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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 229  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Sweeney and Patton

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### SUMMARY

- Requires health care practitioners who are primarily responsible for caring for a patient diagnosed with epilepsy to provide written information about sudden, unexplained death in epilepsy (“SUDEP”) risk factors and conditions and nonprofit organizations that can provide information and support services for patients with epilepsy.
- Requires the Director of Health to provide guidance to health care practitioners to assist in determining if a patient is at an elevated risk of SUDEP.
- Names the act the Brenna Brossard SUDEP Awareness Act.

### DETAILED ANALYSIS

#### Health care practitioner responsibilities related to SUDEP

The bill requires health care practitioners who have the primary responsibility for the treatment or care of a patient who has been diagnosed with epilepsy to provide the patient with written information about sudden, unexplained death in epilepsy (“SUDEP”).<sup>1</sup> SUDEP, as defined by the bill, is the sudden, unexplained death in patients with epilepsy, with or without evidence of seizure.<sup>2</sup>

The provided information must include current, evidence-based information on SUDEP risk factors and conditions and contact information for nonprofit organizations that provide information and support services for epilepsy conditions.<sup>3</sup>

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<sup>1</sup> R.C. 3701.1311.

<sup>2</sup> R.C. 3701.1311(A)(2).

<sup>3</sup> R.C. 3701.1311(B).

The health care practitioners to which the bill applies are:<sup>4</sup>

- Physicians practicing medicine and surgery or osteopathic medicine and surgery;
- Advanced practice registered nurses designated as clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners; and
- Physician assistants.

Health care practitioners providing treatment during an emergency situation are exempt from the bill's requirements.<sup>5</sup>

## **Director of Health responsibilities**

The Director of Health is required to provide health care practitioners with the written information described above and must post the information on the Department of Health's website. The information must be reviewed and approved by one or more professional nonprofit organizations with expertise in neurology and epilepsy.<sup>6</sup>

Additionally, the Director must ensure that the information provided is culturally and linguistically appropriate for all recipients.<sup>7</sup> The Director may, in the Director's discretion, add information to the website if any local or national organization that provides education or services related to epilepsy conditions requests that their information be included on the Department's website.<sup>8</sup>

Finally, in addition to providing information to health care practitioners, the Director also must provide guidance to health care practitioners to assist in determining whether a patient has an elevated risk for SUDEP. The guidance must be provided in consultation with local and national epilepsy organizations.<sup>9</sup>

## **Violations**

The Director is required to issue a warning to a health care practitioner for an initial violation of the bill. If there is a subsequent violation or if the violation constitutes willful or wanton misconduct, a health care practitioner may be subject to professional disciplinary action by the practitioner's licensing board.<sup>10</sup>

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<sup>4</sup> R.C. 3701.1311(A)(1).

<sup>5</sup> R.C. 3701.1311(B).

<sup>6</sup> R.C. 3701.1311(C)(1).

<sup>7</sup> R.C. 3701.1311(C)(2).

<sup>8</sup> R.C. 3701.1311(C)(3).

<sup>9</sup> R.C. 3701.1311(D).

<sup>10</sup> R.C. 3701.1311(E).

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## HISTORY

Action	Date
Introduced	06-27-23

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