

CS FOR HOUSE BILL NO. 328(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 3/19/10

Referred: Finance

Sponsor(s): REPRESENTATIVES JOHNSON, Dahlstrom, Peggy Wilson, Herron, Cissna, Buch, Tuck, Muñoz

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 services furnished to assist individuals who reside in a community setting or
25 who are transitioning to a community setting to gain access to needed medical, social,
26 educational, and other available services;

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

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

30 **Sec. 47.07.046. Traumatic or acquired brain injury services.** (a) The
31 department shall provide traumatic or acquired brain injury services under a waiver in

1 accordance with 42 U.S.C. 1396 - 1396p (Title XIX, Social Security Act), this chapter,
 2 and regulations adopted under this chapter, if the department has received approval
 3 from the federal government and the department has appropriations allocated for the
 4 purpose. In addition to the annual assessment required in (b) of this section, the
 5 department shall establish in regulation additional standards for eligibility and
 6 payment for the services.

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

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

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

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

15 **Sec. 47.80.500. Statewide traumatic or acquired brain injury program.** (a)

16 A statewide traumatic or acquired brain injury program is established in the
 17 department for the purpose of evaluating the effectiveness and availability of
 18 information and services for the prevention and treatment of traumatic or acquired
 19 brain injury in the state. The department shall consult and collaborate with state
 20 agencies, private nonprofit entities, and other organizations in the state that provide
 21 brain injury services in implementing all aspects of the program.

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

23 (1) review and consideration of data collected under (c)(1) of this
 24 section;

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

27 (3) evaluation of standards pertaining to the treatment, care, and
 28 support of persons with traumatic or acquired brain injury;

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

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

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

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

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

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

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

18 (c) The department shall

19 (1) establish and implement a traumatic or acquired brain injury
20 registry of information from service providers that includes

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

23 (B) acute recovery period;

24 (C) location of the

25 (i) event that caused the injury;

26 (ii) hospital treating the injury; and

27 (iii) residence of the person with traumatic or acquired

28 brain injury;

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

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

- 1 (F) status of long-term recovery at five-year intervals;
- 2 (G) financial and social effects on family;
- 3 (H) cost associated with services;
- 4 (2) establish standards and recommendations for improvement of
- 5 prevention, assessment, treatment, and care of persons with traumatic or acquired
- 6 brain injury in the state;
- 7 (3) contract with service providers and qualified entities to carry out
- 8 the purposes of this section;
- 9 (4) provide a standardized reporting form for use in gathering data for
- 10 the registry.
- 11 (d) In (c) of this section, "service provider" means a public or private entity
- 12 that provides health education, group shelter, or criminal justice services to individuals
- 13 in the state.
- 14 **Sec. 47.80.590. Definition.** In AS 47.80.500 - 47.80.590, "traumatic or
- 15 acquired brain injury" means an insult from physical force or internal damage to the
- 16 brain or its coverings, not of a degenerative or congenital nature, that produces an
- 17 altered mental state and that results in a decrease in cognitive, behavioral, emotional,
- 18 or physical functioning.