

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 229**

**Representatives Sweeney, Patton**

**Cosponsors: Representatives Brewer, Dell'Aquila, Grim, Lightbody, McNally,  
Russo**

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**A BILL**

To enact section 3701.1311 of the Revised Code to 1  
require health care practitioners to provide 2  
information on Sudden Unexpected Death in 3  
Epilepsy to at risk patients and to name the act 4  
the Brenna Brossard SUDEP Awareness Act. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3701.1311 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 3701.1311.** (A) As used in this section: 8

(1) "Health care practitioner" means all of the following: 9

(a) A physician authorized under Chapter 4731. of the 10  
Revised Code to practice medicine and surgery or osteopathic 11  
medicine and surgery; 12

(b) An advanced practice registered nurse authorized under 13  
Chapter 4723. of the Revised Code to practice nursing as an 14  
advanced practice registered nurse and designated as a clinical 15  
nurse specialist, certified nurse-midwife, or certified nurse 16

<u>practitioner;</u>	17
<u>(c) A physician assistant authorized under Chapter 4730.</u>	18
<u>of the Revised Code to practice as a physician assistant.</u>	19
<u>(2) "Sudden unexpected death in epilepsy" means sudden,</u>	20
<u>unexpected death in patients with epilepsy, with or without</u>	21
<u>evidence of a seizure.</u>	22
<u>(B) Any health care practitioner who has the primary</u>	23
<u>responsibility for the treatment or care, other than treatment</u>	24
<u>during an emergency situation, of a patient who has been</u>	25
<u>diagnosed with epilepsy shall provide the patient with the</u>	26
<u>following written information:</u>	27
<u>(1) Current, evidence-based information about sudden</u>	28
<u>unexpected death in epilepsy risk factors and conditions, as</u>	29
<u>provided by the director of health under division (C) of this</u>	30
<u>section;</u>	31
<u>(2) Contact information for nonprofit organizations that</u>	32
<u>provide information and support services for epilepsy</u>	33
<u>conditions.</u>	34
<u>(C) (1) The director shall provide to health care</u>	35
<u>practitioners written information as described in division (B)</u>	36
<u>of this section and shall post the information on the department</u>	37
<u>of health's internet web site. The information shall be reviewed</u>	38
<u>and approved by one or more professional nonprofit organizations</u>	39
<u>with expertise in neurology and epilepsy.</u>	40
<u>(2) The director shall ensure that the information</u>	41
<u>provided as required by this section is culturally and</u>	42
<u>linguistically appropriate for all recipients.</u>	43
<u>(3) Any local or national organization that provides</u>	44

education or services related to epilepsy conditions may request 45  
that the director include the organization's informational 46  
material and contact information on the department's internet 47  
web site. Once a request is made, the director may, in the 48  
director's discretion, add the information to the department's 49  
internet web site. 50

(D) In addition to providing health care practitioners 51  
with the written information required by division (C) of this 52  
section, the director shall, in consultation with local and 53  
national organizations that provide education or services 54  
related to epilepsy conditions, provide guidance to health care 55  
practitioners to assist them in determining whether a patient is 56  
at an elevated risk for sudden unexpected death in epilepsy, 57  
including whether the patient has had convulsive seizures, the 58  
frequency and recency of such seizures, and whether the 59  
patient's symptoms have subsided in response to medicinal or 60  
surgical treatments. 61

(E) The director shall issue a warning to a health care 62  
practitioner in the case of an initial violation of this 63  
section, provided that the violation does not constitute willful 64  
or wanton misconduct. In the case of willful or wanton 65  
misconduct, or for subsequent violations, the health care 66  
practitioner may be subject to professional disciplinary action 67  
by the practitioner's licensing board. 68

**Section 2.** This act shall be known as the Brenna Brossard 69  
SUDEP Awareness Act. 70