

HOUSE BILL REPORT

HB 2999

As Reported by House Committee On:
Human Services

Title: An act relating to traumatic brain injury.

Brief Description: Concerning traumatic brain injury.

Sponsors: Representatives Flannigan, McCoy, Armstrong, Ross, Pettigrew, Moeller, Ormsby, Wallace and Simpson.

Brief History:

Committee Activity:

Human Services: 1/28/10 [DP].

Brief Summary of Bill

- Changes the composition of the Traumatic Brain Injury Strategic Partnership Advisory Council (Advisory Council) and categorizes the council members as "voting" and "ex officio voting" members.
- Limits the number of terms that most voting members may serve.
- Requires that the Advisory Council revise and update the Statewide Comprehensive Plan (Plan), as needed, and requires the Department of Social and Health Services (DSHS) to include in the Plan a staffing plan for adequate support of the Advisory Council.
- Allows the DSHS to accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purpose of the act.
- Changes the reporting requirements of the DSHS from annually to biennially.
- Changes the Traumatic Brain Injury Account from an appropriated account to a non-appropriated account and the funds may additionally be used to support activities in the Plan.
- Removes the initial timelines incorporated when the Advisory Council was created.

HOUSE COMMITTEE ON HUMAN SERVICES

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

Background:

In 2007 the Legislature passed Second Substitute House Bill 2055 which created the Washington Traumatic Brain Injury Strategic Partnership Advisory Council (Advisory Council) as an advisory council to the Governor, Legislature, and the Secretary of the Department of Social and Health Services (DSHS).

The Advisory Council is made up of a wide variety of individuals appointed by the Governor. It includes representatives from several state agencies, non-profit agencies working with individuals with Traumatic Brain Injury (TBI), medical specialists, rehabilitation and vocational specialists, social workers, veterans, the National Guard, a Washington Native American Indian Tribe, the Washington Protection and Advocacy System, individuals with TBI, and family members of persons with TBI.

The initial appointments to the Advisory Council were to be made by September 2007. The initial terms were to run for three years, and were staggered. The Advisory Council annually elects a chairperson.

Duties of the Advisory Council include collaboration with the DSHS to develop a comprehensive statewide plan to address the needs of individuals with TBI, the development of a comprehensive statewide information and referral network for individuals with TBI, the development of a statewide registry to collect data regarding individuals with TBI, and efforts of the DSHS to provide services for individuals with TBI.

The Traumatic Brain Injury Account (Account) is funded by \$2 of the fee imposed for certain traffic infractions. Moneys in the Account may only be spent after appropriation and may be used only to provide a public awareness campaign and services relating to TBI, for information and referral services, and for costs of required DSHS staff providing support to the Advisory Council. The Secretary of the DSHS has the authority to administer the funds.

Summary of Bill:

Composition of the Advisory Council.

The composition of the Advisory Council is changed to categorize some council members as "voting" members, and representatives of state agencies and associations as "ex officio voting" members. A representative of the Office of the Superintendent of Public Instruction is to be appointed as an ex officio voting member by June 30, 2010.

The term of appointed council members is three years. No "voting" council member may serve for more than two terms except for the representative from the nonprofit organization serving individuals with TBI.

Comprehensive Statewide Plan.

In addition to collaborating with the DSHS to develop a comprehensive statewide plan to address the needs of individuals with TBI, the duties of the Advisory Council will include that of revising and updating the Comprehensive Statewide Plan, as needed.

The DSHS will include in the Comprehensive Statewide Plan a staffing plan for adequate support for Advisory Council activities and designate at least one staff person responsible for coordinating policies, programs, and services for individuals with TBI and providing staff support to the Advisory Council.

Timelines.

The timelines set forth in the enabling Legislation are removed, such as those regarding initial appointments to the Advisory Council, preliminary reports regarding recommendations for a comprehensive statewide plan, and the development of a statewide referral and information network.

Reporting Requirements.

The required report to the Legislature and the Governor will contain the Advisory Council's recommendations for: (1) revisions to the Comprehensive Statewide Plan; (2) using the Traumatic Brain Injury Account; and (3) a staffing plan for Advisory Council support. The reporting requirements of the DSHS are changed from annually to biennially, and the report must include any changes in the Comprehensive Statewide Plan.

Authority and Duties of the Department of Social and Health Services.

The DSHS has the authority to accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purpose of the chapter.

Traumatic Brain Injury Account.

The Account is changed to a non-appropriated account; the Secretary of the DSHS has the authority to administer the funds. The moneys in the Account may be used only to support activities in the TBI Comprehensive Statewide Plan, to provide a public awareness campaign and services relating to traumatic brain injury, for information referral services, and for costs of required DSHS staff providing support for the Advisory Council.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The purpose of this bill is to update the 2007 legislation from something that we were starting to something that we are maintaining. Each day we learn of new soldiers coming back from Afghanistan, Iraq, and perhaps other places, who are fundamentally saved by medicine and then come to Washington with a traumatic brain injury (TBI) and find themselves struggling with the resources that the state and military provide. We are hoping to modify the bill to sustain the work we have achieved and to move in new directions. We need some modifications to the bill to do that. We need to get access to the money in the Traumatic Brain Injury Account. It has been increasingly more difficult to provide brain injury rehabilitation services in our state. When a patient requires an intensive brain rehabilitation program and they have behavioral and psychiatric needs, they must be sent to California because there are no programs in this state. It was not that way 10 years ago. We had the programs, but they have closed. At the University of Washington Medical Center, we do some of the best research in TBI in the world and yet we cannot provide the services to the citizens of Washington. We are really good at saving lives, but after that, you are on your own. We have a little bit of money to help brain survivors. We cannot afford to have any money withdrawn. These funds need to be reserved and not spent on anything other than what they are designated for. We need proper funding and full access. All TBI individuals suffer from cognitive problems.

(Opposed) None.

Persons Testifying: Representative Flannigan, prime sponsor; Mark Stroh, Traumatic Brain Injury Council and Disability Rights Washington; Laura Dahmer-White and Andrea Okomski, Traumatic Brain Injury Council; Mike Lough, Brain Injury Association of Washington; and Tommy Manning.

Persons Signed In To Testify But Not Testifying: None.