

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1010

By: Ranson of the House

5 and

6 **Rader** of the Senate

7
8
9 AS INTRODUCED

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

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-291.8 of Title 63, unless
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

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

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

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

18 1. Six people with brain injuries or relatives of persons with
19 brain injuries; and

20 2. Five other individuals from professional groups, health
21 institutions, community groups, and private industry.

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

1 2. The Council shall select from among its membership a chair
2 and vice-chair and such other officers as the members of the Council
3 deem necessary. A majority of the members of the Council shall
4 constitute a quorum to transact business but no vacancy shall impair
5 the right of the remaining members to perform the duties and
6 responsibilities of the Council. Members of the Council shall not
7 receive a salary but shall be allowed reimbursement for expenses
8 pursuant to the State Travel Reimbursement Act.

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

10 1. To provide advice and expertise to the State Department of
11 Health in preparation, implementation and periodic review of a
12 coordinated rehabilitation system for individuals suffering from
13 traumatic brain injuries in Oklahoma by November 1, 2022;

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

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

1 4. To report to the Governor and Legislature of the needs of
2 persons with brain injuries and family members of persons with brain
3 injuries and to recommend policies and practices to meet those
4 needs;

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

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

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

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

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

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

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

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

6 3. The report shall contain the name, age, residence and the
7 type and extent of the traumatic brain injury and any other
8 additional information as may be deemed necessary by the Department.
9 The report shall be required of all public and private health and
10 social agencies and attending physicians beginning November 1, 2023.

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

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

17 Beginning January 1, 2022, the State Department of Health shall
18 conduct an annual survey of nursing homes in the state to determine
19 the number of individuals fifty-five (55) years of age and under who
20 reside in such homes due to traumatic brain injury. The immediate
21 family members and guardians of all individuals identified in such a
22 survey shall be informed about rehabilitation opportunities that
23 exist through public and private entities.

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

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

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

12 The Advisory Council on Traumatic Brain Injury shall cease to
13 exist on December 31, 2027.

14 SECTION 7. This act shall become effective November 1, 2021.

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16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
17 02/22/2021 - DO PASS, As Coauthored.

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