

**HOUSE BILL NO. 328**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JOHNSON, Dahlstrom, Peggy Wilson, Herron, Cissna, Buch, Tuck, Muñoz

Introduced: 2/5/10

Referred: Health and Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing a traumatic or acquired brain injury program and registry within  
2 the Department of Health and Social Services; and relating to medical assistance  
3 coverage for traumatic or acquired brain injury services."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 18.15.360(a) is amended to read:

6 (a) The department is authorized to collect, analyze, and maintain databases of  
7 information related to

8 (1) risk factors identified for conditions of public health importance;

9 (2) morbidity and mortality rates for conditions of public health  
10 importance;

11 (3) community indicators relevant to conditions of public health  
12 importance; [AND]

13 (4) longitudinal data on traumatic or acquired brain injury from  
14 the registry established under AS 47.80.500(c)(1); and

1                   **(5)** any other data needed to accomplish or further the mission or goals  
2 of public health or provide essential public health services and functions.

3 \* **Sec. 2.** AS 47.07.030(b) is amended to read:

4                   (b) In addition to the mandatory services specified in (a) of this section and the  
5 services provided under (d) of this section, the department may offer only the  
6 following optional services: **case management services for traumatic or acquired**  
7 **brain injury**; case management and nutrition services for pregnant women; personal  
8 care services in a recipient's home; emergency hospital services; long-term care  
9 noninstitutional services; medical supplies and equipment; advanced nurse practitioner  
10 services; clinic services; rehabilitative services for children eligible for services under  
11 AS 47.07.063, substance abusers, and emotionally disturbed or chronically mentally ill  
12 adults; targeted case management services; inpatient psychiatric facility services for  
13 individuals age 65 or older and individuals under age 21; psychologists' services;  
14 clinical social workers' services; midwife services; prescribed drugs; physical therapy;  
15 occupational therapy; chiropractic services; low-dose mammography screening, as  
16 defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language  
17 disorders; adult dental services; prosthetic devices and eyeglasses; optometrists'  
18 services; intermediate care facility services, including intermediate care facility  
19 services for the mentally retarded; skilled nursing facility services for individuals  
20 under age 21; and reasonable transportation to and from the point of medical care.

21 \* **Sec. 3.** AS 47.07.030 is amended by adding a new subsection to read:

22                   (e) In this section,

23                   (1) "case management services for traumatic or acquired brain injury"  
24 means

25                   (A) care and service coordination to assist individuals and  
26 families affected by traumatic or acquired brain injury to minimize the  
27 disabling effects of the injury;

28                   (B) collaboration with providers and other organizations to  
29 expand and strengthen the local capacity for delivery of needed services,  
30 including housing, for the care and support of a recipient who is diagnosed  
31 with traumatic or acquired brain injury;

1 (C) participation in planning and accessing services within the  
 2 community for the care and support of a recipient who is diagnosed with  
 3 traumatic or acquired brain injury;

4 (D) the provision of information, referral, and case consultation  
 5 services to a recipient who is diagnosed with traumatic or acquired brain  
 6 injury;

7 (2) "traumatic or acquired brain injury" has the meaning given in  
 8 AS 47.80.590.

9 \* **Sec. 4.** AS 47.07 is amended by adding a new section to read:

10 **Sec. 47.07.046. Traumatic or acquired brain injury services.** (a) The  
 11 department shall provide traumatic or acquired brain injury services under a waiver in  
 12 accordance with 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act), this chapter,  
 13 and regulations adopted under this chapter, if the department has received approval  
 14 from the federal government and the department has appropriations allocated for the  
 15 purpose. In addition to the annual assessment required in (b) of this section, the  
 16 department shall establish in regulation additional standards for eligibility and  
 17 payment for the services.

18 (b) Before the department may terminate payment for services provided under  
 19 (a) of this section, the recipient must have had an annual assessment to determine  
 20 whether the recipient continues to meet the standards established by regulation under  
 21 (a) of this section.

22 (c) In this section, "traumatic or acquired brain injury" has the meaning given  
 23 in AS 47.80.590.

24 \* **Sec. 5.** AS 47.80 is amended by adding new sections to read:

25 **Article 5A. Traumatic or Acquired Brain Injury.**

26 **Sec. 47.80.500. Statewide traumatic or acquired brain injury program.** (a)  
 27 A statewide traumatic or acquired brain injury program is established in the  
 28 department for the purpose of evaluating the effectiveness and availability of  
 29 information and services for the prevention and treatment of traumatic or acquired  
 30 brain injury in the state. The department shall consult and collaborate with state  
 31 agencies, private nonprofit entities, and other organizations in the state that provide

1 brain injury services in implementing all aspects of the program.

2 (b) The program established under this section must include

3 (1) review and consideration of data collected under (c)(1) of this  
4 section;

5 (2) supervision and coordination of services provided to persons with  
6 traumatic or acquired brain injury;

7 (3) evaluation of standards and laws pertaining to the prevention of  
8 traumatic or acquired brain injury and to the treatment, care, and support of persons  
9 with traumatic or acquired brain injury;

10 (4) assessment of the availability of acute and long-term treatment,  
11 care, and support options in and outside the state for persons with traumatic or  
12 acquired brain injury;

13 (5) evaluation of the need for and scope of community services for  
14 persons with traumatic or acquired brain injury throughout the state;

15 (6) investigation of the models of service coordination that can be  
16 replicated at a local level in the state;

17 (7) coordination and expansion of publicly and privately funded  
18 residential and nonresidential acute and long-term services to persons with traumatic  
19 or acquired brain injury, including education, referral, and home and community-  
20 based services;

21 (8) facilitation of admissions to and discharges from acute and long-  
22 term care facilities for the treatment of traumatic or acquired brain injury;

23 (9) identification and description of available treatment and care  
24 facilities of all types for persons with traumatic or acquired brain injury based on  
25 length of stay, patient capacity, available services, and barriers encountered to  
26 community placement after discharge;

27 (10) a plan that describes recommendations for the development of a  
28 statewide service delivery continuum of comprehensive rehabilitative, supportive  
29 living, and community programs.

30 (c) The department shall

31 (1) establish and implement a traumatic or acquired brain injury

1 registry of information from service providers that includes

2 (A) health status, including age, cause, and severity of injury  
3 and region of brain affected;

4 (B) acute recovery period;

5 (C) location of the

6 (i) event that caused the injury;

7 (ii) hospital treating the injury; and

8 (iii) residence of the person with traumatic or acquired  
9 brain injury;

10 (D) access to and use of rehabilitation services, including  
11 behavioral, vocational, and long-term care services;

12 (E) access to and use of neuropsychological assessment;

13 (F) status of long-term recovery at five-year intervals;

14 (G) financial and social effects on family;

15 (H) cost associated with services;

16 (2) establish standards and recommendations for improvement of  
17 prevention, assessment, treatment, and care of persons with traumatic or acquired  
18 brain injury in the state;

19 (3) contract with service providers and qualified entities to carry out  
20 the purposes of this section;

21 (4) provide a standardized reporting form for use in gathering data for  
22 the registry.

23 (d) In (c) of this section, "service provider" means a public or private entity  
24 that provides health education, group shelter, or criminal justice services to individuals  
25 in the state.

26 **Sec. 47.80.590. Definition.** In AS 47.80.500 - 47.80.590, "traumatic or  
27 acquired brain injury" means an insult from physical force or internal damage to the  
28 brain or its coverings, not of a degenerative or congenital nature, that produces an  
29 altered mental state and that results in a decrease in cognitive, behavioral, emotional,  
30 or physical functioning.