

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1010

By: Ranson of the House
and
Rader of the Senate

[public health - creating the Advisory Council on
Traumatic Brain Injury - effective date]

11 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

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

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

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

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

20 1. Six persons with brain injuries or relatives of persons with
21 brain injuries; and

22 2. Five other persons from professional groups, health
23 institutions, community groups and private industry.

24

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

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

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

13 1. To provide advice and expertise to the State Department of
14 Health including but not limited to:

15 a. identifying, reviewing and promoting rehabilitation
16 opportunities for persons suffering from traumatic
17 brain injuries,

18 b. assisting the State Department of Health in
19 determining the number of persons fifty-five (55)
20 years of age and under who reside in a long-term care
21 facility due to traumatic brain injury, and

22 c. ensuring immediate family members and guardians of all
23 persons identified as residing in a long-term care
24

1 facility due to traumatic brain injury are informed
2 about rehabilitation opportunities;

3 2. To promote meetings and programs for the discussion of
4 reducing the debilitating effects of brain injuries and disseminate
5 information in cooperation with any other department, agency or
6 entity on the prevention, evaluation, care, treatment and
7 rehabilitation of persons affected by brain injuries;

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

14 4. To report to the Governor and Legislature of the needs of
15 persons with brain injuries and family members of persons with brain
16 injuries and to recommend policies and practices to meet those
17 needs;

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

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

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

24

1 D. The Council shall provide an annual summary of
2 recommendations to the Governor, the President Pro Tempore of the
3 Senate, the Speaker of the House of Representatives and the State
4 Commissioner of Health not later than the tenth legislative day of
5 each session of the Legislature.

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

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

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

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

22 B. The State Department of Health shall forward to the Advisory
23 Council on Traumatic Brain Injury by November 1 of each year an
24

1 annual summary of the compiled statistics from information reported
2 under this section.

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

6 The State Department of Health, the Department of Human Services
7 and the Oklahoma Highway Safety Office of the Department of Public
8 Safety, giving consideration to the recommendations of the Advisory
9 Council on Traumatic Brain Injury, may implement programs for
10 assistance, education and other preventive programs.

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

12 Passed the Senate the 13th day of April, 2021.

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14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2021.

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19 _____
20 Presiding Officer of the House
21 of Representatives

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2 BILL NO. 1010

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Rader of the Senate

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8 [public health - creating the Advisory Council on
9 Traumatic Brain Injury - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-291.8 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 It is the intent of the Oklahoma Legislature to provide
17 preventive education and other preventive actions concerning
18 traumatic brain injuries. It is also the intent of the Legislature
19 to ensure referral to the appropriate public and private entities
20 and agencies of those individuals suffering from debilitating
21 traumatic brain injuries so those persons can be rehabilitated to
22 their highest potential. Further, it is the intent of the
23 Legislature that rehabilitation and preventive education be
24 facilitated through the use of mandatory reporting of traumatic

1 brain injuries. The intent of the Legislature shall be effected
2 through the use of an advisory council to provide guidelines and
3 advice to agencies and private entities to carry out the legislative
4 intent.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-291.9 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

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

11 1. Six people with brain injuries or relatives of persons with
12 brain injuries; and

13 2. Five other individuals from professional groups, health
14 institutions, community groups, and private industry.

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

18 2. The Council shall select from among its membership a chair
19 and vice-chair and such other officers as the members of the Council
20 deem necessary. A majority of the members of the Council shall
21 constitute a quorum to transact business but no vacancy shall impair
22 the right of the remaining members to perform the duties and
23 responsibilities of the Council. Members of the Council shall not
24

1 receive a salary but shall be allowed reimbursement for expenses
2 pursuant to the State Travel Reimbursement Act.

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

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

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

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

19 4. To report to the Governor and Legislature of the needs of
20 persons with brain injuries and family members of persons with brain
21 injuries and to recommend policies and practices to meet those
22 needs;

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

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

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

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

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-291.10 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

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

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

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

23 3. The report shall contain the name, age, residence and the
24 type and extent of the traumatic brain injury and any other

1 additional information as may be deemed necessary by the Department.
2 The report shall be required of all public and private health and
3 social agencies and attending physicians beginning November 1, 2023.

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

7 SECTION 9. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-291.11 of Title 63, unless
9 there is created a duplication in numbering, reads as follows:

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

17 SECTION 10. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-291.12 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 It shall be the duty of the State Department of Health, the
21 Department of Human Services and the Department of Transportation
22 Highway Safety Division to implement programs for assistance,
23 education and other preventive programs recommended by the Advisory
24 Council on Traumatic Brain Injury.

