not
17 limited to, termination of employment; transfer from
18 current position; demotion from current position;
19 adverse administrative action; reassignment to a
20 different shift or job title; increased administrative
21 duties; denial of staff privileges; denial of board
22 certification; loss of career specialty; reduction of
23 wages, benefits, or privileges; refusal to award a
24 grant, contract, or other program; refusal to provide

1 residency training opportunities; denial, deprivation,
2 or disqualification of licensure; withholding or
3 disqualifying from financial aid and other assistance;
4 impediment of the creation or improvement of a health
5 care institution or health care payor; impediment of
6 the acquisition or merger of a health care institution
7 or health care payor; the threat of any of the
8 preceding actions; or any other penalty, disciplinary,
9 or retaliatory action, whether executed or threatened.

10 b. The term does not include the negotiation or purchase
11 of insurance by a nongovernment entity;

12 3. "Health care institution" means a public or private
13 hospital, outpatient center for primary care, medical center,
14 physician organization, professional association, outpatient center
15 for surgical services, private physician's office, pharmacy, long-
16 term care facility, medical school, nursing school, medical training
17 facility, or any other entity or location in which health care
18 services are performed. The term includes, but is not limited to,
19 organizations, corporations, partnerships, associations, agencies,
20 networks, sole proprietorships, or joint ventures;

21 4. "Health care payor" means an employer, health plan, health
22 maintenance organization, insurance company, management services
23 organization, or another entity that pays for or arranges for
24 payment for a health care service, in whole or in part;

1 5. "Health care service" means medical research or medical care
2 provided to a patient or client at any time during the patient's or
3 client's course of treatment including, but not limited to, initial
4 examination; testing; diagnosis; referral; dispensing or
5 administration of a drug, medication, or device; psychological
6 therapy or counseling; research; prognosis; therapy; record-making
7 procedures; notes related to treatment, set up, or performance of a
8 surgery or procedure; or any other care or service performed or
9 provided by a medical practitioner;

10 6. "Medical practitioner" means a person who is or may be asked
11 to participate in a health care service. The term includes, but is
12 not limited to, physicians; physician assistants; nurses including,
13 but not limited to, Advanced Practice Registered Nurses; nurse
14 aides; allied health professionals; medical assistants; hospital
15 employees; employees of an outpatient center for primary care,
16 outpatient center for surgical services, or long-term care facility;
17 pharmacists; pharmacy technicians; pharmacy employees; medical
18 school faculty and students; nursing school faculty and students;
19 psychology and counseling faculty and students; medical researchers;
20 laboratory technicians; counselors; social workers; or any other
21 person who facilitates or participates in a health care service;

22 7. "Participate in a health care service" means to provide,
23 perform, assist with, facilitate, refer for, counsel for, advise
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1 with regard to, admit for the purposes of providing, or take part in
2 any way in providing a health care service; and

3 8. "Person" means one or more individuals, partnerships,
4 associations, or corporations.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-728h of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A health care institution or health care payor may not be
9 required to participate in or pay for a health care service that
10 violates the health care institution's or health care payor's
11 conscience, including by permitting the use of its facilities.

12 B. Except as provided in subsection D of this section, refusal
13 to participate in or pay for a health care service under this
14 section may not give rise to liability of the health care
15 institution or health care payor for damages allegedly arising from
16 the refusal or be the basis for any discrimination, discipline, or
17 other recriminatory action against the health care institution,
18 health care payor, or any personnel, agent, or governing board.

19 C. Nothing in this section may be construed to relieve a health
20 care institution of the requirement to provide emergency medical
21 treatment to all patients set forth in the federal Emergency Medical
22 Treatment and Labor Act, 42 U.S.C., Section 1395dd.

1 D. The immunity provisions of this section do not apply to a
2 health care institution or health care payor owned or operated by
3 this state or a political subdivision of the state.

4 E. Notwithstanding any other provision of this act to the
5 contrary, a religious medical practitioner, health care institution,
6 or health care payor that holds itself out to the public as
7 religious, states in its governing documents that it has a religious
8 purpose or mission, or has internal operating policies or procedures
9 that implement its religious beliefs, shall have the right to make
10 employment, staffing, contracting, and admitting privilege decisions
11 consistent with its religious beliefs.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-728i of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A medical practitioner has the right not to participate in a
16 health care service that violates the medical practitioner's
17 conscience. A health care institution may not be held liable for
18 the exercise of conscience not to participate in a health care
19 service by a medical practitioner employed, contracted, or granted
20 admitting privileges by the health care institution.

21 B. A health care institution may require the exercise of
22 conscience as a basis for not participating in a health care service
23 to be made in writing and signed by the medical practitioner
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1 objecting. A writing made under this subsection may refer only
2 generally to the grounds of conscience.

3 C. A medical practitioner's refusal to participate in a health
4 care service based on an exercise of conscience may not be a
5 consideration with respect to staff privileges of a health care
6 institution or basis for discrimination, discipline, or other
7 recriminatory action against the medical practitioner.

8 D. A medical practitioner may not be held liable for damages
9 allegedly arising from the exercise of conscience not to participate
10 in a health care service.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-728j of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 The exercise of conscience not to participate in a health care
15 service by a medical practitioner, health care institution, or
16 health care payor may not be grounds for loss of any privileges or
17 immunities or for the loss of any public benefits.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-728k of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A medical practitioner or health care institution may not be
22 discriminated against because the medical practitioner or health
23 care institution:

1 1. Provides, causes to be provided, or intends to provide or
2 cause to be provided information relating to a suspected violation
3 of this act to the medical practitioner or health care institution's
4 employer, the Attorney General, the United States Department of
5 Health and Human Services, or any state or federal agency charged
6 with protecting health care rights of conscience; or

7 2. Testifies, assists, participates, or intends to testify,
8 assist, or participate in a proceeding concerning a violation of
9 this act.

10 B. Except as provided in subsection C of this section, it is
11 unlawful to discriminate against a medical practitioner because the
12 medical practitioner discloses information that the medical
13 practitioner reasonably believes evidences:

14 1. A violation of any law, rule, or regulation;

15 2. A violation of any standard of care or ethical guidelines
16 for the provision of any health care service; or

17 3. Gross mismanagement, a gross waste of funds, an abuse of
18 authority, practices or methods of treatment that may put patient
19 health at risk, or a substantial and specific danger to public
20 health or safety.

21 C. Nothing in this section may be construed to exempt a person
22 from any applicable state or federal confidentiality and patient
23 privacy requirements including, but not limited to, the federal
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1 Health Insurance Portability and Accountability Act of 1996, 42
2 U.S.C., Section 1320d et seq.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-7281 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A professional licensing board or other state agency that
7 grants licensure or certification may not reprimand, sanction, or
8 revoke or threaten to revoke a license, certificate, or registration
9 of a medical practitioner who is licensed or certified by the board
10 or agency for engaging in speech or expressive activity protected
11 under the First Amendment to the United States Constitution, unless
12 the board or agency demonstrates beyond a reasonable doubt that the
13 medical practitioner's speech was the direct cause of physical harm
14 to a person with whom the medical practitioner had a practitioner-
15 patient relationship within the three (3) years immediately
16 preceding the incident of physical harm.

17 B. 1. Within fourteen (14) calendar days of receiving a
18 complaint that may result in revocation of a medical practitioner's
19 license, certificate, or registration, the board or agency shall
20 provide the medical practitioner with a copy of the complaint.

21 2. If the board or agency fails to provide the complaint within
22 fourteen (14) calendar days of receipt, the board or agency shall
23 pay the medical practitioner an administrative penalty of Five
24 Hundred Dollars (\$500.00) for each week of noncompliance.

1 SECTION 7. NEW LAW

2 A new section of law to be codified
3 in the Oklahoma Statutes as Section 1-728m of Title 63, unless there
4 is created a duplication in numbering, reads as follows:

5 A. It is unlawful to interfere or attempt to interfere with the
6 right not to participate in a health care service or the
7 whistleblower and free speech rights and protections authorized by
8 this act, whether by duress, coercion, or any other means.

9 B. A medical practitioner, health care institution, or health
10 care payor injured by unlawful interference is entitled to:

11 1. Injunctive relief, when appropriate, including but not
12 limited to reinstatement of a medical practitioner to the medical
13 practitioner's previous position, reinstatement of board
14 certification, and relicensure of a health care institution or
15 health care payor;

16 2. Monetary damages for injuries suffered; and

17 3. Reasonable costs and attorney fees.

18 SECTION 8. NEW LAW

19 A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-728n of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 The Insurance Commissioner shall promulgate reasonable and
23 necessary rules concerning the implementation of this act relating
24 to those insurers under its jurisdiction.
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SECTION 9. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 1-728o of Title 63, unless there is created a duplication in numbering, reads as follows:

This act is supplemental to and may not be construed as modifying or limiting the rights and remedies provided in the Freedom of Conscience Act, Section 1-728a et seq. of Title 63 of the Oklahoma Statutes.

SECTION 10. This act shall become effective November 1, 2025.

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