



## Chronology of State TBI Policy Initiatives by the Decades

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### 1970s

- In 1978, Tennessee became the first State to pass legislation requiring child safety restraints.

### 1980s

- In 1981, the Alabama Department of Rehabilitation Services established the Alabama State Head Injury Program (ALASHIP) at the State Lakeshore Rehabilitation Facility to provide vocational rehabilitation services for individuals with TBI.
- In 1984, the California legislature passed the Comprehensive Act for Families and Caregiver of Brain-Impaired Adults to set up a system of 11 regional centers, called Caregiver Resource Centers, to serve families of individuals who received a brain injury after the age of 18.
- In 1984, the Virginia legislature established a central registry requiring hospitals to report to the Department of Rehabilitative Services information on persons with a brain injury to facilitate appropriate services by the Department and other agencies.
- In 1984, New York passed the first mandatory safety belt legislation.
- In 1985, both the Massachusetts and Missouri legislatures appropriated funding for services for individuals with traumatic brain injury -- in Massachusetts the vocational rehabilitation agency administered the program, while in Missouri, it was the health department.
- In 1985, the Missouri Head Injury Advisory Council was created by Executive Order in the Missouri Office of Administration to plan and make recommendations for improved service delivery.
- In 1985, the Georgia legislature added TBI to the Central Registry for Spinal Cord Injuries which was created by legislation in 1978.
- In 1985, the Pennsylvania legislature established the Pennsylvania Catastrophic Medical and Rehabilitation Fund under the Emergency Medical Services Act, and the Pennsylvania Department of Health subsequently implemented the Head Injury Program in 1988.
- In 1985, Wisconsin passed legislation defining TBI as a developmental disability regardless of age of onset occurred, with North Carolina also passing similar legislation in 1987.
- In 1986, the Missouri General Assembly passed legislation creating the Missouri Head and Spinal Cord Injury Registry requiring all hospitals to report head injuries to the Department of Health, and the department to report the data to the Missouri Head Injury Advisory Council.
- In 1986, Kansas became the first State approved for a Medicaid HCBS Waiver specifically for individuals with TBI.

- In 1986, Kansas became the first State to implement a Home and Community-Based Services (HCBS) Medicaid waiver for individuals with traumatic brain injury and began a trend for States to pursue a waiver to fund service delivery.
- In 1987, the Kansas State Department of Education funded a TBI Project to provide in-service training to education and related services personnel to conduct pre-service training to undergraduate and graduate students in education courses at universities throughout the State of Kansas and to provide technical assistance and consultation to educators and parents of students with brain injury.
- In 1987, Missouri legislators passed legislation creating a statewide/regional trauma center system and trauma registry.
- In 1988, Florida legislation created the Impaired Drivers and Speeders Trust Fund to dedicate a portion of traffic fines for purposes of funding a network of case managers and rehabilitation technicians, supervised by the Division of Vocational Rehabilitation, to plan and coordinate services.
- In 1988, the California legislature passed trust fund legislation for purposes of establishing project sites to develop a system of post-acute continuum-of-care models for adults 18 years of age or older with an acquired traumatic brain injury.
- In 1988, the Missouri General Assembly passed legislation to expand the State Medicaid program to include comprehensive day services for post trauma patients. (In 2005, Governor Matt Blunt signed legislation eliminating almost all optional services for adults, including the comprehensive day services program, which also impacted TBI services offered by the Missouri Rehabilitation Center, including substance abuse treatment for individuals with TBI.)
- In 1989, the Minnesota legislature passed the “Services for Person with Traumatic Brain Injury” legislation which mandated the Department of Human Services to take a lead role in coordinating and supervising health care services for people with traumatic brain injury and to develop an administrative case management system for Medicaid-eligible clients with brain injuries.
- In 1989, the Iowa Bureau of Special Education developed the program, “Educational Services for Students with Head Injury”, comprised of local teams to meet with rehabilitation hospitals, families, educators to assist with transition and integration of children in the classroom as the result of recommendations of a 1988 State task force.
- In 1989, the Virginia legislature designated the Department of Rehabilitative Services as the agency to provide case management services to individuals with brain injuries.
- In 1989, the Arizona Governor's Task Force on Head Injury was created by Executive Order to conduct a statewide needs assessment and the Task Force was established in statute 1992. Funding (general revenue) was also appropriated in 1989 for I&R and peer support services.
- In 1989, the Iowa Legislature established the Advisory Council on Head Injuries within the Department of Human Rights, Division of persons with Disabilities. The council was transferred to the Department of Public Health in 1992, and currently located in the Bureau of Health Promotion.

### 1990s

- In 1990, the first *State of the States in Head Injury Meeting* was convened in New Orleans, Louisiana, by States to share information and expertise in State service delivery systems. These gatherings led to the creation of the National Association of State Head Injury Administrators in 1994.

- In 1990, the Ohio Head Injury Advisory Council (now the Brain Injury Advisory Council) was created by law and placed in the Ohio Department of Health. It was moved a year later to the Ohio Rehabilitation Services Commission.
- In 1990, the Missouri General Assembly passed legislation expanding the State definition for developmental disabilities for eligibility for services provided by the Division of Mental Retardation and Developmental Disabilities to include head injury and to change the age of onset from 18 to 22.
- In 1991, the Nevada legislature appropriated State funding for TBI rehabilitation services.
- In 1991, Texas, Massachusetts, and Minnesota continued the trend for passing legislation establishing a trust fund through assessed fines/fees relating to traffic violations to be used for programs and services for individuals with head/ spinal cord injuries.
- In 1991, Missouri passed legislation establishing a Division of Injury Prevention, Head Injury Rehabilitation and Local Health Services within the Department of Health. The department, through Executive Order, later eliminated the division and transferred the head injury program to the Bureau of Special Health Care Needs in 1995.
- In 1992, Minnesota was approved for a TBI Medicaid HCBS Waiver program.
- In 1992, Alabama and Arizona legislatures passed trust fund bills assessing traffic fines to be used for establishing services for individuals with head/ spinal cord injuries.
- In 1992, the Nevada legislature appropriated State funding (general revenue) for TBI services and established an advisory council in 1993.
- In 1993, Tennessee legislature established the “Head and Spinal Cord Injury Information System Act” that created a State brain trauma registry and the Traumatic Brain Injury Advisory Council, in addition to the trust fund.
- In 1993, Louisiana legislators passed a bill assessing surcharges on traffic fines to be used for establishing a TBI/SCI trust fund for individuals with brain injury.
- In 1993, the South Carolina legislature created a new Department of Disabilities and Special Needs (DDSN) by combining the Department of Mental Retardation with programs for individuals with autism from the Department of Mental Health. The reorganization created a Head and Spinal Cord Injury Division.
- In 1993, North Carolina established a task force which evolved into a council in 1998.
- In 1993, the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services received a State appropriation for TBI services.
- In 1993, the New Hampshire legislature appropriated State funding (general revenue) to operate a TBI registry through a contract with the Brain Injury Association.
- In 1993, New Hampshire and New Jersey were both approved for ABI/TBI Medicaid HCBS Waiver.
- In 1994, Florida established the Florida Advisory Council on Brain and Spinal Cord Injuries through State legislation.

- In 1994, the New York legislature appropriated State match for HCBS TBI Medicaid Waiver program and for housing supports that are not covered under the waiver services; and programs were implemented in 1995.
- In 1994, North Dakota and Vermont established a brain injury Medicaid HCBS Waiver program. (Both programs later combined their brain injury waivers into other waiver programs.)
- In 1995, Michigan passed legislation establishing a trauma registry.
- In 1995, Colorado, South Carolina, and Wisconsin were approved by CMS for brain injury Medicaid HCBS Waiver programs. South Carolina's waiver also included services for individuals with spinal cord injury.
- In 1996, the Maryland legislature appropriated State funding (general revenue) to the Department of Mental Hygiene for TBI services.
- In 1996, the West Virginia legislature passed legislation creating a Traumatic Brain and Spinal Cord Injury Advisory Council.
- In 1996, Iowa and Utah were approved for a TBI/ABI Medicaid HCBS Waiver program.
- In 1996, the Mississippi legislature established the TBI/Traumatic Spinal Cord Injury (TBI/SCI) Trust Fund.
- In 1997, the New Mexico legislators passed legislation creating the TBI Trust Fund administered by the Department of Aging and Long-term Services.
- In 1998, Alabama passed legislation creating a Head and Spinal Cord Injury Registry.
- In 1998, Idaho implemented TBI/SCI HCBS Medicaid Waiver for individuals who sustained a TBI/SCI on or before the age of 22 who would otherwise need nursing home level of care.
- In 1998, the West Virginia legislature appropriated State funding for I&R, case management and direct services.
- In 1998, New Hampshire established a TBI/SCI advisory council by legislation, New Jersey established a council by Executive Order; and Maryland established a council that is appointed by the director of the Department of Health and Mental Hygiene.
- In 1998, CMS approved Florida's Traumatic Brain and Spinal Cord injury Medicaid HCBS Waiver.
- In 1999, the Wyoming legislature appropriated State funding for residential services for persons with TBI, called the Visions Program, residing on campus of a State institution.
- In 1999, Connecticut, Illinois, Kentucky were approved by CMS for ABI/TBI Medicaid HCBS Waiver programs. (Kentucky was also approved for a second waiver, ABI Long Term Care Waiver, in 2001.)

## **2000**

- In 2000, both Florida and Nevada TBI programs received funding from their State's Tobacco Settlement for brain injury services.
- In 2000, Indiana and Nebraska established TBI Medicaid HCBS Waiver programs.
- In 2001, Idaho, Mississippi, and Wyoming implemented ABI/TBI Medicaid HCBS Waivers. Mississippi also included individuals with spinal cord injury. (Idaho later combined its brain injury waiver with other waiver

programs.) Kentucky was also approved for a second waiver, ABI Long-Term Care Waiver, having first been approved for an ABI Medicaid HCBS Waiver in 1999.

- In 2001, the Delaware Department of Health and Social Services received a State appropriation (general revenue) for TBI programs and services, prior to receiving a Medicaid ABI H&CB Waiver in 2002.
- In 2001, Texas became the first State to pass legislation that prohibited insurers from excluding cognitive rehabilitation, neuropsychological testing and other cognitive and behavior treatment for individuals with brain injury.
- In 2001, Utah Department of Health established a brain injury advisory council.
- In 2001, Missouri Department of Health and the Department of Social Services entered into a cooperative agreement to reimburse the health department for certain services provided under the State head injury program that are same as the State Plan services and that are provided to individuals who are Medicaid eligible. These services included administrative case management, non-emergency transportation and post-acute rehabilitation day services. (Except for case management, these services were later not reimbursable under the Medicaid State Plan when the Governor/legislature eliminated most Medicaid optional services for adults in 2005.)
- In 2001, Oregon governor created an Executive Order 01-02 creating a Task Force on TBI to provide recommendations to State agencies and organizations for legislation on behalf of individuals with TBI and their families.
- In 2002, Oregon governor repealed the Executive Order 01-02 and replaced it with Executive Order 13-02 to require the Task Force to focus on service delivery, including services for veterans with TBI. The Executive Order specified member qualifications/representation for the Task Force and term limits.
- In 2002, Delaware (ABI), Nebraska, Massachusetts, Pennsylvania, and Wyoming implemented or were approved for TBI/ABI Medicaid HCBS Waiver programs.
- In 2002, Colorado, Missouri, and New Jersey continued the trend of passing brain injury trust fund legislation, and Hawaii passed legislation creating a special fund.
- In 2002, New Hampshire legislature appropriated State funding (general revenue) for a statewide case management system.
- In 2002, the Vermont Division of Vocational Rehabilitation established an advisory council.
- In 2003, the Minnesota legislature passed legislation establishing Resource Facilitation for Persons with Brain Injury as part of the Transportation Omnibus Bill based on the TBI Discharge Program model established under the TBI grant.
- In 2003, the North Carolina legislature passed legislation creating the Traumatic Brain Injury Advisory Council and the bill was signed by the governor.
- In 2003, the Delaware Governor Ruth Ann Minner signed legislation creating a distinct student disability classification of TBI for statistical recording of special education students with TBI.
- In 2003, New Jersey legislators passed legislation that requires certain staff working with persons with developmental disabilities or traumatic brain injury to call 9-1-1 emergency telephone service in life-threatening emergencies. The legislation is referred to as "Danielle's Law".
- In 2003, Maryland implemented a brain injury Medicaid HCBS Waiver program, effective 2010.

- In 2004, New Jersey Governor James McGreevey signed the “Brain Injury Research Act”, which created a dedicated source of funding for medical research to treat individuals with traumatic brain injuries; and established an 11-member commission to administer grants to approved research projects.
- In 2004, Connecticut Governor John Rowland signed legislation creating the "Brain Injury Prevention and Services Account" for purposes of providing grants to the Brain Injury Association of Connecticut. The law added a five dollar surcharge against any person convicted of speeding, reckless driving, or driving under the influence.
- In 2004, Louisiana Governor Blanco signed a house bill reinstating the universal motorcycle helmet law. The State had previously repealed its all-rider law.
- In 2005, New Mexico Governor Bill Richardson signed legislation authorizing a Medicaid Home and Community-based waiver program for individuals with brain injuries with emphasis on long-term disability services. The legislation appropriates \$2 million dollars from the general fund to the Aging and Long-term Services Department for expenditure in fiscal years 2005 and 2006, in cooperation with the Human Services Department.
- In 2005, legislation passed in Virginia authorizing the Department of Mental Health, Mental Retardation and Substance Abuse Services to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury.
- In 2005, the Utah governor signed legislation adding and defining acquired brain injury as an eligible disability to receive services offered by the Division of Services for People with Disabilities. To receive services individuals must meet other criteria, such as the disability must be likely to continue indefinitely and result in a substantial functional limitation in three or more areas of major life activities.
- In 2005, Kentucky Governor Ernie Fletcher signed a bill that added brain injury to the list of disabilities eligible for services provided by the Department for Mental Health and Mental Retardation Services.
- In 2005, Connecticut legislators passed a bill to establish statutorily the group home pilot program for older adults with acquired or traumatic brain injury. The Commissioner of Public Health is to develop standards for operation of such residences and the training required of persons authorized under this section to administer medications in such residences.
- In 2005, Maryland Governor Robert L. Ehrlich, Jr. signed legislation to establish a State Traumatic Brain Injury Advisory Board.
- In 2005, the Nevada enacted legislation authorizing the members of the Advisory Committee on Traumatic Brain Injuries to receive the per diem allowance and travel expenses provided for State employees.
- In 2005, Iowa Governor Tom Vilsack signed legislation designating the Department of Public Health as the lead agency for brain injury.
- In 2005, Maine legislators passed a bill designating the Department of Health and Human Services as the official State agency responsible for programs for persons with acquired brain injury.
- In 2005, Louisiana Governor Kathleen Babineaux signed a bill that establishes authority for the Department of Social Services to license and to regulate facilities that serve adults with brain injury.
- In 2005, Colorado Governor Bill Owens signed legislation that extended the option of receiving HCBS through the consumer-directed care service model to all Medicaid recipients who are enrolled in an HCBS waiver, including HCBS for persons with TBI.



- In 2005, Oklahoma Governor Brad Henry signed legislation establishing the Self-Directed Care Act, providing persons with disabilities receiving home and community-based services the option to choose providers of services and to direct the delivery of services. The legislation also creates the Strategic Planning Committee on the Olmstead Decision.
- In 2005, Connecticut Governor M. Jodi Rell signed legislation which allowed the Commissioner of Social Services to amend the Medicaid HCBS waivers serving persons with ABI and persons with mental retardation to include persons eligible for or receiving medical assistance under the Medicaid for Employed Disabled (MED) to participate in these waiver programs. The MED program was authorized by The Ticket to Work and Work Incentives Improvement Act of 1999, and allows persons with a disability to engage in employment without risking eligibility for needed medical services through the Medicaid program.
- In 2005, the Rhode Island legislature passed the "Health Care for Elderly and Disabled Residents Act", which amended the State's Title XIX (Medicaid) State plan to extend eligibility for categorically needy medical assistance coverage as permitted to individuals with disabilities. The legislation also adds "persons with cognitive disabilities, such as brain injuries, as being eligible for several Medicaid State Plan services including community residence, day treatment program, and habilitation services.

The bill also authorized the Department of Human Services to plan and implement a system of health care delivery through a voluntary managed care health system in order to ensure that individuals with disabilities have access to quality and affordable health care.

- In 2005, Montana Governor Judy Martz signed legislation that authorized the Department of Public Health and Human Services to apply for a federal Medicaid waiver that would enable it to expand HCBS to persons with disabilities, including individuals with brain injury 18 years of age and older.
- In 2005, Vermont Governor Jim Douglas signed legislation authorizing the Department of Aging and Independent Living to implement the Long-term care Medicaid 1115 Waiver applied for by the agency. The bill established policy for reassessment of entitlement to services by individuals currently receiving long-term care through the department, created appropriate waiting lists for services under the waiver and prioritized homemaker services to individuals who have high needs as defined under the waiver.
- In 2005, the U.S. Department of Health and Human Services approved Vermont's Long-Term Care Plan, a section 1115 demonstration waiver, the first statewide initiative to rebalance long-term care services through managing nursing facility admissions and increasing community-based options. The pilot was to involve 4,500 Medicaid beneficiaries who are 65 or older or who have physical disabilities. The demonstration did not include children or individuals receiving institutional services through ICFs/MR (Intermediate Care Facilities for Mental Retardation).
- In 2005, the New Hampshire governor signed legislation mandating the use of bicycle helmets for children 16 years of age or younger.
- In 2005, Illinois Governor Rod Blagojevich signed the "Shaken Baby Prevention Act to educate parents about the dangers of shaken baby syndrome and to provide alternative techniques to venting anger and frustration, including a support service for parents who struggle with infant crying, telephone consultation and referrals to appropriate professional assistance.
- In 2005, Florida Governor Jeb Bush signed legislation allowing the State to submit a Section 1115 Medicaid Demonstration Waiver proposal to implement Medicaid reforms on a pilot basis that would allow the state Medicaid agency to contract with HMO and non-HMO entities to serve Medicaid recipients in a capitated arrangement.

- In 2005, Missouri Governor Matt Blunt signed legislation that tightened eligibility requirements for the State Medicaid program and eliminated “optional services” for adults who are Medicaid eligible, including the comprehensive day rehabilitation program for individuals with traumatic brain injury.
- In 2005, Vermont became the first State to receive federal approval for a long-term care plan, Choices for Care, to provide an entitlement to either nursing home care or HCBS for Medicaid-eligible persons.
- In 2006, the New Mexico Legislature passed "Money Follows the Person Act", allowing people with disabilities of all ages to choose community living.
- In 2006, New Hampshire Governor John Lynch signed legislation expanding the advisory council membership and duties.
- In 2006, Nebraska Governor Dave Heineman signed legislation, expanding brain injury registry requirements to include rehabilitation centers
- In 2006, Rhode Island Governor Donald L. Carcieri signed a house bill changing the composition of the permanent commission on traumatic brain injuries and identified the type of expenditures that can be paid by the TBI Program.
- In 2006, Utah Governor Jon Huntsman, Jr., signed legislation amending the definition of a disability within the Services for People with Disabilities as it relates to a brain injury. The new law tailored major life activities to the needs of individuals with brain injury, rather than those defined for developmental disabilities.
- In 2006, Connecticut Governor M. Jodie Rell signed a senate bill requiring a study of State social services institutions and departments, and allowing the establishment of a separate rate for a facility or a portion of a facility for traumatic brain injury patients who require extensive care, but not acute general hospital care.
- In 2006, Iowa Governor Tom Vilsack signed legislation addressing quality standards for services and other supports available for person served by the Department of Human Services for Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury.
- In 2006, the Virginia General Assembly appropriated \$1.16 million in new annual funding for brain injury services, which included direct case management in unserved/underserved regions of the Commonwealth.
- In 2006, the Missouri General Assembly appropriated \$765,000 in additional general revenue for FY 2007 to pay for comprehensive day rehabilitation services that were eliminated as a Medicaid State Plan service.
- In 2006, Tennessee Governor Phil Bredesen signed legislation imposing an additional fine of \$15 to be deposited in the brain injury fund by drivers who leave the scene of an accident resulting in personal injury or death.
- In 2006, Maryland Governor Robert L. Ehrlich signed a house bill that adds individuals with brain injuries to the membership of the Maryland Medicaid Advisory Committee.
- In 2006, as the result of the Deficit Reduction Act of 2005 that was signed by the President in February 2006, several States submitted or received approval for their 1115 Medicaid waivers restructuring their Medicaid programs (AK, HI, KY, VT, WV, and ID).
- In 2006, Rhode Island passed legislation, the Long Term Care Services and Reform Act, which directed the Department of Human Services to implement a model system for integrated long-term care. The new law requires a unified long-term care budget with savings achieved by reducing nursing home days paid by Medicaid to be used to promote and strengthen community-based alternatives.



- In 2006, the Centers for Medicare and Medicaid (CMS) awarded eight States funding under the “Real Choice Systems Change Grants for Community Living” (CA, KS, MI, NJ, NY, NC, RI and VA).
- In 2006, Wisconsin Governor Jim Doyle, New York Governor George Pataki, Rhode Island Governor Donald L. Carcieri and Massachusetts Governor Mitt Romney signed similar legislation regarding the prevention of Shaken Baby Syndrome.
- In 2007, Arkansas Governor Mike Beebe signed legislation, which established a Legislative Committee on Brain Injury to study the rates and severity of traumatic brain injuries in Arkansas and to develop a strategic statewide plan to ensure an appropriately prepared workforce to treat individuals with traumatic brain injury and to provide for rehabilitation services.
- In 2007, Maryland Governor Martin O’Malley signed legislation requiring the Department of Health and Mental Hygiene, in consultation with certain stakeholders, to conduct a study and a comprehensive analysis of the options that may be available to increase access to long-term services, including HCBS, such as medical day care, for individuals who are at high risk of institutionalization because of cognitive impairments, mental illness, traumatic brain injury or other conditions.
- In 2007, Wyoming Governor Dave Freudenthal signed legislation that contains a provision for emergency services for developmental disabilities and adults with brain injuries eligible for HCBS Waiver services.
- In 2007, Rhode Island enacted legislation mandating a central registry administered by the Department of Health for persons with acquired TBI/SCI diagnosed in an inpatient unit or emergency department.
- In 2007, Indiana legislators passed an appropriations bill containing provisions to establish a spinal cord and brain injury fund, an advisory board and registry.
- In 2007, Washington Governor Chris Gregoire signed comprehensive legislation creating an advisory council, a funding source (trust fund) for services and the development of a comprehensive statewide information and referral network for individuals with traumatic brain injuries, as well as the development of a statewide registry to collect data and for statewide planning.
- In 2007, Iowa became the first State to receive federal approval to add HCBS as a state Medicaid Plan service, as authorized by the Deficit Reduction Act (DRA) of 2005.
- In 2007, Maine Governor John Baldacci signed a senate bill establishing the Acquired Brain Injury Advisory Council to provide independent oversight and advice on issues related to brain injury, including prevention.
- In 2007, Texas Governor Rick Perry approved the budget for Health and Human Services Commission to include an Office of Brain Injury to house the Texas Traumatic Brain Injury Advisory Council and to provide a permanent resource that will more effectively serve persons with TBI and their families.
- In 2007, the Texas Department of Assistive and Rehabilitative Services (DARS) received increased funding to reduce its waiting list for individuals seeking services from the Comprehensive Rehabilitation Service (CRS) program, which assists Texans with brain and spinal cord injuries. The CRS program funding has been increased by approximately \$3 million per year, making the overall funding a total of \$16 million for Fiscal Year 2008.
- In 2007, North Carolina Governor Mike Easley signed legislation authorizing the Division of Motor Vehicles to issue a special registration plate (\$20) for brain injury awareness. Money derived from the plate sales is to be transferred to the Brain Injury Association of North Carolina for support services to individuals with TBI.

- In 2007, Colorado Governor Bill Ritter signed a house bill creating demonstration grants for an integrated system of care for the Colorado mental health juvenile justice population with co-occurring disorders, which includes traumatic brain injury, substance abuse, developmental disabilities and fetal alcohol syndrome.
- In 2007, California Governor Arnold Schwarzenegger signed a bill requiring the Department of Health Care Services to submit a Medicaid HCBS waiver application to serve at least 100 adults with acquired traumatic brain injury, who otherwise would require care in a Medi-Cal funded facility including a nursing facility and an intermediate care facility for persons with developmental disabilities.
- In 2007, Pennsylvania Governor Edward Rendell signed a bill that would formally establish assisted living as a separate form of long-term care.
- In 2007, Maine Governor John Baldacci signed legislation to promote community integration for individuals with brain injuries by requiring the Department of Health and Human Services to complete a comprehensive plan to address the needs.
- In 2007, California Governor Arnold Schwarzenegger signed a bill requiring a hospital to provide every patient anticipated to be in need of long-term care at the time of discharge with contact information for at least one public or nonprofit agency or organization dedicated to providing information or referral services relating to community-based long-term care options in the patient's county of residence and appropriate to the needs and characteristics of the patient.
- In 2007, Mississippi Governor Haley Barbour signed legislation, which authorized the Division of Medicaid to transfer funds allocated for nursing facility services for eligible residents to cover the cost of services available through the independent living, traumatic brain injury/spinal cord injury, elderly and disabled and the assisted living waiver programs, when eligible residents choose those community services.
- In 2007, Nevada Governor Jim Gibbons signed legislation expanding the personal assistance program for persons with severe functional disabilities to include traumatic brain injury. In addition, the bill requires the Office of Disability Services to publish a single report concerning persons with disabilities, instead of separate reports for traumatic brain injury and other disabilities.
- In 2007, Wyoming Governor Dave Freudenthal signed a bill requiring a select committee on developmental programs to conduct a feasibility study on implementation of cost-based reimbursement mechanisms for adult, child and acquired brain injury programs administered by the Division of Developmental Disabilities.
- In 2007, Rhode Island Governor Donald Carcieri signed the Medical Assistance - Long-Term Care Service and Finance Reform bill requiring a unified long-term care budget to be combined in a single line-item appropriation within the Department of Human Services budget with regard to the annual Medicaid appropriations for nursing facility and community-based long-term care services for elderly sixty-five (65) years and older and younger persons at risk of nursing home admissions (including adult day care, home health, and personal care in assisted living settings). The total system savings attributable to the value of the reduction in nursing home

Beginning January 1, 2008, the allocation included, but not limited to, the establishment of presumptive eligibility criteria for the purposes of accessing home and community care.

- In 2007, New Hampshire Governor John Lynch signed legislation requiring the Department of Health and Human Services to provide services to persons with developmental disabilities and acquired brain disorders.
- In 2007, Vermont Governor Jim Douglas signed a bill, requiring the Joint Legislative Corrections Oversight Committee to develop recommendations regarding the current and future needs of persons with mental illnesses who are or will be involved in the criminal justice or corrections systems. The bill authorizes the Committee to consider whether "serious mental illness, " as defined should be amended to include other

mental impairments that significantly and negatively affect daily functioning, including all forms of developmental disabilities, mental retardation, traumatic brain injury, autism and various forms of dementia.

- In 2007, Colorado Governor Bill Ritter signed a senate bill expanding responsibilities of the Department of Education for identifying children with disabilities, “child find”, as required by the Individuals with Disabilities Education Improve Act of 2004 (IDEA). Colorado includes brain injury in the definition of “specific learning disability.
- In 2007, North Dakota Governor John Hoeven signed legislation which added TBI to the list of disabilities under the categorical definition of students with a disability and also established a noncategorical delay eligibility criteria for a student who is at least three years of age, but less than ten years of age, who exhibit a developmental delay below that of same-age peers.
- In 2007, New Hampshire Governor John Lynch signed legislation establishing an executive planning commission on special education to develop a plan providing for an improved comprehensive, systemic and sustained approach for delivering student-specific and general technical assistance. The plan is also to address a regional model for addressing children with particularly low-incidence disabilities, which includes children with emotional disabilities, autism, multiple disabilities, traumatic or acquired brain injury, deafness, deaf-blindness, and blindness.
- In 2007, Maryland Governor Martin O'Malley signed the Working Families and Small Business Health Coverage Act to expand health care for and to make health care more affordable for small businesses. The bill also increases access to Medicaid long-term care services, including HCBS for individuals who are Medicaid eligible and who need 24-hour supervision due to Alzheimer's Disease and related dementias, significant brain injury or serious mental illness.
- In 2007, Florida Governor Charlie Crist signed a bill requiring the State Medicaid agency for to implement federal waivers to administer integrated; fixed-payment delivery program for Medicaid recipients 60 years of age or older. Individuals who are 60 years of age or older or dually eligible for Medicare and Medicaid and enrolled in the TBI, consumer-directed care, family and supported-living waiver and other specified waiver programs are excluded from the integrated program established under the bill.
- In 2007, Texas Governor Rick Perry signed legislation adding and clarifying benefits related to treatment of an acquired brain injury required under a health benefit plan.
- In 2007 Colorado Governor Bill Ritter signed legislation requiring helmets for motorcycle riders for persons under the age of 18. An additional \$10 surcharge for each violation is to be deposited in the Colorado Traumatic Brain Injury Trust Fund. Colorado had not had helmet restrictions since 1977.
- In 2007, New Hampshire Governor John Lynch signed legislation establishing a commission to recommend a comprehensive program for increasing the use of passenger restraints in New Hampshire. New Hampshire is the only State to not have a seat belt law for adults.
- In 2007, Virginia Governor Tim Kaine signed a bill extending the timeframe from seven days to 30 days for hospitals to report to the Department of Rehabilitative Services any person sustaining brain or spinal cord injury.
- In 2007, Alabama Governor Bob R. Riley signed a bill to establish a statewide trauma system, a Statewide Trauma Advisory Council, a statewide trauma registry, regional trauma advisory councils and funding through the State Board of Health.
- In 2007, Texas Governor Rick Perry signed legislation relating to reintegration counseling services and related resources for servicemembers returning from Iraq and Afghanistan, including the compilation of a directory of these resources to disseminate through the Texas Information and Referral Network (2-1-1).

- In 2007, New Jersey Governor Jon Corzine signed legislation requiring State officials to study community-based care alternatives for the State's disabled veterans to avoid unnecessary placement in a nursing home or other long-term care facility.
- In 2007, Minnesota Governor Tim Pawlenty approved \$80,000 for suicide prevention and psychological support for returning veterans.
- In 2007 Minnesota Governor Tim Pawlenty signed a bill requiring a study to make recommendations regarding conservatorship and guardianship. The study group, among other legal representatives, is to include advocates for people with a range of disabilities, including TBI.
- In 2007, Hawaii senators adopted a senate resolution calling for the Department of Health and Human Services to collaborate and apply for a Federal Medicaid TBI HCBS Waiver no later than December 31, 2008.
- In 2007, Texas Governor Rick Perry signed a house concurrent resolution urging members of Congress to support legislation for veterans' health care budget reform and sufficient funding.
- In 2007, Texas Governor Rick Perry signed legislation establishing annual safety training and education for coaches.
- In 2007, Michigan representatives adopted a house resolution urging Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for US Department of Veterans Affairs medical care as of January 17, 2003.
- In 2007, Alabama became the first state to receive federal approval to allow self-directed personal assistance services (PAS) as a feature of its Medicaid plan, eliminating the need for repeated applications for time-limited section 1115 demonstration programs or section 1915(c) waiver programs. This provision is allowed under Section 6087 of the Deficit Reduction Act of 2005 (DRA).
- In July 2007, Illinois Governor Rod R. Blagojevich and the Director of the Illinois Department of Veterans' Affairs announced a first-of-its-kind program to screen every returning Illinois National Guard member for TBI and to provide a 24-hour toll-free psychological assistance for veterans suffering from PTSD.
- In 2007, New Jersey Governor Jon Corzine signed A.B. 3281 requiring State officials to study community-based care alternatives for the State's disabled veterans to avoid placement in a nursing home or other long-term care facility.
- In 2008, Georgia senators adopted a senate resolution creating the Senate Study Committee on Brain Injury Related Neurobehavioral Issues.
- In 2008, Colorado Governor Bill Ritter, Jr. signed legislation establishing outcome based supported employment system for integrated employment services for persons with disabilities that creates a reimbursement schedule for community centered boards and agencies that provide employment services to persons with developmental disabilities, mental disabilities and brain injuries.
- In 2008, Governor New Hampshire John Lynch signed H.B. 1335 establishing a commission to study the effects of PTSD and TBI suffered by New Hampshire soldiers and veterans returning from Iraq and Afghanistan.
- In 2008, California Governor Arnold Schwarzenegger signed S.B. 1401, requiring the Department of Veterans Affairs and the Military Department to develop outreach plans to National Guard members or veterans returning to California from combat and assist them in obtaining a screening for PTSD and TBI. The bill takes effect January 1, 2009.

- In 2008 Governor Jennifer M. Granholm signed legislation (S.B. 731) that requires the Department of Military and Veterans Affairs to administer a PTSD and a TBI questionnaire to an officer or enlisted person serving in the National Guard who has returned from Operation Iraqi Freedom or Operation Enduring Freedom, unless he or she has completed similar questionnaires approved by the US Departments of Veterans Affairs or Defense.
- In 2008, Michigan Governor Jennifer Granholm, vetoed H.B. 4749 which would have repeal the motorcycle helmet mandate for motorcyclists riders age 21 and older.
- In 2008, Minnesota Governor Tim Pawlenty signed H.B. 1812 appropriating \$500,000 for casework services for veterans, including in-home counseling. The bill also directed the veterans' agency to design a treatment program for veterans with TBI within the State Veterans Homes.
- In 2008, Vermont Governor Jim Douglas signed H.B. 681 creating the Traumatic Brain Injury Fund to serve Vermonters with TBI, including residents who have served in the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.
- In 2008, Virginia Governor Tim Kaine signed H.B. 475 and S.B. 297 that require the Department of Veterans Services, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse and the Department of Rehabilitative Services to establish a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans, members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in federal service. The program is to also support family members affected by covered military members' service and deployments and to ensure that adequate and timely assessment, treatment and support for stress-related injuries and TBI resulting from service in combat areas are available to veterans, service members and affected family members.
- In 2008, the Virginia General Assembly appropriated \$4.5 million for wounded warrior legislation passed to provide assistance for soldiers with TBI.
- In 2008, Alaska passed legislation to ban text messaging by all drivers.
- In 2009, Washington Governor Christine Gregoire signed H.B. 1824, known as the Zackery Lystedt Law, requiring the establishment of guidelines and other information to educate coaches, parents/guardians, and athletes about sports related concussions and managing school sports-related concussions.
- In 2009, Governor Mike Beebe legislation to establish a statewide trauma system to be funded by a nearly \$86 million tobacco tax increase.
- In 2009, Missouri Governor Matt Blunt transferred the Missouri Head Injury Advisory Council, created by statute, from the Missouri Office of Administration to the Department of Health and Senior Services via an Executive Order. Funding was also eliminated that supported staff and operations of the council.
- In 2009, California Governor Arnold Schwarzenegger signed A.B. 398 that transfers the brain injury programs, including programs funded by the TBI Trust Fund, from the Department of Mental Health to the Department of Rehabilitation.
- In 2009, North Carolina Governor Mike Easley signed H.B. 1309, providing for the licensure and accreditation of residential facilities for persons with TBI. The law also makes changes to the North Carolina Traumatic Brain Injury Advisory Council.
- In 2009, New Hampshire Governor John Lynch signed H.B. 1012, establishing a commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities or acquired brain disorders who present a moderate to high degree of risk to community safety.



- In, 2009, North Dakota Governor John Hoeven signed legislation (S.B. 2198), establishing TBI services to be administered by the Department of Health and Human Services, including outreach services and public awareness efforts regarding the prevention and identification of TBI.
- In 2009, Oregon Governor Ted Kulongoski signed S.B. 381, which requires health benefit plans to provide coverage of medically necessary therapies and services for the treatment of TBI.
- In 2009, Oregon Governor Ted Kulongoski signed S.B. 348 that directs school districts to ensure that football helmets be annually inspected and to replace all helmets within 10 years. The bill requires coaches of interscholastic football teams receive annual training on symptoms of concussion and how to seek proper medical treatment for person suspected of having a concussion.
- In 2009, New Hampshire Governor John Lynch signed H.B. 483, on June 15, 2009, establishing the Developmental Services Quality Council to provide leadership for consistent, systemic review and improvement of the quality of the developmental disability and acquired brain disorder services provided within New Hampshire's developmental services system.
- In 2009, Washington Governor Christine Gregoire signed legislation creating a workgroup to address issues relating to persons with developmental disabilities who are in correctional facilities. The workgroup is charged with making recommendations on screening and accommodating inmates with TBI.
- In 2009, Maine Governor John Baldacci signed H.B. 597, that requires the Department of Education to review the discrepancy in information available in data from MaineCare and the Office of Special Services regarding the number of children in the State identified with brain injuries.
- In 2009, Colorado Governor Bill Ritter signed S.B. 133, increasing surcharges for traffic violations that apply to the Colorado Brain Injury Trust Fund.
- In 2009, North Dakota Governor John Hoeven signed H.B. 1012, which directs the legislative council, during the 2009-11 interim, to consider studying the impact of individuals with traumatic brain injury, including veterans who are returning from wars, on the State's human services system.
- In, 2009, Colorado Governor Bill Ritter signed S.B. 5, which includes blast injuries in the definition for TBI; expands eligibility for the TBI Trust Fund Board to include military or members of the military; and changed the percentage of the funds allocated for direct services, educational activities and research.
- In 2009, Maine Governor John Baldacci signed legislation, H.B. 903, creating a work group on the prevention, diagnosis and treatment of concussions in young athletes.
- In 2009, Vermont Governor Jim Douglas signed legislation, S.B. 2, to include TBI as a functional impairment relevant to guidelines for prisoner classification, treatment, and segregation. Each diagnosis needs to be made by a qualified mental health professional.
- In 2009, California joined Alaska and five other States (Connecticut, Louisiana, Minnesota, New Jersey, and Washington) in banning text messaging by all drivers.
- In 2009, the California Department of Vocational Rehabilitation used funds from the economic stimulus bill, the Economic Recovery and Reinvestment Act of 2009, to increase services to TBI survivors and veterans with TBI through capacity building, a media campaign, and public policy work.
- In 2009, Alaska Brain Injury Network received a federal earmark to support scholarships for the newly developed distance delivered "Intro to Brain Injury", a 3-credit academic course for rural providers; and for a TBI study for Alaska Natives vs. non-natives.



- In 2009, the Vermont TBI program received a federal earmark over a four-year period to support the return to work of returning servicemembers with TBI.
- In 2009 Nebraska Governor Dave Heineman signed L.B. 195, establishing and maintaining a statewide trauma registry, which tracks incidence, severity and causes of trauma, including traumatic brain injury. All hospitals involved in the care of a trauma patient will have unrestricted access to all prehospital reports for the trauma registry for that specific trauma occurrence.

### 2010 +

- In 2010, Alaska Governor Sean Parnell signed S.B. 219 establishing a TBI/ABI program and registry in the Department of Health and Social Services. The legislation also allows for a HCBS TBI Medicaid waiver; and targeted case management for TBI/ABI residing in a community setting or those transitioning into a community setting as a State Plan service.
- In 2010, the Alaska legislature appropriated \$1.8 million for State match for Medicaid targeted case management for ABI/TBI; for three staff for the TBI program (coordinator, case management program coordinator, and research analyst); and for mini-grant funds.
- In 2010, Connecticut Governor Jodi Rell signed S.B. 456 requiring student athletic coaches to complete annual training and review regarding concussions and head injuries. The legislation also requires sports coaches to bench intramural and interscholastic athletes if they show signs of a concussion, or if they are diagnosed with one.
- In 2010, Idaho (H.B. 676), Oklahoma (S.B. 1700), Rhode Island (H.B. 7036), New Jersey (A.B. 2743), New Mexico (S.B. 1), and Virginia (S.B. 352) enacted legislation pertaining to youth sports-related concussion education and guidelines for return to play. New Jersey Governor Chris Christie also signed A.B. 4008 requiring the Department of Education to include cheerleaders in the student-athlete head injury safety program.
- In 2010, New Hampshire Governor John Lynch signed S.B. 517 establishing a veteran's legal aid advocacy project to address the legal needs of veterans, including those with TBI.
- In 2010, CMS approved two Massachusetts Medicaid HCBS Waiver programs: ABI Non-Residential Habilitation and ABI Residential Habilitation.
- In 2010, Massachusetts Governor Deval Patrick signed S.B. 2469, requiring the Division of Violence and Injury Prevention to develop an interscholastic athletic head injury safety training program. Students who become unconscious during practice or competition may not return to practice or competition until receiving a written authorization from a doctor, licensed neuropsychologist, certified athletic trainer, or another appropriately trained licensed health care professional.
- In 2010, Wisconsin Governor Jim Doyle signed legislation prohibiting texting while driving, making it the 25th state to outlaw the practice.
- In 2010, California Governor Arnold Schwarzenegger signed S.B. 1296 requiring the Commission on Peace Officer Standards and Training to assess the training needed by on the topic of returning veterans or other persons suffering from TBI or post-traumatic stress disorder (PTSD). Among other provisions, the law also requires the commission to distribute a training bulletin via the internet to the specified law enforcement agencies on the topics of TBI and PTSD and to report to the legislature by June 30, 2012 to the extent to which peace officers are receiving adequate training on how to interact with persons suffering from TBI or PTSD.
- In 2010, Mississippi Governor Haley Barbour signed S.B. 3004, requiring the Department of Education to include TBI as an intellectual disability that qualifies individuals between the ages of three and 20, for

special education and other state services. Among other provisions, this law allows the Department of Rehabilitation Services to match state funds with the Division of Medicaid federal funds for care and rehabilitation for individuals with TBI.

- In 2010, Virginia Governor Bob McDonnell signed H.B. 174 that the Wounded Warrior program only cover combat injuries. The program facilitates support for covered individuals to provide timely assessment and treatment for stress-related injuries and TBIs, subject to public and private funds for case management, outpatient, family support, and other appropriate health and TBI services.
- In 2010, Tennessee Governor Phil Bredesen signed S.B. 3852, revising the list of licenses a Level 2 adult health care home provider serving residents with TBI or a resident manager employed by the provider must hold to include a licensed rehabilitation professional or licensed mental health professional instead of a respiratory therapist.
- In 2011, Wyoming enacted legislation, S.B. 38, requiring the State Superintendent of Public Instruction to develop a model protocol and to assist school districts in developing protocols for addressing risks associated with concussions from school athletics.
- In 2011, Washington enacted H.B. 1613, to amend the Washington TBI Strategic Partnership Advisory Council to require the partnership to develop and submit a report to the legislature every year that makes recommendations for revisions to the statewide plan and other revisions regarding council activities.
- In 2011, Virginia Governor Bob McDonnell signed legislation (S.B.1063/H.B.1691), requiring the mental health and rehabilitative services program within the Department of Veterans Affairs to cooperate with localities that establish special treatment procedures for veterans and active military service members which who are offenders or defendants in the criminal justice system and who need access to proper treatment for mental illness including major depression, alcohol or drug abuse, PTSD or TBI.
- In 2011, Governors in the States of Alabama, Alaska, Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Minnesota, Missouri, Nebraska, Nevada, New York, North Carolina, North Dakota, Pennsylvania, South Dakota, Texas, Utah, Vermont and Wyoming signed legislation pertaining to education, guidelines, and other directives relating to sports-related concussions among public school athletes.
- In 2011, Rhode Island enacted H.B. 5540, requiring coaches and volunteers to complete an annual refresher course in addition to the already mandated training course. This law also encourages school districts to have school nurses complete a training course and authorizes physicians to consult with an athletic trainer when determining whether to return a youth athlete to a practice or game.
- In 2011, Illinois Governor Pat Quinn signed H.B. 3275 to create the Veterans TBI and Post-Traumatic Stress Disorder Public Service Announcement Fund.
- In 2011, Mississippi Governor Haley Barbour signed legislation S.B. 2196 requiring ATV riders and passengers under age 16 who ride on public land to wear a helmet and complete a safety course.
- In 2011, Maine enacted H.B. 887 requiring the Department of Health and Human Services to develop a comprehensive neurorehabilitation service system to assist, educate and rehabilitate persons with an ABI, which must include care management and coordination, crisis stabilization services, physical therapy, occupational therapy, speech therapy, neuropsychology, neurocognitive retraining, positive neurobehavioral supports and teaching, social skills retraining, counseling, vocational rehabilitation, and independent living skills and supports.
- In 2011, Delaware Governor signed H.B. 141, amending the statute relating to the Delaware State Council for Persons with Disabilities, which has informally maintained a 24-member brain injury committee since

2003, to confirm its status as the State's primary brain injury council, clarify the role and membership of its brain injury committee, and enhance prospects for acquiring competitive grant funds.

- In 2011, West Virginia was approved for a TBI Medicaid HCBS Waiver program.
- In 2012, Hawaii (H.B. 2273), Idaho (H.B. 632), Kentucky (H.B. 281), Maine (S.B. 654), Michigan (S.B. 1122), New Hampshire (S.B. 402), Ohio (H. 143), Wisconsin (H.B. 400) joined the States in enacting legislation regarding youth sports-related concussion guidelines and return to play.
- In 2012, Utah Governor Gary Richard Herbert signed H.B. 400, creating the Traumatic Spinal Cord and Brain Injury Rehabilitation Trust Fund and an advisory committee to administer the fund to assist charitable clinics providing rehabilitation services for the post-acute care of people with such injuries.
- In 2012, Maryland established "The Maryland Brain Injury Trust Fund", although a funding is voluntary.
- In 2012, Indiana Governor Mitch Daniels signed S.B.15 requiring the Department of Health and the Office of the Secretary of Family and Social Services to study how to implement brain injury services and rehabilitation programs.
- In 2013, Iowa Governor Terry Branstad signed H.F. 545 to allow the Commission of Veterans Affairs to expend moneys on expenses related to screening or treatment for any medical need related to a military service-connected TBI for which payment or reimbursement is not otherwise available through other public programs or private insurance.
- In 2013, Arkansas (S.B. 1158), Georgia (H.B. 284) Montana (S.B. 112), South Carolina (3061), Tennessee (S.B. 882), and Vermont (S.B. 4) legislators enacted legislation regarding sports-related concussions among school aged students, education and return to play guidelines.
- In 2013, Utah's legislature passed H.B. 58 to modify its 2011 Protection of Athletes law by redefining sporting event as applied to a government entity to provide that it does not include merely making available a field, facility or other location owned, leased or controlled by the government entity to an amateur sports organizations or a child, regardless of whether the government entity charges a fee for the use or free play or recess taking place during school hours. Utah also passed H.B. 269 to clarify the requirements of a school nurse engaged in treating a student who sustains a concussion or TBI.
- In 2013, Maryland Governor Martin O'Malley signed S.B. 632, establishing a brain injury trust fund. The bill did not include a funding provision.
- In 2013, North Dakota Governor Jack Dalrymple signed H.B. 1424, calling for a legislative management study on the feasibility and desirability of participating in the provision of nontraditional healing therapies for posttraumatic stress, TBI and other neurological conditions for State veterans and their families.
- In 2013, through the State budget process, the Ohio Brain Injury Program was transferred from the Ohio Rehabilitation Services Commission to the Ohio Valley Center for Brain Injury Prevention & Rehabilitation (OVC) at The Ohio State University Wexner Medical Center and OVC was named as the designated lead agency for Brain Injury.
- In 2013, South Carolina Governor Nikki Haley signed S.B. 127) creating the State Brain Injury Leadership Council and requiring the council to provide statewide coordination in promoting support services to persons with brain injuries, their families, and caregivers, and to identify emerging issues and innovations, foster education and advocacy, and build consensus to support necessary police and programs.

- In 2014, Mississippi Governor Phil Bryant H.B. 48 into law requiring public and private schools to evaluate student athletes for concussions if they've been especially shaken up or taken a hard hit during practice or competition.
- In 2014, New Mexico Governor Susana Martinez signed H.B. 58 expanding the brain injury service definition for the Brain Injury Services Fund to include people with acquired brain injury.
- In 2018 legislative session, the Kansas House and Senate approved an expansion of the State's Medicaid brain injury HCBS program to include both children under 16 and those with acquired brain injury - including stroke, aneurysm, and poisoning. The application was approved in 2019.
- In 2018, North Carolina was approved for a TBI HCBS Medicaid waiver.
- In 2019, Colorado Governor Jared S. Polis signed H.B. 19-1147 that expanded the definition of traumatic brain injury (TBI) to brain injury with regard to the brain injury program funded by the trust fund board, as well as renaming the trust fund board that oversees the program, and the legislation also increases the amount of fines for traffic related offenses associated with the fund.
- In 2019, Washington Governor Jay Inslee signed S. B. 5127 increasing the TBI fee from two to five dollars per traffic-related infraction, effective July 28, 2019, to be deposited into the TBI account to support the activities in the statewide traumatic brain injury comprehensive plan; to provide a public awareness campaign and support groups; information and referral services, and for costs of required agency staff who provide support for the advisory council.
- In 2019, North Dakota Governor Doug Burgum signed S. 2027, which expanded the definition of traumatic brain injury by eliminating the term "traumatic" and defining "brain Injury" as "damage to the brain or the coverings of the brain which produces an altered mental state and results in a decrease in cognitive, behavioral, emotional, or physical functioning. The term does not include an insult of a degenerative or congenital nature." The definition applies to programs overseen by the Department of Human Services and the advisory council.
- In 2019, Washington Governor Jay Inslee signed H.B. 1532, relating to TBI in domestic violence cases, and providing training of criminal justice personnel to understand the risks of TBI posed by domestic violence. The legislation directs the Department of Social and Health Services in consultation the advisory council and at least one representative of a community-based domestic violence program and one medical professional with experience treating survivors of domestic violence to develop recommendations to improve the statewide response to TBIs suffered by domestic violence survivors. In developing recommendations, the department may consider the creation of an educational handout regarding TBI to be provided to victims of domestic violence; a statewide web-site for victims of domestic abuse to lead to TBI; information on recognizing cognitive, behavioral and physical symptoms of TBI, as well as potential impacts to a person's emotional well-being and mental health; a self-screening tool for TBI; and recommendations for person with TBI to help address or cope with the injury all to be conducted by the department in consultation with the advisory council. In addition, the bill requires training all training relating to the handling of domestic violence complaints by law enforcement officers to understand the risks of TBI posed by domestic violence. Offices are encouraged to inform victims that information on TBI can be found on the statewide website as required by this law.
- In 2019, Washington Governor Jay Inslee signed H.B. 1605, requiring the Department of Children, Youth and Families (DCYF) to evaluate TBI screening tools for children going into the state's foster care system. The bill requires the department to evaluate TBI screening tools to be included with other existing screens for children in out-of-home care. It will allow for treatment actions following identification of a TBI. The department is to report back to the Legislature by Dec. 1, 2019.
- In 2019, Indiana Governor Eric Holcomb signed H.B. 1400 to task an interim study committee on education with how to eliminate, reduce, or streamline education mandates placed on schools, including the State's

concussion law requirements. From 2019-2022, the interim committee is to: study of how to: (1) eliminate, reduce, or streamline the number of education mandates placed on schools; and streamline fiscal and compliance reporting to the general assembly on a sustainable and systematic basis; and (2) review certain provisions relating to professional development, development of policies, reporting requirements, and curriculum requirements of schools.

- In 2019, Tennessee Governor Bill Lee signed S.B. 130 to extend the sunset date of the TBI Advisory Council, created in 1993, and was set to expire with other advisory bodies this summer.
- In 2019, Virginia Governor Ralph Northam signed H.B. 1930 on Feb. 22, which updates the State's return to play law to require the Board of Education to collaborate with various stakeholders to biennially update its guidelines on policies to inform and educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, risks of not reporting the injury and continuing to play, and the effects of concussions on student-athletes' academic performance and for each local school division to biennially update its policies and procedures regarding the identification and handling of suspected concussions in student-athletes.
- In 2019, Governor Kay Ivey signed S.B. 195, a supplemental appropriation bill for fiscal year 2019, which included \$250,000 in additional funds for the Alabama Head and Spinal Cord Injury Trust Fund for TBI programs. The Governor also signed the fiscal year 2020 appropriations bill which also includes a line item appropriation for \$250,000 as well.
- In 2019, Nebraska Governor Pete Ricketts approved legislation creating the Nebraska Brain Injury Trust Fund with \$500,000 from the Healthcare Cash Fund administered by the House and Human Services Department. The Brain Injury Trust Fund Act creates the Brain Injury Oversight Committee to provide financial oversight and direction to the University of Nebraska Medical Center in the management of the Brain Injury Trust Fund; develop criteria for expenditures; and is to represent the interest of individuals with a brain injury and their families through advocacy, education, training, rehabilitation, research, and prevention.
- In 2019, California Governor Gavin Newsom signed Assembly Bill 1, the California Youth Football Act, to limit full time contact practice for youth football teams to prevent brain injuries. It also prohibits a youth tackle football team from holding a full-contact practice during the offseason. The bill also requires a youth football team coach to annually receive a tackling and blocking certification from a nationally recognized program that emphasizes shoulder tackling, safe contact and blocking drills. And, the bill also requires each parent or guardian of a youth tackle football player to receive concussion and head injury information for their athlete and the Opioid Factsheet for Patients, as required under existing law. Furthermore, the bill requires each football helmet to be reconditioned and recertified every other year, unless stated otherwise by the manufacturer. It restricts the people who can perform the reconditioning and recertification to only those licensed by the National Operating Committee on Standards for Athletic Equipment. The bill also requires every reconditioned and recertified helmet to display a clearly recognizable mark or notice in the helmet indicating the month and year of the last certification.
- In 2019, Maine Governor Janet Mills signed a dozen bills, including bills to add identification of acquired brain injury (ABI) on driver's license or nondriver (H.P. 50) identification card; to allow contracting with brain injury organizations with regard to opioid overdose; and hands-free driving. H.P. 50 requires the Secretary of State, upon request, to issue a sticker to be placed on a person's driver's license or nondriver identification card to indicate that the person has an ABI.
- In 2019, Maine Governor Janet Mills signed H.P. 221 - L.D. 297, which would allow the Department of Health and Human Services to enter into contacts, subject to available resources, with brain injury organizations to help opioid overdose survivors and others with brain injuries by bringing together State and national expertise to provide core brain injury support for underserved populations.



- Maryland (MDOT) provided a dedicated funding source for the Maryland Brain Injury Trust Fund, announced during March Awareness Month. This new funding mechanism – entirely voluntary – is to allow residents to contribute to this Trust Fund.
- In 2019, Maine Governor Janet Mills signed S.P. 52 - L.D. 165 updates a 2011 texting-while-driving legislation by also prohibiting drivers from using, manipulating, talking into or otherwise interacting with hand-held devices and mobile telephones while driving. The prior law only prevents drivers from text messaging while driving.
- During the 2019 legislative session, North Dakota lawmakers authorized the Department of Human Services to create a Medicaid 1915(i) state plan amendment, which will allow North Dakota Medicaid to pay for additional home and community-based services to support individuals with specific behavioral health conditions like mental illness, an addiction or a brain injury.
- In 2019, North Carolina Governor Roy Cooper signed H.B. 50 to allow medical professionals to prescribe the use of hyperbaric oxygen therapy to treat veterans with traumatic brain injury (TBI) and post traumatic stress disorder (PTSD).
- In 2019, Missouri received approval for TBI HCBS Medicaid Waiver.

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#### **Acronyms:**

A.B. – Assembly Bill  
ABI – Acquired Brain Injury  
CMS – Centers for Medicare and Medicaid Services  
HCBS – Home and Community Based Services  
H.B. – House Bill  
H.F. – House File  
LB. – Legislative Bill  
S.B. – Senate Bill  
S.F. – Senate File  
TBI – Traumatic Brain Injury

**NOTE:** This chronology was prepared and is maintained by Susan L. Vaughn, Director of NASHIA Public Policy. If you have further information regarding your state, please contact Susan L. Vaughn, NASHIA Director of Public Policy, at [publicpolicy@nashia.org](mailto:publicpolicy@nashia.org) or call 573-636-6946.

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