ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE JOINT
RESOLUTION NO. 1040

BY: HAMILTON (Jeff) and
LITTLEFIELD of the HOUSE

and

BROWN of the SENATE

A JOINT RESOLUTION PROVIDING LEGISLATIVE INTENT ON TRAUMATIC SPINAL CORD AND TRAUMATIC BRAIN INJURIES; CREATING THE ADVISORY COUNCIL ON TRAUMATIC SPINAL CORD AND TRAUMATIC BRAIN INJURY; PROVIDING MEMBERSHIP; PROVIDING TERMS; PROVIDING CERTAIN GUIDELINES AND DUTIES; REQUIRING CERTAIN REGISTRY AND REPORTING THERETO; REQUIRING CERTAIN SURVEY; REQUIRING CERTAIN AGENCIES TO PERFORM DUTIES; AND PROVIDING TERMINATION DATE FOR COUNCIL.

AMENDMENT NO. 1. Strike the title, resolving clause and entire resolution and insert

"A JOINT RESOLUTION STATING LEGISLATIVE INTENT ON TRAUMATIC SPINAL CORD AND TRAUMATIC BRAIN INJURIES; CREATING THE ADVISORY COUNCIL ON TRAUMATIC SPINAL CORD AND TRAUMATIC BRAIN INJURY; PROVIDING FOR MEMBERSHIP; PROVIDING TERMS; PROVIDING CERTAIN GUIDELINES AND DUTIES; REQUIRING CERTAIN REGISTRY AND REPORTING THERETO; REQUIRING CERTAIN SURVEY; REQUIRING CERTAIN AGENCIES TO PERFORM DUTIES; AND PROVIDING FOR TERMINATION DATE FOR COUNCIL.

WHEREAS, traumatic brain injury is the number one killer of Americans who are under the age of 34; and

WHEREAS, more than 700,000 persons sustain these debilitating injuries annually, and of those, more than 70,000 individuals survive with permanent intellectual, emotional and physical disabilities; and

WHEREAS, an estimated five to seven thousand traumatic brain and spinal cord injuries occur in Oklahoma each year; and

WHEREAS, the cost of medical care, including hospitalization and rehabilitation, for persons suffering from traumatic spinal cord and brain injuries is exorbitant and places severe emotional and financial pressures on the victims, their family members, the medical realm and society as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE:

SECTION 1. It is the intent of the Oklahoma Legislature to provide preventative education and other preventative actions concerning traumatic brain and traumatic spinal cord 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 traumatic brain and traumatic spinal cord injuries so that those persons can be rehabilitated to their highest potential. It is the further legislative intent that rehabilitation and preventative education be facilitated through the use of mandatory reporting of traumatic spinal cord and traumatic brain injuries. The intent of the Legislature shall be effected through the use of an advisory council to provide guidelines and advice to agencies and private entities to carry out the legislative intent.

SECTION 2. A. There is hereby established within the State Department of Health a thirteen-member "Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injury". The Council shall consist of the following members:

1. The Commissioner of Health or a designee;

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

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

4. A representative from the Oklahoma Head Injury Foundation;

5. A representative from the Oklahoma Neurosurgical Society;

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

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

8. One administrator representing acute care facilities;

9. One administrator representing rehabilitation programs; and

10. Two representatives of the general public who have special interests in traumatic spinal cord and traumatic brain injuries.

B. 1. Members of the Council shall be appointed by the Governor and shall serve for terms of four (4) years, except that six members shall be initially appointed to terms of two (2) years. The Council shall meet at least two (2) times annually.

2. The Council shall select from among its membership a chairman and vice-chairman and such other officers as the members of the Council deem necessary. A majority of the members of the Council shall constitute a quorum to transact business but no vacancy shall impair the right of the remaining members to perform the duties and responsibilities of the Council. Members of the Council shall not receive a salary but shall be allowed reimbursement for expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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

1. To provide advice and expertise to the State Department of Health in the preparation, implementation and periodic review of a coordinated rehabilitation system for individuals suffering from traumatic spinal cord and traumatic brain injuries in Oklahoma by July 1, 1992;

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

3. To make recommendations in developing materials for preventative education for distribution to public and private entities; and

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

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

SECTION 3. A. The State Department of Health shall establish and maintain a central registry of persons who die or are hospitalized from traumatic spinal cord or traumatic brain injuries.

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

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

3. The report shall contain the name, age, residence and the type and extent of the traumatic spinal cord injury and traumatic brain injury and any other additional information as may be deemed necessary by the Department. The report shall be required of all public and private health and social agencies and attending physicians beginning January 1, 1992.

B. An annual summary of the compiled statistics shall be forwarded to the Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injuries by July 1 of each year.

SECTION 4. Beginning January 1, 1993, the State Department of Health shall conduct an annual survey of nursing homes in the state to determine the number of individuals fifty-five (55) years of age and under who reside in such homes due to traumatic spinal cord injury or traumatic brain injury. The immediate family members and guardians of all individuals identified in such a survey shall be informed about rehabilitation opportunities that exist through public and private entities.

SECTION 5. It shall be the duty of the State Department of Health, the Department of Human Services and the Department of Transportation Highway Safety Division to implement programs for assistance, education and other preventative programs recommended by the Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injuries.

SECTION 6. The Advisory Council on Traumatic Spinal Cord and Traumatic Brain Injuries shall cease to exist on December 31, 1997."

Passed the Senate the 1st day of April, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives