

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1010

By: Ranson of the House

and

Rader of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to traumatic brain injury; stating
11 legislative intent; creating the Advisory Council on
12 Traumatic Brain Injury for specified time period;
13 providing for membership, appointment, terms and
14 selection of officers; requiring quorum; providing
15 for travel reimbursement; stating duties and
16 responsibilities; requiring submission of annual
17 summary of recommendations; requiring certain
18 registry and reporting thereto; authorizing specified
19 agencies to implement certain programs; providing for
20 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

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

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

13 A. There is hereby established until December 31, 2027, within
14 the State Department of Health an Advisory Council on Traumatic
15 Brain Injury. The Council shall consist of eleven (11) members and
16 shall include:

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

19 2. Five other persons from professional groups, health
20 institutions, community groups and private industry.

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

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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 including but not limited to:

12 a. identifying, reviewing and promoting rehabilitation
13 opportunities for persons suffering from traumatic
14 brain injuries,

15 b. assisting the State Department of Health in
16 determining the number of persons fifty-five (55)
17 years of age and under who reside in a nursing
18 facility due to traumatic brain injury, and

19 c. ensuring immediate family members and guardians of all
20 persons identified as residing in a nursing facility
21 due to traumatic brain injury are informed about
22 rehabilitation opportunities;

23 2. To promote meetings and programs for the discussion of
24 reducing the debilitating effects of brain injuries and disseminate

1 information in cooperation with any other department, agency or
2 entity on the prevention, evaluation, care, treatment and
3 rehabilitation of persons affected by brain injuries;

4 3. To study and review current prevention, evaluation, care,
5 treatment and rehabilitation technologies and recommend appropriate
6 preparation, training, retraining and distribution of manpower and
7 resources in the provision of services to brain-injured persons
8 through private and public residential facilities, day programs and
9 other specialized services;

10 4. To report to the Governor and Legislature of the needs of
11 persons with brain injuries and family members of persons with brain
12 injuries and to recommend policies and practices to meet those
13 needs;

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

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

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

20 D. The Council shall provide an annual summary of
21 recommendations to the Governor, the President Pro Tempore of the
22 Senate, the Speaker of the House of Representatives and the State
23 Commissioner of Health not later than the tenth legislative day of
24 each session of the Legislature.

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

4 A. 1. The State Department of Health shall establish and
5 maintain a central registry of persons who die or are hospitalized
6 from traumatic brain injuries.

7 2. Beginning on November 1, 2023, all hospitals and related
8 institutions licensed under Section 1-702 of Title 63 of the
9 Oklahoma Statutes shall report to the State Department of Health
10 after the identification of any person suffering a traumatic brain
11 injury the name, age and residence of the person, the type and
12 extent of the traumatic brain injury and any other additional
13 information as may be deemed necessary by the Department.

14 3. The Office of the Chief Medical Examiner shall report to the
15 State Department of Health any person who dies as a result of
16 suffering a traumatic brain injury.

17 B. The State Department of Health shall forward to the Advisory
18 Council on Traumatic Brain Injury by November 1 of each year an
19 annual summary of the compiled statistics from information reported
20 under this section.

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

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1 The State Department of Health, the Department of Human Services
2 and the Oklahoma Highway Safety Office of the Department of Public
3 Safety, giving consideration to the recommendations of the Advisory
4 Council on Traumatic Brain Injury, may implement programs for
5 assistance, education and other preventive programs.

6 SECTION 5. This act shall become effective November 1, 2021.

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