

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3383

By: Ranson

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6 AS INTRODUCED

7 An Act relating to public health; providing for
8 legislative intent on traumatic brain injuries;
9 creating the Advisory Council on Traumatic Brain
10 Injury; providing for membership; providing terms;
11 providing certain guidelines and duties; requiring
12 certain registry and reporting thereto; requiring
13 certain survey; requiring certain agencies to perform
14 duties; providing for termination date for Council;
15 providing for codification; and providing an
16 effective date.

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

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

21 It is the intent of the Oklahoma Legislature to provide
22 preventive education and other preventive actions concerning
23 traumatic brain injuries. It is also the intent of the Legislature
24 to ensure referral to the appropriate public and private entities
and agencies of those individuals suffering from debilitating
traumatic brain injuries so those persons can be rehabilitated to

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

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

11 A. There is hereby established within the State Department of
12 Health an Advisory Council on Traumatic Brain Injury. The Council
13 shall consist of the following seventeen (17) members:

14 1. The Commissioner of Health or a designee;

15 2. The Director of the Department of Human Services or a
16 designee;

17 3. A representative from the Department of Transportation
18 Highway Safety Division;

19 4. A representative from the Brain Injury Alliance of Oklahoma
20 or similar organization;

21 5. A representative from the Oklahoma Neurosurgical Society or
22 similar organization;

23 6. Two physicians who are representatives of the Oklahoma State
24 Medical Association and the Oklahoma Osteopathic Association;

1 7. Two professionals who are representatives of different areas
2 within the allied health field;

3 8. One administrator representing acute care facilities;

4 9. One administrator representing rehabilitation programs; and

5 10. Six representatives of the general public who are survivors
6 of traumatic brain injury or a family member of a survivor of
7 traumatic brain injury.

8 B. 1. Except as provided in subsection A of this section,
9 members of the Council shall be appointed by the Governor and shall
10 serve for terms of four (4) years, except that six members shall be
11 initially appointed to terms of two (2) years. The Council shall
12 meet at least two times annually.

13 2. The Council shall select from among its membership a chair
14 and vice-chair and such other officers as the members of the Council
15 deem necessary. A majority of the members of the Council shall
16 constitute a quorum to transact business but no vacancy shall impair
17 the right of the remaining members to perform the duties and
18 responsibilities of the Council. Members of the Council shall not
19 receive a salary but shall be allowed reimbursement for expenses
20 pursuant to the State Travel Reimbursement Act.

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

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

3 2. To provide advice and expertise in establishing criteria for
4 assistance to those individuals suffering from traumatic brain
5 injuries;

6 3. To make recommendations in developing materials for
7 preventive education for distribution to public and private
8 entities; and

9 4. To perform additional duties as may be deemed necessary by
10 the State Department of Health, the Department of Human Services and
11 the Department of Transportation Highway Safety Division.

12 D. An annual summary of recommendations shall be provided by
13 the Council to the Governor, the President Pro Tempore of the Senate
14 and the Speaker of the House of Representatives, the Department of
15 Human Services, the Commissioner of Health and the Department of
16 Transportation Highway Safety Division not later than the tenth
17 legislative day of each session of the Legislature.

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

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

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

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

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

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

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

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

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

6 It shall be the duty of the State Department of Health, the
7 Department of Human Services and the Department of Transportation
8 Highway Safety Division to implement programs for assistance,
9 education and other preventive programs recommended by the Advisory
10 Council on Traumatic Brain Injury.

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

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

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

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