

HISTORY OF APPROVED LEGISLATION RELATING TO SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY

This memorandum provides information regarding the history of major legislation relating to services for individuals with traumatic brain injury (TBI) approved since the 1993 legislative session.

1993 LEGISLATIVE SESSION

Senate Bill No. 2473 approved by the 1993 Legislative Assembly:

- Established the Department of Human Services as the lead agency in the state for the purpose of coordinating services to persons with TBI.
- Directed state agencies and political subdivision agencies to cooperate with the Department of Human Services to permit the department to efficiently coordinate services to persons with TBI while avoiding duplication of services.
- Allowed the department to seek appropriate waivers of the requirements of federal statutes or regulations as authorized by federal law.
- Allowed the department to apply for and accept any funds, grants, gifts, or services made available for the purpose of providing or coordinating services to persons with TBI.

1997 LEGISLATIVE SESSION

Section 29 of House Bill No. 1012 approved by the 1997 Legislative Assembly allowed the Developmental Center to establish a TBI program, including up to 20 full-time equivalent employees if the program could be established at the same or at a reduced cost and funded from other departmental and third-party resources.

1999 LEGISLATIVE SESSION

Section 35 of Senate Bill No. 2012 approved by the 1999 Legislative Assembly appropriated \$200,000, including \$140,000 of federal funds and \$60,000 from the general fund, to be spent by the Department of Human Services only if additional beds for persons with TBI were established in western North Dakota.

Senate Bill No. 2109 approved by the 1999 Legislative Assembly repealed North Dakota Century Code Sections 23-01-20 and 23-01-21, relating to the TBI central registry. These sections were created in 1987 (Session Laws Chapter 291). Section 23-01-20 defined traumatic head injury and Section 23-01-21 directed the State Department of Health to establish and maintain a central registry of persons who sustain traumatic head injury in order to facilitate the provision of appropriate treatment and rehabilitative services to those persons by the division or other providers. The Department of Human Services was to use the information to carry out the purposes of the Act and was to notify the attending physician and the injured person or immediate family of the rehabilitative services for persons sustaining traumatic head injuries.

Senate Bill No. 2038 approved by the 1999 Legislative Assembly required the Director of the Department of Human Services to report periodically to the Legislative Council, or an interim committee designated by the Legislative Council, during the 1999-2000 interim regarding the establishment of a TBI facility in western North Dakota. The reports were required to include information regarding the number of beds available and the location of any beds available for conversion to a TBI facility in western North Dakota and the status of the number of beds that had been converted for a TBI facility in western North Dakota.

2003 LEGISLATIVE SESSION

Senate Concurrent Resolution No. 4008 approved by the 2003 Legislative Assembly directed the Legislative Council to study the need for guardianship services, standards and practices for guardians, and funding for programs for individuals with mental illness, vulnerable elderly individuals, and individuals with TBI. The study was assigned to the interim Criminal Justice Committee which recommended Senate Bill Nos. 2028, 2029, and 2030 to expand guardianship services, to provide for the appointment of a guardian, and to change reporting requirements. The 2005 Legislative Assembly approved Senate Bill Nos. 2028 and 2030 expanding guardianship services and changing reporting requirements.

2005 LEGISLATIVE SESSION

House Bill No. 1171 approved by the 2005 Legislative Assembly amended Section 65-01-02 relating to definitions for workforce safety and insurance law to identify a medically documented TBI as a potential cause of permanent total disability.

2007 LEGISLATIVE SESSION

Senate Bill No. 2108 approved by the 2007 Legislative Assembly amended Section 15.1-32-01 relating to the definition of a student with a disability for special education purposes to include TBI.

2009 LEGISLATIVE SESSION

Section 16 of House Bill No. 1012 approved by the 2009 Legislative Assembly directed the Legislative Council during the 2009-11 interim to consider studying the impact of individuals with TBI, including veterans returning from wars, on the state's human services system. The study was to include an analysis of the estimated cost of providing human service-related services to the individuals with TBI. The study was assigned to the Long-Term Care Committee for the 2009-10 interim. The committee made no recommendations regarding its study of the impact of individuals with TBI.

Senate Bill No. 2198 approved by the 2009 Legislative Assembly:

- Required the Department of Human Services to provide outreach services and conduct public awareness efforts regarding the prevention and identification of TBI.
- Allowed the department to accept and expend money from public or private sources for any purpose involving TBI or the provision of services to individuals with TBI and their families.
- Directed the department to contract with public or private entities for the provision of informal supports to individuals with TBI.
- Amended Section 50-06.4-02 to provide the department is to annually call a joint meeting of the Adjutant General, the State Department of Health, the Department of Veterans' Affairs, and the Superintendent of Public Instruction to discuss the provision of services to individuals with TBI.
- Directed the department to provide or contract for the provision of social and recreational services for individuals with TBI.
- Directed the department to provide or contract for the provision of increased and specialized vocational rehabilitation and consultation to individuals with TBI.
- Required the department to provide home and community-based services to individuals who have moderate or severe impairments as a result of TBI as a part of the department's personal care services program and as a part of the department's services for eligible disabled and elderly individuals. The department was to provide outreach and public awareness activities regarding the availability of home and community-based services to individuals who have moderate or severe impairments as a result of TBI, and the department was to conduct quality control activities and make training available to case managers and other persons providing services to individuals with TBI.
- Provided a \$330,000 general fund appropriation to the department for providing services to individuals with TBI.

2011 LEGISLATIVE SESSION

Senate Bill No. 2163 approved by the 2011 Legislative Assembly appropriated \$110,000 to the Department of Human Services for the purpose of providing TBI case management services in eastern North Dakota.

2013 LEGISLATIVE SESSION

House Bill No. 1424 approved by the 2013 Legislative Assembly directs the Legislative Management to consider studying the feasibility and desirability of participating in the provision of nontraditional healing therapies, including massage, healing touch, reflexology, stress management, yoga, and hyperbaric chamber treatments, for North Dakota veterans, military personnel, and their families. The Legislative Management did not choose to conduct this study.

Section 16 of House Bill No. 1012 approved by the 2013 Legislative Assembly (attached as an [appendix](#)) provides for a Legislative Management study of the need for a comprehensive system of care for individuals with brain injury. Consideration is to be given to input from the Department of Human Services Traumatic Brain Injury Advisory Committee and stakeholders from the private and public sectors. The Human Services Committee has been assigned this responsibility for the 2013-14 interim.

ATTACH:1

SECTION 16. LEGISLATIVE MANAGEMENT STUDY OF THE NEED FOR A COMPREHENSIVE SYSTEM OF CARE FOR INDIVIDUALS WITH BRAIN INJURY. During the 2013-14 interim, the legislative management shall consider studying the need for a comprehensive system of care for individuals with brain injury, including services available to veterans who are returning from wars, the impact of the inclusion of all acquired brain injury on traumatic brain injury programs, the need for a statewide registry for brain injury, the need for increased awareness of the impact of brain injury, the need for screening for brain injury in the education system, the availability of community support systems, the availability of specialized substance abuse services, the examination of the long-term care needs, the availability of home and community-based services, services available from independent living centers, the need for transitional supportive housing, and the suitability of the current level of care determination for brain injury. Consideration should be given to input from the department of human services traumatic brain injury advisory committee and stakeholders from the private and public sectors, including individuals with brain injury, families impacted by brain injury, educators, treatment providers, and service providers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.