

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3383

6 By: Ranson

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health; providing for
9 legislative intent on traumatic brain injuries;
10 creating the Advisory Council on Traumatic Brain
11 Injury; providing for membership; providing
12 appointment and terms; providing for selection of
13 officers; providing quorum requirement; providing for
14 travel reimbursement; providing for duties and
15 responsibilities; requiring submission of annual
16 summary of recommendations; requiring certain
17 registry and reporting thereto; requiring certain
18 survey; requiring certain agencies to perform duties;
19 providing for termination date for Council; providing
20 for codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-291.8 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

It is the intent of the Oklahoma Legislature to provide
preventive education and other preventive actions concerning
traumatic brain injuries. It is also the intent of the Legislature
to ensure referral to the appropriate public and private entities
and agencies of those individuals suffering from debilitating

1 traumatic brain injuries so those persons can be rehabilitated to
2 their highest potential. Further, it is the intent of the
3 Legislature that rehabilitation and preventive education be
4 facilitated through the use of mandatory reporting of traumatic
5 brain injuries. The intent of the Legislature shall be effected
6 through the use of an advisory council to provide guidelines and
7 advice to agencies and private entities to carry out the legislative
8 intent.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-291.9 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 A. There is hereby established within the State Department of
13 Health an Advisory Council on Traumatic Brain Injury. The Council
14 shall consist of eleven (11) members and shall include:

15 1. Six people with brain injuries or relatives of persons with
16 brain injuries; and

17 2. Five other individuals from professional groups, health
18 institutions, community groups, and private industry.

19 B. 1. Members of the Council shall be appointed by the
20 Governor and shall serve for terms of four (4) years. The Council
21 shall meet at least two times annually.

22 2. The Council shall select from among its membership a chair
23 and vice-chair and such other officers as the members of the Council
24 deem necessary. A majority of the members of the Council shall

1 constitute a quorum to transact business but no vacancy shall impair
2 the right of the remaining members to perform the duties and
3 responsibilities of the Council. Members of the Council shall not
4 receive a salary but shall be allowed reimbursement for expenses
5 pursuant to the State Travel Reimbursement Act.

6 C. The duties and responsibilities of the Council shall be:

7 1. To provide advice and expertise to the State Department of
8 Health in preparation, implementation and periodic review of a
9 coordinated rehabilitation system for individuals suffering from
10 traumatic brain injuries in Oklahoma by November 1, 2021;

11 2. To promote meetings and programs for the discussion of
12 reducing the debilitating effects of brain injuries and disseminate
13 information in cooperation with any other department, agency or
14 entity on the prevention, evaluation, care, treatment and
15 rehabilitation of persons affected by brain injuries;

16 3. To study and review current prevention, evaluation, care,
17 treatment and rehabilitation technologies and recommend appropriate
18 preparation, training, retraining and distribution of manpower and
19 resources in the provision of services to brain-injured persons
20 through private and public residential facilities, day programs and
21 other specialized services;

22 4. To report to the Governor and Legislature of the needs of
23 persons with brain injuries and family members of persons with brain
24

1 injuries and to recommend policies and practices to meet those
2 needs;

3 5. To encourage research into the causes, prevention and
4 treatment of brain injuries;

5 6. To promote brain injury prevention and awareness throughout
6 the state; and

7 7. To perform additional duties as may be deemed necessary by
8 the State Department of Health.

9 D. An annual summary of recommendations shall be provided by
10 the Council to the Governor, the President Pro Tempore of the
11 Senate, the Speaker of the House of Representatives and the
12 Commissioner of Health not later than the tenth legislative day of
13 each session of the Legislature.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-291.10 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 A. The State Department of Health shall establish and maintain
18 a central registry of persons who die or are hospitalized from
19 traumatic brain injuries.

20 1. Every public and private health and social agency and
21 attending physician shall report to the State Department of Health
22 within seven (7) working days after the identification of any person
23 suffering a traumatic brain injury.

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1 2. The State Medical Examiner shall report to the Department of
2 Health within seven (7) working days any individual who dies as a
3 result of suffering a traumatic brain injury.

4 3. The report shall contain the name, age, residence and the
5 type and extent of the traumatic brain injury and any other
6 additional information as may be deemed necessary by the Department.
7 The report shall be required of all public and private health and
8 social agencies and attending physicians beginning November 1, 2022.

9 B. An annual summary of the compiled statistics shall be
10 forwarded to the Advisory Council on Traumatic Brain Injury by
11 November 1 of each year.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-291.11 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 Beginning January 1, 2021, the State Department of Health shall
16 conduct an annual survey of nursing homes in the state to determine
17 the number of individuals fifty-five (55) years of age and under who
18 reside in such homes due to traumatic brain injury. The immediate
19 family members and guardians of all individuals identified in such a
20 survey shall be informed about rehabilitation opportunities that
21 exist through public and private entities.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-291.12 of Title 63, unless
24 there is created a duplication in numbering, reads as follows:

1 It shall be the duty of the State Department of Health, the
2 Department of Human Services and the Department of Transportation
3 Highway Safety Division to implement programs for assistance,
4 education and other preventive programs recommended by the Advisory
5 Council on Traumatic Brain Injury.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-291.13 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 The Advisory Council on Traumatic Brain Injury shall cease to
10 exist on December 31, 2026.

11 SECTION 7. This act shall become effective November 1, 2020.

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