

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT
4 RESOLUTION 1038

By: Ranson

5
6 AS INTRODUCED

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

17 WHEREAS, according to most recent data in 2014, approximately
18 2.53 million traumatic brain injury related emergency department
19 visits occurred, including over 812,000 occurring among children;
20 and

21 WHEREAS, approximately 288,000 traumatic brain injury related
22 hospitalizations occurred, including over 23,000 occurring among
23 children; and

24 WHEREAS, 56,800 traumatic brain injury deaths occurred,
including 2,529 occurring among children; and

1 WHEREAS, the total number of traumatic brain injury emergency
2 department visits, hospitalizations, and deaths increased by 53%
3 from 2006 to 2014; and

4 WHEREAS, unintentional falls, being unintentionally struck by or
5 against an object, and motor vehicle crashes were the most common
6 mechanisms of injury contributing to a traumatic brain injury
7 diagnosis in the emergency department. These three principle
8 mechanisms of injury accounted for 47.9%, 17.1%, and 13.2%,
9 respectively, of all traumatic brain injury related emergency
10 department visits.

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
12 AND THE SENATE OF THE 2ND SESSION OF THE 57TH OKLAHOMA LEGISLATURE:

13 SECTION 1. 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 preventative education and other preventative 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 that those persons can be rehabilitated
22 to their highest potential. It is the further intent of the
23 Legislature that rehabilitation and preventative 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 intent of
4 the Legislature.

5 SECTION 2. 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 the following seventeen (17) members:

11 1. The Commissioner of Health or a designee;

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

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

16 4. A representative from the Brain Injury Alliance of Oklahoma
17 or similar organization;

18 5. A representative from the Oklahoma Neurosurgical Society or
19 similar organization;

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

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

24 8. One administrator representing acute care facilities;

1 9. One administrator representing rehabilitation programs; and

2 10. Six representatives of the general public who are survivors
3 of a traumatic brain injury or a family member of a survivor of a
4 traumatic brain injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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