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HOUSE BILL 2999

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Flannigan, McCoy, Armstrong, Ross, Pettigrew, Moeller, Ormsby, Wallace, and Simpson

Read first time 01/20/10. Referred to Committee on Human Services.

1            AN ACT Relating to traumatic brain injury; and amending RCW  
2            74.31.020, 74.31.030, 74.31.040, 74.31.050, and 74.31.060.

3            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 74.31.020 and 2007 c 356 s 3 are each amended to read  
5            as follows:

6            (1) The Washington traumatic brain injury strategic partnership  
7            advisory council is established as an advisory council to the governor,  
8            the legislature, and the secretary of the department of social and  
9            health services.

10           (2) The council shall be composed of:

11           (a) The following voting members (~~(who shall be)~~) appointed by the  
12           governor:

13           (~~((a) The secretary or the secretary's designee, and~~  
14           ~~representatives from the following: Children's administration, mental~~  
15           ~~health division, aging and disability services administration, and~~  
16           ~~vocational rehabilitation;~~

17           ~~(b) The executive director of a state brain injury association;~~

18           ~~(c))~~ (i) A representative from a nonprofit organization serving  
19           individuals with traumatic brain injury;

1       ~~((d) The secretary of the department of health or the secretary's~~  
2 ~~designee;~~

3       ~~(e) The secretary of the department of corrections or the~~  
4 ~~secretary's designee;~~

5       ~~(f) A representative of the department of community, trade, and~~  
6 ~~economic development;~~

7       ~~(g)) (ii) A representative from an organization serving veterans;~~  
8       ~~((h) A representative from the national guard;~~

9       ~~(i)) (iii) A representative of a Native American tribe located in~~  
10 ~~Washington;~~

11       ~~((j) The executive director of the Washington protection and~~  
12 ~~advocacy system;~~

13       ~~(k)) (iv) A neurologist who has experience working with~~  
14 ~~individuals with traumatic brain injuries;~~

15       ~~((l)) (v) A neuropsychologist who has experience working with~~  
16 ~~persons with traumatic brain injuries;~~

17       ~~((m)) (vi) A social worker or clinical psychologist who has~~  
18 ~~experience in working with persons who have sustained traumatic brain~~  
19 ~~injuries;~~

20       ~~((n)) (vii) A rehabilitation specialist, such as a speech~~  
21 ~~pathologist, vocational rehabilitation counselor, occupational~~  
22 ~~therapist, or physical therapist who has experience working with~~  
23 ~~persons with traumatic brain injuries;~~

24       ~~((o)) (viii) Two persons who are individuals with a traumatic~~  
25 ~~brain injury;~~

26       ~~((p)) (ix) Two persons who are family members of individuals with~~  
27 ~~traumatic brain injuries; and~~

28       ~~((q)) (x) Two members of the public who have experience with~~  
29 ~~issues related to the causes of traumatic brain injuries; and~~

30       (b) The following ex officio voting members:

31       (i) The secretary or the secretary's designee, and representatives  
32 from the following: Children's administration, mental health division,  
33 aging and disability services administration, and vocational  
34 rehabilitation;

35       (ii) The secretary of the department of health or the secretary's  
36 designee;

37       (iii) The secretary of the department of corrections or the  
38 secretary's designee;

1 (iv) A representative of the department of commerce;

2 (v) A representative of the office of the superintendent of public  
3 instruction to be appointed by June 30, 2010;

4 (vi) The executive director of the Washington protection and  
5 advocacy system or the executive director's designee;

6 (vii) The executive director of the state brain injury association  
7 or the executive director's designee; and

8 (viii) A representative from the national guard.

9 (3) Councilmembers shall not be compensated for serving on the  
10 council, but may be reimbursed for all reasonable expenses related to  
11 costs incurred in participating in meetings for the council.

12 ~~(4) ((Initial appointments to the council shall be made by July 30,~~  
13 ~~2007.))~~ The terms of appointed councilmembers shall be three years(~~(~~  
14 ~~except that the terms of the appointed members who are initially~~  
15 ~~appointed shall be staggered by the governor to end as follows:~~

16 ~~(a) Four members on June 30, 2008;~~

17 ~~(b) Three members on June 30, 2009; and~~

18 ~~(c) Three members on June 30, 2010)).~~

19 (5) No councilmember appointed pursuant to subsection (2)(a) of  
20 this section, except for the representative from the nonprofit  
21 organization serving individuals with traumatic brain injury, may serve  
22 more than two consecutive terms.

23 (6) The appointed members of the council shall, to the extent  
24 possible, represent rural and urban areas of the state.

25 (7) A chairperson shall be elected every two years by majority vote  
26 from among the councilmembers. The chairperson shall act as the  
27 presiding officer of the council.

28 (8) The duties of the council include:

29 (a) Collaborating with the department to develop, and revise and  
30 update, as needed, a comprehensive statewide plan to address the needs  
31 of individuals with traumatic brain injuries;

32 (b) ~~((By November 1, 2007,))~~ Providing recommendations to the  
33 department on criteria to be used to select programs facilitating  
34 support groups for individuals with traumatic brain injuries and their  
35 families under RCW 74.31.050;

36 (c) ~~By ((December 1, 2007))~~ February 28, 2012, and every two years  
37 thereafter, submitting a report to the legislature and the governor on  
38 the following:

1       ~~(i) ((The development of a comprehensive statewide information and~~  
2 ~~referral network for individuals with traumatic brain injuries;~~

3       ~~(ii) The development of a statewide registry to collect data~~  
4 ~~regarding individuals with traumatic brain injuries, including the~~  
5 ~~potential to utilize the department of information services to develop~~  
6 ~~the registry;~~

7       ~~(iii) The efforts of the department to provide services for~~  
8 ~~individuals with traumatic brain injuries)) Identifying the activities~~  
9 ~~of the council in the implementation of the comprehensive statewide~~  
10 ~~plan; and~~

11       (ii) The council's recommendations for revisions to the  
12 comprehensive statewide plan;

13       ~~(d) ((By December 30, 2007, reviewing the preliminary comprehensive~~  
14 ~~statewide plan developed by the department to meet the needs of~~  
15 ~~individuals with traumatic brain injuries as required in RCW 74.31.030~~  
16 ~~and submitting a report to the legislature and the governor containing~~  
17 ~~comments and recommendations regarding the plan)) Developing~~  
18 ~~recommendations for using the traumatic brain injury account~~  
19 ~~established under RCW 74.31.060 to form strategic partnerships and to~~  
20 ~~foster the development of critical services for individuals with~~  
21 ~~traumatic brain injury; and~~

22       (e) Developing recommendations for a council staffing plan for  
23 council support under RCW 74.31.030.

24       (9) The council may utilize the advice or services of a nationally  
25 recognized expert, or other individuals as the council deems  
26 appropriate, to assist the council in carrying out its duties under  
27 this section.

28       **Sec. 2.** RCW 74.31.030 and 2007 c 356 s 4 are each amended to read  
29 as follows:

30       (1) ~~((By July 30, 2007,))~~ In response to council recommendations  
31 developed pursuant to RCW 74.31.020, the department shall include in  
32 the statewide comprehensive plan a staffing plan for providing adequate  
33 support for council activities for positions funded by the traumatic  
34 brain injury account established in RCW 74.31.060 and designate ((a))  
35 at least one staff person who shall be responsible for the following:

36       (a) Coordinating policies, programs, and services for individuals  
37 with traumatic brain injuries; and

1 (b) Providing staff support to the council created in RCW  
2 74.31.020.

3 (2) The department shall provide data and information to the  
4 council established under RCW 74.31.020 that is requested by the  
5 council and is in the possession or control of the department.

6 (3) (~~By December 1, 2007,~~) The department shall (~~provide a~~  
7 ~~preliminary report to the legislature and the governor, and shall~~  
8 ~~provide a final report by December 1, 2008, containing recommendations~~  
9 ~~for a~~) implement within available funds the comprehensive statewide  
10 plan to address the needs of individuals with traumatic brain injuries,  
11 including the use of public-private partnerships and a public awareness  
12 campaign. The comprehensive plan should be created, implemented within  
13 available funding, and revised as necessary in collaboration with the  
14 council and should consider the following:

15 (a) Building provider capacity and provider training;

16 (b) Improving the coordination of services;

17 (c) The feasibility of establishing agreements with private sector  
18 agencies to develop services for individuals with traumatic brain  
19 injuries; and

20 (d) Other areas the council deems appropriate.

21 (4) (~~By December 1, 2007,~~) The department shall:

22 (a) (~~Provide~~) Assure information and referral services are  
23 provided to individuals with traumatic brain injuries (~~until the~~  
24 ~~statewide referral and information network is developed~~). The  
25 referral services may be funded from the traumatic brain injury account  
26 established under RCW 74.31.060; (~~and~~)

27 (b) Encourage and facilitate the following:

28 (i) Collaboration among state agencies that provide services to  
29 individuals with traumatic brain injuries;

30 (ii) Collaboration among organizations and entities that provide  
31 services to individuals with traumatic brain injuries; and

32 (iii) Community participation in program implementation; and

33 (c) Have the authority to accept and expend or retain any gifts,  
34 bequests, contributions, or grants from private persons or private and  
35 public agencies to carry out the purpose of this chapter.

36 (5) By December 1, (~~2007, and by December 1st each year~~) 2011,  
37 and at least every two years thereafter, the department shall issue a  
38 report to the governor and the legislature containing the following:

1 (a) A summary of action taken by the department to meet the needs  
2 of individuals with traumatic brain injuries; (~~and~~)

3 (b) Recommendations for improvements in services to address the  
4 needs of individuals with traumatic brain injuries; and

5 (c) Changes in the comprehensive statewide plan.

6 **Sec. 3.** RCW 74.31.040 and 2007 c 356 s 5 are each amended to read  
7 as follows:

8 (~~By December 1, 2007,~~) In collaboration with the council, the  
9 department shall (~~institute~~) conduct a public awareness campaign that  
10 utilizes funding from the traumatic brain injury account to leverage a  
11 private advertising campaign to persuade Washington residents to be  
12 aware and concerned about the issues facing individuals with traumatic  
13 brain injuries through all forms of media including television, radio,  
14 and print.

15 **Sec. 4.** RCW 74.31.050 and 2007 c 356 s 6 are each amended to read  
16 as follows:

17 (1) (~~By March 1, 2008,~~) The department shall provide funding to  
18 programs that facilitate support groups to individuals with traumatic  
19 brain injuries and their families.

20 (2) The department shall use a request for proposal process to  
21 select the programs to receive funding. The council shall provide  
22 recommendations to the department on the criteria to be used in  
23 selecting the programs.

24 (3) The programs shall be funded solely from the traumatic brain  
25 injury account established in RCW 74.31.060, to the extent that funds  
26 are available.

27 **Sec. 5.** RCW 74.31.060 and 2007 c 356 s 7 are each amended to read  
28 as follows:

29 The traumatic brain injury account is created in the (~~state~~  
30 ~~treasury~~) custody of the state treasurer. Two dollars of the fee  
31 imposed under RCW 46.63.110(7)(c) must be deposited into the account.  
32 Moneys in the account (~~may be spent only after appropriation, and~~)  
33 may be used only to support activities in the statewide traumatic brain  
34 injury comprehensive plan, to provide a public awareness campaign and  
35 services relating to traumatic brain injury under RCW 74.31.040 and

1 74.31.050, for information and referral services, and for costs of  
2 required department staff who are providing support for the council  
3 (~~and information and referral services~~) under RCW 74.31.020 and  
4 74.31.030. The secretary of the department of social and health  
5 services has the authority to administer the funds.

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