

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 HOUSE BILL 1896

                                  By: Roberts (Sean)

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7                                   AS INTRODUCED

8                   An Act relating to public health; creating the Brain  
9                   Death Standards Act; directing the Board of Medical  
10                  Licensure to promulgate certain rules; requiring the  
11                  Board to consider certain standards; requiring the  
12                  Board to amend rules when certain standards change;  
13                  prohibiting declaration of brain death by certain  
14                  persons; allowing continuing medical education  
15                  related to certain standards; providing for  
16                  codification; and providing an effective date.

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

18                  SECTION 1.           NEW LAW           A new section of law to be codified  
19                  in the Oklahoma Statutes as Section 3124 of Title 63, unless there  
20                  is created a duplication in numbering, reads as follows:

21                  This act shall be known and may be cited as the "Brain Death  
22                  Standards Act".

23                  SECTION 2.           NEW LAW           A new section of law to be codified  
24                  in the Oklahoma Statutes as Section 3125 of Title 63, unless there  
                  is created a duplication in numbering, reads as follows:

1           A. The Board of Medical Licensure and Supervision shall  
2 promulgate rules setting forth currently accepted medical standards,  
3 including criteria, tests, and procedures and requiring detailed  
4 documentation of their fulfillment in a patient's medical record  
5 when death is declared pursuant to paragraph 2 of Section 3122 of  
6 Title 63 of the Oklahoma Statutes.

7           B. In assessing currently accepted medical standards, the Board  
8 shall consider standards and guidelines issued by the American  
9 Academy of Neurology and the American Academy of Pediatrics, as well  
10 as by other widely recognized medical organizations or sources, and  
11 it shall formally consider amending its rules promptly after any  
12 changes in such standards or guidelines. The rules promulgated by  
13 the Board may incorporate such standards or guidelines, or parts  
14 thereof, by reference.

15           C. The rules shall ensure that if the individual to be declared  
16 dead pursuant to Section 3122 of Title 63 of the Oklahoma Statutes  
17 is or may be an organ donor, the physician who makes the declaration  
18 that death has occurred shall not be the organ transplant surgeon,  
19 the attending physician of the organ recipient, or an individual  
20 otherwise subject to a potentially significant conflict of interest  
21 relating to procedures for organ procurement.

22           D. The rules may provide for testing or completion of  
23 continuing medical education regarding the required standards  
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1 governing determination of death for physicians authorized to make  
2 such determinations.

3 SECTION 3. This act shall become effective November 1, 2021.  
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/24/2021 -  
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