

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2884

By: Chapman

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5  
6 AS INTRODUCED

7 An Act relating to parental rights in health care;  
8 establishing parental rights to be present in their  
9 minor child's health care consultations; providing  
10 for parental abuse exception; authorizing Attorney  
11 General enforcement; providing for certain relief;  
12 removing all immunity; amending 12 O.S. 2021, Section  
13 2503, which relates to physician and psychotherapist  
14 patient privilege; clarifying that a minor cannot  
15 refuse to disclose information to their parent or  
16 legal guardian; amending 59 O.S. 2021, Section 1910,  
17 which relates to disclosure of confidential  
18 information, privileges, and testimony in hearings;  
19 clarifying that the parent or legal guardian's  
20 consent is required; amending 59 O.S. 2021, Section  
21 1939, which relates to disclosure of information and  
22 exceptions; clarifying that the parent or legal  
23 guardian's consent is required; amending 63 O.S.  
24 2021, Section 2602, which relates to right of self-  
consent under certain conditions and doctor-patient  
privileges; modifying when minors can consent without  
a parent or legal guardian; 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 2610 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

1           A. Notwithstanding any other provision of law, a parent of a  
2 minor child under eighteen (18) years of age has a right to be  
3 present during any meeting or consultation between a health  
4 professional and the parent's minor child under eighteen (18) years  
5 of age and to be provided, within a reasonable time and at a  
6 reasonable cost, copies of any records of services provided by a  
7 health professional to the parent's minor child. Provided, however,  
8 that a parent shall not be entitled to be present during such a  
9 meeting or consultation, or to access such records, when the health  
10 professional has been made aware of an allegation of parental child  
11 abuse, child neglect, or battery.

12           SECTION 2.           NEW LAW           A new section of law to be codified  
13 in the Oklahoma Statutes as Section 2610.1 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15           A. Whenever the Attorney General has received a complaint from  
16 a parent claiming a violation of this act, the Attorney General  
17 shall, in the Attorney General's discretion, bring suit for any  
18 violation of this act.

19           B. An action under this act may be brought, and relief may be  
20 granted, without regard to whether the person bringing the action  
21 has sought or exhausted available administrative remedies.

22           C. Any person who successfully asserts a claim or defense under  
23 this act may recover declaratory relief, injunctive relief, nominal  
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1 damages, compensatory damages, reasonable attorney fees and costs,  
2 and any other appropriate relief.

3 D. Sovereign, governmental, and qualified immunities to  
4 lawsuits and from liability are waived and abolished to the extent  
5 of liability created by this act.

6 SECTION 3. AMENDATORY 12 O.S. 2021, Section 2503, is  
7 amended to read as follows:

8 Section 2503. A. As used in this section:

9 1. A "patient" is a person who consults or is examined or  
10 interviewed by a physician or psychotherapist;

11 2. A "physician" is a person authorized to practice medicine in  
12 any state or nation, or reasonably believed by the patient to be so  
13 authorized;

14 3. A "psychotherapist" is:

15 a. a person authorized to practice medicine in any state  
16 or nation, or reasonably believed by the patient to be  
17 so authorized, while engaged in the diagnosis or  
18 treatment of a mental or emotional condition,  
19 including alcohol or drug addiction, or

20 b. a person licensed or certified as a psychologist under  
21 the laws of any state or nation, or reasonably  
22 believed by the patient to be so licensed or  
23 certified, while similarly engaged; and

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1           4. A communication is "confidential" if not intended to be  
2 disclosed to third ~~persons~~ parties, except ~~persons~~ parties present  
3 to further the interest of the patient in the consultation,  
4 examination or interview, ~~persons~~ parties reasonably necessary for  
5 the transmission of the communication, or ~~person~~ parties who are  
6 participating in the diagnosis and treatment under the direction of  
7 the physician or psychotherapist, including members of the patient's  
8 family.

9           B. A patient has a privilege to refuse to disclose and to  
10 prevent any other ~~person~~ party from disclosing confidential  
11 communications made for the purpose of diagnosis or treatment of the  
12 patient's physical, mental or emotional condition, including alcohol  
13 or drug addiction, among the patient, the patient's physician or  
14 psychotherapist, and ~~persons~~ parties who are participating in the  
15 diagnosis or treatment under the direction of the physician or  
16 psychotherapist, including members of the patient's family, except  
17 that a minor child under eighteen (18) years of age has no privilege  
18 to refuse to disclose or to prevent any other person from disclosing  
19 such confidential communications to the minor child's parent or  
20 legal guardian.

21           C. The privilege may be claimed by the patient, the patient's  
22 guardian or conservator or the personal representative of a deceased  
23 patient. The person who was the physician or psychotherapist at the  
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1 time of the communication is presumed to have authority to claim the  
2 privilege but only on behalf of the patient.

3 D. The following shall be exceptions to a claim of privilege:

4 1. There is no privilege under this section for communications  
5 relevant to an issue in proceedings to hospitalize the patient for  
6 mental illness, if the psychotherapist in the course of diagnosis or  
7 treatment has determined that the patient is in need of  
8 hospitalization;

9 2. Communications made in the course of a court-ordered  
10 examination of the physical, mental or emotional condition of a  
11 patient, whether a party or a witness, are not privileged under this  
12 section when they relate to the particular purpose for which the  
13 examination is ordered unless the court orders otherwise;

14 3. The privilege under this ~~Code~~ code as to a communication  
15 relevant to the physical, mental or emotional condition of the  
16 patient in any proceeding in which the patient relies upon that  
17 condition as an element of the patient's claim or defense or, after  
18 the patient's death, in any proceeding in which any party relies  
19 upon the condition as an element of the party's claim or defense is  
20 qualified to the extent that an adverse party in the proceeding may  
21 obtain relevant information regarding the condition by statutory  
22 discovery;

23 4. When the patient is an inmate in the custody of the  
24 Department of Corrections or a private prison or facility under

1 contract with the Department of Corrections, and the release of the  
2 information is necessary:

3 a. to prevent or lessen a serious and imminent threat to  
4 the health or safety of any person, or

5 b. for law enforcement authorities to identify or  
6 apprehend an individual where it appears from all the  
7 circumstances that the individual has escaped from a  
8 correctional institution or from lawful custody; ~~or~~

9 5. A minor child under eighteen (18) years of age has no  
10 privilege to refuse to disclose or to prevent any other person from  
11 disclosing communications otherwise confidential under this section  
12 to the minor child's parent or legal guardian; or

13 6. The testimonial privilege created pursuant to this section  
14 does not make communications confidential where state and federal  
15 privacy law would otherwise permit disclosure.

16 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1910, is  
17 amended to read as follows:

18 Section 1910. A. No person licensed pursuant to the provisions  
19 of the Licensed Professional Counselors Act shall knowingly and  
20 willfully disclose any information the licensee may have acquired  
21 from persons consulting the licensee in his or her professional  
22 capacity as a professional counselor or be compelled to disclose  
23 such information except:

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1        1. With the written consent of the client, or, except under the  
2 circumstances described in paragraph 2 of this subsection, if the  
3 client is less than eighteen (18) years of age, with the written  
4 consent of the client's parent or legal guardian, or in the case of  
5 death or disability of the client, the consent of his or her  
6 personal representative or other person authorized to sue or the  
7 beneficiary of any insurance policy on his or her life, health or  
8 physical condition;

9        2. If the person is a child under the age of eighteen (18)  
10 years of age and the information acquired by the licensed person  
11 indicated that the child was the victim or subject of a crime, the  
12 licensed person may be required to testify fully in relation thereto  
13 upon an examination, trial or other proceeding in which the  
14 commission of such a crime is a subject of inquiry;

15        3. If the client waives the privilege by bringing charges  
16 against the licensed person;

17        4. When failure to disclose such information presents a danger  
18 to the health of any person; or

19        5. If the licensed professional counselor is a party to a  
20 civil, criminal or disciplinary action arising from such therapy, in  
21 which case any waiver of the privilege accorded by this section  
22 shall be limited to that action.

23        B. No information shall be treated as privileged and there  
24 shall be no privileges created by the Licensed Professional

1 Counselors Act as to any information acquired by the person licensed  
2 pursuant to the Licensed Professional Counselors Act when such  
3 information pertains to criminal acts or violation of any law.

4 C. The Licensed Professional Counselors Act shall not be  
5 construed to prohibit any licensed person from testifying in court  
6 hearings concerning matters of adoption, child abuse, child neglect,  
7 battery or matters pertaining to the welfare of children or from  
8 seeking collaboration or consultation with professional colleagues  
9 or administrative superiors on behalf of this client.

10 SECTION 5. AMENDATORY 59 O.S. 2021, Section 1939, is  
11 amended to read as follows:

12 Section 1939. A. No person licensed pursuant to the provisions  
13 of the Licensed Behavioral Practitioner Act shall disclose any  
14 information the licensee may have acquired from persons consulting  
15 the licensee in the licensee's professional capacity as a behavioral  
16 practitioner or be compelled to disclose such information except:

17 1. With the written consent of the client, or, except under the  
18 circumstances described in paragraph 2 of this subsection, if the  
19 client is less than eighteen (18) years of age, with the written  
20 consent of the client's parent or legal guardian, or in the case of  
21 death or disability of the client, the consent of the client's  
22 personal representative or other person authorized to sue or the  
23 beneficiary of any insurance policy on the client's life, health, or  
24 physical condition;



1           2. If the client is a child under the age of eighteen (18)  
2 years of age and the information acquired by the licensed person  
3 indicated that the child was the victim or subject of a crime, the  
4 licensed person may be required to testify fully in relation thereto  
5 upon an examination, trial, or other proceeding in which the  
6 commission of such a crime is a subject of the inquiry;

7           3. If the client waives the privilege by bringing charges  
8 against the licensed person;

9           4. When failure to disclose such information presents a danger  
10 to the health of any person; or

11           5. If the licensed behavioral practitioner is a party to a  
12 civil, criminal, or disciplinary action arising from such therapy,  
13 in which case any waiver of the privilege accorded by this section  
14 shall be limited to that action.

15           B. No information shall be treated as privileged and there  
16 shall be no privileges created by the Licensed Behavioral  
17 Practitioner Act as to any information acquired by the person  
18 licensed pursuant to the Licensed Behavioral Practitioner Act when  
19 such information pertains to criminal acts or violation of any law.

20           C. The Licensed Behavioral Practitioner Act shall not be  
21 construed to prohibit any licensed person from testifying in court  
22 hearings concerning matters of adoption, child abuse, child neglect,  
23 battery, or matters pertaining to the welfare of children or from  
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1 seeking collaboration or consultation with professional colleagues  
2 or administrative superiors on behalf of this client.

3 SECTION 6. AMENDATORY 63 O.S. 2021, Section 2602, is  
4 amended to read as follows:

5 Section 2602. A. ~~Notwithstanding any other provision of law,~~  
6 the Except as provided in this section, health professionals may not  
7 provide services to a minor without the consent of a parent or legal  
8 guardian. Except as provided in this section, a parent or legal  
9 guardian shall have the right to be present during any meeting or  
10 consultation with a health professional. The following minors may  
11 consent to have services provided by health professionals in the  
12 following cases:

13 1. Any minor who is married, has a dependent child or is  
14 emancipated;

15 2. ~~Any minor who is separated from his parents or legal~~  
16 ~~guardian for whatever reason and is not supported by his parents or~~  
17 ~~guardian;~~

18 3. Any minor who is or has been pregnant, afflicted with any  
19 reportable communicable disease, drug and substance abuse or abusive  
20 use of alcohol; provided, however, that such self-consent only  
21 applies to the prevention, diagnosis and treatment of those  
22 conditions specified in this section. Any health professional who  
23 accepts the responsibility of providing such health services also  
24 assumes the obligation to provide counseling for the minor by a

1 health professional. ~~If the minor is found not to be pregnant nor~~  
2 ~~suffering from a communicable disease nor drug or substance abuse~~  
3 ~~nor abusive use of alcohol, the health professional shall not reveal~~  
4 ~~any information whatsoever to the spouse, parent or legal guardian,~~  
5 ~~without the consent of the minor~~ Provided, however, this section  
6 shall not be construed to authorize any health professional to  
7 provide any abortion-related services to a minor, including  
8 counseling or referrals to another health professional for the  
9 purpose of procuring an abortion;

10 4. Any minor parent as to his or her child;

11 5. Any spouse of a minor when the minor is unable to give  
12 consent by reason of physical or mental incapacity;

13 6. Any minor who by reason of physical or mental capacity  
14 cannot give consent and has no ~~known~~ relatives or legal guardian who  
15 are known or discoverable by the health professional through  
16 reasonably diligent inquiry, if two physicians agree on the health  
17 service to be given;

18 7. Any minor in need of emergency services for conditions which  
19 will ~~endanger his health or life~~ involve a substantial risk of  
20 permanent damage to his or her physical health or death if delay  
21 would result by obtaining consent from his or her spouse, parent or  
22 legal guardian; provided, however, that the prescribing of any  
23 medicine or device for the prevention of pregnancy shall not be  
24 considered such an emergency service; or

1 8. Any minor who is the victim of sexual assault; provided,  
2 however, that such self-consent only applies to a forensic medical  
3 examination by a qualified licensed health care professional.

4 If any minor falsely represents that ~~he may give consent~~ facts  
5 exist that would authorize him or her to consent under one of the  
6 exceptions listed in this section and a health professional provides  
7 health services in reasonable, good faith reliance ~~based~~ upon that  
8 misrepresentation, the minor shall receive full services without the  
9 consent of the minor's parent or legal guardian and the health  
10 professional shall incur no liability except for negligence ~~or~~ ,  
11 intentional harm, or acting inconsistently with the requirements of  
12 this section. ~~Consent of the minor shall not be subject to later~~  
13 ~~disaffirmance or revocation because of his minority.~~

14 B. The health professional shall be required to make a  
15 reasonable attempt to inform the spouse, parent or legal guardian of  
16 the minor of any treatment needed or provided under paragraph 7 of  
17 subsection A of this section. In all other instances in which a  
18 minor may consent as provided in this section, the health  
19 professional may, but shall not be required to inform the spouse,  
20 parent or legal guardian of the minor of any treatment needed or  
21 provided. The judgment of the health professional as to  
22 notification shall be final, and his or her disclosure shall not  
23 constitute libel, slander, the breach of the right of privacy, the  
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1 breach of the rule of privileged communication or result in any  
2 other breach that would incur liability.

3 Information about the minor obtained through care by a health  
4 professional under the provisions of this act shall not be  
5 disseminated to any health professional, school, law enforcement  
6 agency or official, ~~court authority~~, nonjudicial government agency  
7 or official employer, without the consent of the minor, except by  
8 court order, through specific legal requirements, or if the giving  
9 of the information is necessary to the health of the minor and  
10 public. Statistical reporting may be done when the minor's identity  
11 is kept confidential.

12 The health professional shall not incur criminal liability for  
13 action under the provisions of this act except for negligence or  
14 intentional harm.

15 SECTION 7. This act shall become effective November 1, 2025.

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