

SENATE BILL NO. 219

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATORS MCGUIRE, Ellis

Introduced: 1/19/10

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a traumatic brain injury program and registry within the
2 Department of Health and Social Services; and relating to medical assistance coverage
3 for traumatic 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 persons with traumatic brain injury after
14 hospital discharge that includes

1 **(A) health status;**

2 **(B) acute recovery period;**

3 **(C) access to and use of rehabilitation services;**

4 **(D) family impacts; and**

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

7 * **Sec. 2.** AS 18.15. is amended by adding new sections to read:

8 **Article 8A. Traumatic Brain Injury.**

9 **Sec. 18.15.500. Statewide traumatic brain injury program.** (a) A statewide
10 traumatic brain injury program is established in the department for the purpose of
11 evaluating the effectiveness and availability of information and services for the
12 prevention and treatment of traumatic brain injury in the state. The department shall
13 consult and collaborate with private nonprofit entities in the state that provide a brain
14 injury network in implementing all aspects of the program.

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

16 (1) review and consideration of data collected under
17 AS 18.15.360(a)(4);

18 (2) supervision and coordination of services provided to persons with
19 traumatic brain injury;

20 (3) evaluation of standards and laws pertaining to the prevention of
21 traumatic brain injury and to the treatment, care, and support of persons with traumatic
22 brain injury;

23 (4) assessment of the availability of acute and long term care options in
24 and outside the state for persons with traumatic brain injury;

25 (5) evaluation of the need for and scope of community services for
26 persons with traumatic brain injury throughout the state;

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

29 (7) coordination of publicly and privately funded services to persons
30 with traumatic brain injury, including expansion of home and community based
31 services;

1 (8) facilitation of admissions to and discharges from acute and long
2 term care facilities for the treatment of traumatic brain injury;

3 (9) identification and description of available treatment and care
4 facilities for persons with traumatic brain injury based on length of stay, patient
5 capacity, available services, and barriers encountered to community placement after
6 discharge.

7 (c) The department shall

8 (1) provide technical assistance, training opportunities, and public
9 outreach to carry out the purposes of the program;

10 (2) provide for case management services for persons diagnosed with
11 traumatic brain injury, regardless of ability to pay for the case management services;

12 (3) establish standards and recommendations for improvement of
13 prevention, treatment, and care of persons with traumatic brain injury in the state;

14 (4) contract with service providers and qualified entities to carry out
15 the purposes of this section.

16 **Sec. 18.15.590. Definitions.** In AS 18.15.500 - 18.15.590, "traumatic brain
17 injury" means a sudden insult or damage to the brain or its coverings, not of a
18 degenerative or congenital nature; the insult or damage may produce an altered state of
19 consciousness and may result in a decrease in cognitive, behavioral, emotional, or
20 physical functioning resulting in partial or total disability.

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

22 (b) In addition to the mandatory services specified in (a) of this section and the
23 services provided under (d) of this section, the department may offer only the
24 following optional services: **case management services for traumatic brain injury;**
25 case management and nutrition services for pregnant women; personal care services in
26 a recipient's home; emergency hospital services; long-term care noninstitutional
27 services; medical supplies and equipment; advanced nurse practitioner services; clinic
28 services; rehabilitative services for children eligible for services under AS 47.07.063,
29 substance abusers, and emotionally disturbed or chronically mentally ill adults;
30 targeted case management services; inpatient psychiatric facility services for
31 individuals age 65 or older and individuals under age 21; psychologists' services;

1 clinical social workers' services; midwife services; prescribed drugs; physical therapy;
 2 occupational therapy; chiropractic services; low-dose mammography screening, as
 3 defined in AS 21.42.375(e); hospice care; treatment of speech, hearing, and language
 4 disorders; adult dental services; prosthetic devices and eyeglasses; optometrists'
 5 services; intermediate care facility services, including intermediate care facility
 6 services for the mentally retarded; skilled nursing facility services for individuals
 7 under age 21; and reasonable transportation to and from the point of medical care.

8 * **Sec. 4.** AS 47.07.030 is amended by adding a new subsection to read:

9 (e) In this section, "case management services for traumatic brain injury"
 10 means

11 (1) collaboration with providers and other organizations to expand and
 12 strengthen the local capacity for delivery of needed services, including housing, for
 13 the care and support of a recipient who is diagnosed with traumatic brain injury;

14 (2) participation in planning and accessing services within the
 15 community for the care and support of a recipient who is diagnosed with traumatic
 16 brain injury;

17 (3) the provision of information, referral, and case consultation
 18 services to a recipient who is diagnosed with traumatic brain injury.

19 * **Sec. 5.** AS 47.07 is amended by adding a new section to read:

20 **Sec. 47.07.046. Traumatic brain injury services.** (a) The department shall
 21 provide traumatic brain injury services under a waiver in accordance with 42 U.S.C.
 22 1396 - 1396p (Title XIX, Social Security Act), this chapter, and regulations adopted
 23 under this chapter, if the department has received approval from the federal
 24 government and the department has appropriations allocated for the purpose. In
 25 addition to the annual assessment required in (b) of this section, the department shall
 26 establish in regulation additional standards for eligibility and payment for the services.

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

31 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 STATEWIDE TRAUMATIC BRAIN INJURY PROGRAM: PILOT PROJECT. The
3 Department of Health and Social Services shall develop and implement a pilot project to
4 increase access to traumatic brain injury rehabilitative services that includes neurological,
5 neurobehavioral, and lifestyle support components for adults, adolescents, and children. The
6 department may contract for services necessary to administer and implement a pilot project
7 under this section.