

THE STATE OF RHODE ISLAND
RHODE ISLAND 2005-2006 LEGISLATIVE SESSION

HOUSE BILL 7546

CHAPTER 456
2006 -- H 7546 SUBSTITUTE A
ENACTED 07/07/06
INTRODUCED BY: REPRESENTATIVES MCNAMARA, AND D CAPRIO
DATE INTRODUCED: FEBRUARY 16, 2006

VERSION: Enacted - Public Law

VERSION-DATE: July 7, 2006

SYNOPSIS:

AN ACT

RELATING TO HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

[D> Text within these symbols is deleted <D]

TEXT: It is enacted by the General Assembly as follows:

SECTION 1. Sections 42-12-19, 42-12-20 and 42-12-21 of the General Laws in Chapter 42-12 entitled "Department of Human Services" are hereby amended to read as follows:

42-12-19. Permanent advisory commission on traumatic brain injuries -- Commission established. -- (a) There is hereby established a permanent advisory commission on traumatic brain injuries.

(b) The purpose of the commission shall be to [D> report on all matters relating to traumatic brain injury in Rhode Island. <D] [A> : <A]

[A> (1) REPORT ON ALL MATTERS RELATING TO TRAUMATIC BRAIN INJURY IN RHODE ISLAND TO THE GOVERNOR AND THE GENERAL ASSEMBLY. <A]

[A> (2) ADVISE THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS, AND THE DEPARTMENT OF HEALTH REGARDING THE DEVELOPMENT OF PRIORITIES AND CRITERIA FOR DISBURSEMENT OF MONEYS IN RESPONSE TO BOTH INDIVIDUAL REQUESTS AND GRANT-SEEKING ENTITIES FROM THE TRAUMATIC BRAIN INJURY FUND. SUCH PRIORITIES AND CRITERIA SHALL BE IN ACCORDANCE WITH THE EXPENDITURE GUIDELINES SET FORTH IN SECTION 42-12-28 OF THIS CHAPTER. <A]

[A> (3) ADVISE THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS, AND THE DEPARTMENT OF HEALTH

ON ALL MATTERS REGARDING TRAUMATIC BRAIN INJURY. <A]

(c) The commission shall consist of [D> eleven (11) <D] [A> NINETEEN (19) <A] members [D> who shall serve staggered terms of one, two (2) and three (3) years <D] . They shall meet not less than [D> two (2) <D] [A> FOUR (4) <A] times a year and report their findings annually to the governor and [D> forward copies to the president of the senate and speaker of the house of representatives <D] [A> GENERAL ASSEMBLY <A] . The members of the commission shall serve without compensation. The commissioners [D> may <D] [A> SHALL <A] elect their own officers [A> ON A BIENNIAL BASIS <A] .

(d) The membership of the commission shall be as follows: the director of the department of mental health, retardation and hospitals or his or her designee; the director of the department of health or his or her designee; the director of the department of human services or his or her designee; the director of the department of education or his or her designee [A> , ALL OF WHOM SHALL SERVE EX-OFFICIO <A] ; the chief of neurosurgery at Rhode Island hospital or his or her designee; [D> two (2) members of the Rhode Island chapter of the national head injury foundation; <D] [A> THE PRESIDENT AND EXECUTIVE DIRECTOR OR TWO (2) DESIGNEES OF THE BRAIN INJURY ASSOCIATION OF RHODE ISLAND; THE DIRECTOR OF THE RHODE ISLAND DISABILITY LAW CENTER OR HIS OR HER DESIGNEE; <A] the governor or his or her designee; [D> a person appointed by the governor; the president of the senate or his or her designee; and the speaker of the house or his or her designee. <D] [A> AND TEN (10) PERSONS APPOINTED BY THE GOVERNOR AS FOLLOWS: TWO (2) PERSONS WHO ARE UNRELATED, ONE OF WHOM MUST HAVE A TRAUMATIC BRAIN INJURY, AND ONE OF WHOM MAY BE AN IMMEDIATE FAMILY MEMBER OF AN INDIVIDUAL WITH A TRAUMATIC BRAIN INJURY; ONE PERSON WHO IS A NEUROLOGIST; ONE PERSON WHO IS A PHYSIATRIST; ONE PERSON WHO IS A NEUROPSYCHOLOGIST; ONE PERSON WHO IS A COGNITIVE REHABILITATION SPECIALIST; ONE OF WHOM IS A TRAUMATIC BRAIN INJURY CASE MANAGER; ONE OF WHOM IS A PHYSICAL THERAPIST OR OCCUPATIONAL THERAPIST; ONE OF WHOM IS A REPRESENTATIVE OF A POST-ACUTE REHABILITATION FACILITY; AND ONE PERSON WHO IS A COMMUNITY-BASED SERVICE PROVIDER. <A]

(e) The first meeting of the members of the commission shall be called to order by the governor or his or her designee within ninety (90) days of [D> June 25, 1986. <D] [A> THE EFFECTIVE DATE OF THIS ACT. OF THE TEN (10) MEMBERS APPOINTED BY THE GOVERNOR, THREE (3) SHALL SERVE A TERM OF ONE YEAR, THREE (3) SHALL SERVE A TERM OF TWO (2) YEARS, AND FOUR (4) SHALL SERVE A TERM OF THREE (3) YEARS. UPON EXPIRATION OF THE INITIAL TERM, COMMISSION MEMBERS SHALL SERVE TERMS OF THREE (3) YEARS. THE INITIAL TERMS OF COMMISSION MEMBERS SHALL BE DETERMINED BY LOT. <A]

2-12-20. Responsibility of director -- Traumatic brain injury. – It shall be the responsibility of the director of the department of human services to provide rehabilitative services for persons [D> suffering from <D] [A> WITH <A] traumatic brain injury [D> . <D] [A> INCLUDING THE DEVELOPMENT OF INSTATE COMPREHENSIVE COMMUNITY-BASED SERVICES. <A]

[A> THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE PERMANENT ADVISORY COMMISSION ON TRAUMATIC BRAIN INJURIES, SHALL PROMULGATE SUCH RULES AND REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT, CHAPTER 35 OF TITLE 42, AS ARE NECESSARY

AND PROPER TO ENSURE RESPONSIBLE MANAGEMENT AND OPERATION OF SECTION 42-12-21.1. <A]

42-12-21. "Traumatic brain injury" defined. -- As used in this chapter, "traumatic brain injury" means an injury to the skull, the brain contents or its coverings, not of a degenerative or congenital nature, which may or may not produce an altered state of consciousness or result in temporary or permanent [D> anatomic <D] decrease of mental, cognitive, behavioral or physical functioning which causes partial or total disability.

SECTION 2. Chapter 42-12 of the General Laws entitled "Department of Human Services" is hereby amended by adding thereto the following section:

[A> 42-12-21.1. EXPENDITURES UNDER THE TRAUMATIC BRAIN INJURY PROGRAM. - EXPENDITURES OF THE ASSESSMENTS UNDER THE TRAUMATIC BRAIN INJURY PROGRAM SHALL BE FOR THE FOLLOWING PURPOSES: <A]

[A> (A) AS THE PAYOR OF LAST RESORT FOR INDIVIDUALS WHO HAVE EXHAUSTED ALL OTHER HEALTH OR REHABILITATION BENEFIT FUNDING SERVICES FOR SERVICES COVERED UNDER THIS SECTION. <A]

[A> (B) SERVICES INCLUDING, BUT NOT LIMITED TO: CASE MANAGEMENT; COGNITIVE REHABILITATION; TRANSITIONAL LIVING; STRUCTURED DAY PROGRAMS; ASSISTIVE TECHNOLOGY SERVICES; DEVICES AND EQUIPMENT; TRANSPORTATION; HOUSING; NEUROPSYCHOLOGICAL EVALUATIONS; BEHAVIORAL HEALTH TREATMENT; SUBSTANCE ABUSE TREATMENT; RESPITE; AND OTHER SERVICES AND/OR ASSISTANCE AS DEEMED APPROPRIATE BY THE COMMISSION FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY TO ACCOMPLISH A SUCCESSFUL RE-ENTRY AND MAINTENANCE IN THE COMMUNITY. <A]

[A> (C) GRANTS TO COMMUNITY-BASED PROGRAMS, PRIVATE PROVIDERS AND MUNICIPAL GOVERNMENTS FOR THE PURPOSE OF EXPANDING OR DEVELOPING SERVICES TARGETED FOR INDIVIDUALS WITH BRAIN INJURIES AS WELL AS FOR SYSTEM DEVELOPMENT AND MAINTENANCE. SUCH GRANTS SHALL BE AWARDED ONLY AFTER CONSULTATION WITH THE COMMISSION AND PURSUANT TO THE CRITERIA DEVELOPED JOINTLY BY THAT BODY, THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS. <A]

[A> (D) FUNDING FOR PUBLIC INFORMATION AND PREVENTION EDUCATION AND FOR THE CONTINUATION OF THE RESOURCE CENTER COORDINATED BY THE BRAIN INJURY ASSOCIATION OF RHODE ISLAND. <A]

SECTION 3. This act shall take effect upon passage.

SPONSOR: McNamara