

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Mathern

1 A BILL for an Act to create and enact a new section to chapter 15.1-18.2, two new sections to
2 chapter 23-02.1, two new sections to chapter 50-06.4, and two new sections to chapter 50-24.1
3 of the North Dakota Century Code, relating to professional development pertaining to brain
4 injuries, the development and maintenance of a traumatic brain injury registry, and the provision
5 of services to individuals with traumatic brain injury; to amend sections 50-06.4-02 and
6 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the
7 department of human services; and to provide an appropriation.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1.** A new section to chapter 15.1-18.2 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Brain injuries - Development of program.** The superintendent of public instruction
12 shall develop a program of professional development pertaining to brain injuries, the
13 identification of potential brain injuries, and research-based methods for improving instruction to
14 students with brain injuries.

15 **SECTION 2.** A new section to chapter 23-02.1 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Traumatic brain injury - Registry.** The department of health shall establish and
18 maintain a traumatic brain injury registry. The physician attending an individual at the time a
19 traumatic brain injury is diagnosed shall report the diagnosis to the department.

20 **SECTION 3.** A new section to chapter 23-02.1 of the North Dakota Century Code is
21 created and enacted as follows:

22 **Traumatic brain injury - Prevention and identification activities.** The department
23 shall provide outreach services and conduct public awareness efforts regarding the prevention
24 and identification of traumatic brain injury.

1 **SECTION 4.** A new section to chapter 50-06.4 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Traumatic brain injury - Informal supports - Contracts - Exemption.**

- 4 1. The department shall contract with public or private entities for the provision of
5 informal supports to individuals with traumatic brain injury. Informal supports may
6 include information sharing and referral services, peer mentoring, training,
7 facilitation of support groups, public awareness efforts, and individual and
8 programmatic advocacy efforts.
- 9 2. Any entity contracting with the department under this section must:
- 10 a. Demonstrate expertise in serving and enhancing the quality of life for
11 individuals with traumatic brain injury.
- 12 b. Agree to work in cooperation with the department, case managers, and
13 veterans' service officers; and
- 14 c. Agree to consult with veterans and other individuals having a traumatic brain
15 injury, their families, and their caregivers.
- 16 3. The department is exempt from complying with chapter 56-44.4 with respect to
17 contracting for the provision of informal supports under this section.

18 **SECTION 5. AMENDMENT.** Section 50-06.4-02 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **50-06.4-02. Department to be lead agency - Cooperation of other agencies - Joint**
21 **meeting.** The department shall act as lead agency in the state for the purpose of coordinating
22 services to persons with traumatic brain injury. At least annually, the department shall call a
23 joint meeting of the adjutant general, the department of health, the department of veterans'
24 affairs, and the superintendent of public instruction, to discuss the provision of services to
25 individuals with traumatic brain injury. State agencies and political subdivision agencies shall
26 cooperate with the department to permit the department to efficiently coordinate services to
27 persons with traumatic brain injury while avoiding duplication of services. Neither this chapter,
28 nor any activity undertaken by the department under this chapter, may be construed as creating
29 a right to any benefit or service not specifically required to be granted as a condition of the
30 receipt of grants of federal funds.

1 **SECTION 6.** A new section to chapter 50-06.4 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Social and recreational services.** The department shall provide or contract for the
4 provision of social and recreational services to individuals with traumatic brain injuries if the
5 department determines that available vocational rehabilitative services do not meet the
6 individual's needs.

7 **SECTION 7.** A new section to chapter 50-24.1 of the North Dakota Century Code is
8 created and enacted as follows:

9 **Traumatic brain injury - Home and community-based services - Outreach**
10 **activities - Quality control.**

- 11 1. As part of the personal care services program for eligible medical assistance
12 recipients and as part of the department's services for eligible disabled and elderly
13 individuals, the department shall provide home and community-based services to
14 individuals who have moderate or severe impairments as a result of a traumatic
15 brain injury. The department shall give priority under this section to individuals
16 whose impairments are less severe or similar to those of individuals who are
17 eligible for medicaid waivers.
- 18 2. The department shall conduct outreach and public awareness activities regarding
19 the availability of home and community-based services to individuals who have
20 moderate or sever impairments as a result of a traumatic brain injury.
- 21 3. The department shall conduct quality control activities and make training available
22 to case managers and other persons providing services to individuals under this
23 section.

24 **SECTION 8. AMENDMENT.** Section 54-38-05 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **54-38-05. Duties of department.** The department shall:

- 27 1. Study alcoholism and drug abuse and related problems, including methods and
28 facilities available for the care, custody, detention, treatment, employment, and
29 rehabilitation of resident alcoholics and drug dependent persons.
- 30 2. Promote meetings and programs for the discussion of alcoholism and drug abuse
31 or any of their aspects, disseminate information on the subject of alcoholism and

1 drug abuse for the guidance and assistance of individuals, courts, and public or
2 private agencies for the prevention of alcoholism and drug abuse, and inform and
3 educate the general public on problems of alcoholism and drug abuse, their
4 prevention and treatment, to the end that alcoholism and drug abuse may be
5 prevented and that persons suffering from alcoholism or drug dependency may be
6 disposed to seek available treatment.

- 7 3. Conduct, promote, and finance, in full or in part, studies, investigations, and
8 research, independently or in cooperation with universities, colleges, scientific
9 organizations, and public or private agencies.

- 10 4. a. Accept for examination, diagnosis, guidance, and treatment, insofar as funds
11 permit, any resident of the state coming to the department of that person's
12 own volition for advice and guidance.

- 13 b. For purposes of this subsection, "any resident" includes veterans and
14 nonveterans who have an acquired brain injury.

- 15 5. Establish, from time to time, policies governing the evaluation, acceptance, care,
16 and treatment of alcoholics and drug dependent persons.

- 17 6. Develop, through consultation with the director of the department of transportation,
18 a policy governing programs for persons who, subsequent to being convicted for
19 traffic offenses, are referred to educational courses on alcohol, drugs, and driving.

20 **SECTION 9. APPROPRIATION.** There is appropriated out of any moneys in the
21 general fund in the state treasury, not otherwise appropriated, the sum of \$2,634,864, or so
22 much of the sum as may be necessary, to department of human services for the purpose of
23 providing services to individuals with traumatic brain injury, for the biennium beginning July 1,
24 2009, and ending June 30, 2011.

25 **SECTION 10. APPROPRIATION.** There is appropriated out of any moneys in the
26 general fund in the state treasury, not otherwise appropriated, the sum of \$40,000, or so much
27 of the sum as may be necessary, to the department of health for the purpose of implementing
28 and maintaining a traumatic brain injury registry and conducting public awareness activities
29 regarding traumatic brain injury, for the biennium beginning July 1, 2009, and ending June 30,
30 2011.