

HOUSE BILL REPORT

HB 2055

As Reported by House Committee On:

Human Services

Appropriations

Title: An act relating to traumatic brain injury.

Brief Description: Concerning traumatic brain injuries.

Sponsors: Representatives Flannigan, Ahern, McCoy, Ormsby and Santos.

Brief History:

Committee Activity:

Human Services: 2/20/07, 2/22/07 [DPS];

Appropriations: 3/3/07 [DP2S(w/o sub HS)].

Brief Summary of Second Substitute Bill

- Adds several provisions to assist individuals with traumatic brain injuries including: creating an advisory council, developing a public awareness campaign, facilitating support groups, and creating an account to fund the public awareness campaign and support groups.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

Background:

Traumatic brain injury (TBI) occurs when a sudden trauma causes damage to the brain. A TBI can result when the head suddenly and violently hits an object, or when an object pierces the skull and enters brain tissue. Symptoms of a TBI can be mild, moderate, or severe, depending on the extent of the damage to the brain.

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.

Traumatic brain injury can cause a wide range of functional changes. Disabilities resulting from a TBI depend upon the severity of the injury, the location of the injury, and the age and general health of the individual. Some common disabilities include problems with cognition (thinking, memory, and reasoning), sensory processing (sight, hearing, touch, taste, and smell), communication (expression and understanding), and behavior or mental health.

The Center for Disease Control (CDC) estimates that at least 5.3 million Americans, approximately 2 percent of the U.S. population, currently have a long-term or lifelong need for help to perform activities of daily living as a result of a TBI. Traumatic brain injuries contribute to a substantial number of deaths and cases of permanent disability annually.

According to the CDC, of the 1.4 million who sustain a TBI each year in the United States:

- 50,000 die;
- 235,000 are hospitalized; and
- 1.1 million are treated and released from an emergency department.

Among children under 14 years of age, TBI results in an estimated:

- 2,685 deaths;
- 37,000 hospitalizations; and
- 435,000 emergency department visits annually.

The federal government created the Traumatic Brain Injury Program (Program) to improve access to health and other services regarding TBI. The Program competitively awards state planning, implementation, and post-demonstration grants. Washington has received grants under this Program in the amount of \$100,000 for the purpose of building the system and the infrastructure to deliver services to individuals with TBI. The Program is being administered through the Aging and Disability Services Administration in the Department of Social and Health Services.

Summary of Substitute Bill:

New Chapter

A new chapter is created in Title 74 to address new sections of law dealing with TBI.

Advisory Council

The bill creates the Washington Traumatic Brain Injury Strategic Partnership Advisory Council (Council) within the Department of Social and Health Services (Department). The Council consists of a wide variety of individuals who are appointed by the Governor. The Council includes representatives from several state agencies, non-profit agencies working with individuals with 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 Council will be made by September 1, 2007, and the terms will be run for three years. The Council will annually elect a chairperson.

The duties of the Council include the following:

- (1) to collaborate with the Department to develop a comprehensive statewide plan to address the needs of individuals with TBIs;
- (2) provide recommendations to the Department on criteria to be used to select programs facilitating support groups by November 1, 2007;
- (3) submit a report to the Legislature and the Governor by December 1, 2007 on the following:
 - (a) the development of a comprehensive statewide information and referral network for individuals with TBIs;
 - (b) the development of a statewide registry to collect data regarding individuals with TBIs;
 - (c) the efforts of the Department to provide services for individuals with TBIs; and
- (4) to review the preliminary comprehensive statewide plan developed by the Department and submit a report to the Legislature and the Governor containing comments and recommendations regarding the plan by December 30, 2007.

Department Responsibilities

The following are responsibilities of the Department:

- (1) to designate a staff person who shall be responsible for the following:
 - (a) coordinating policies, programs, and services for individuals with TBIs; and
 - (b) provide staff support to the Council created in section 3 of this act;
- (2) to provide data and information to the Council that is requested by the Council and is in the possession or control of the Department;
- (3) by December 1, 2007, the Department must provide a preliminary report to the Legislature and the Governor and a final report by December 1, 2008, containing recommendations for a comprehensive statewide plan to address the needs of individuals with TBIs, that consider the following:
 - (a) building provider capacity and provider training;
 - (b) improving the coordination of services;
 - (c) the feasibility of establishing agreements with private sector agencies to develop services for individuals with TBIs; and
 - (d) other areas the advisory council deems appropriate;
- (4) by December 1, 2007, the Department must:
 - (a) provide information and referral services to individuals with TBI until the statewide referral and information network is developed. The referral services may be funded from the TBI account; and
 - (b) encourage and facilitate the following:
 - (i) collaboration among state agencies that provide services to individuals with TBIs;
 - (ii) collaboration among organizations and entities that provide services to individuals with TBIs; and

- (iii) community participation in program implementation; and
- (5) by December 1, 2007, and by December 1 each year thereafter, the Department shall issue a report to the Governor and the Legislature containing the following:
 - (a) a summary of action taken by the Department to meet the needs of individuals with TBIs; and
 - (b) recommendations for improvements in services to address the needs of individuals with TBIs.

Program Development

By December 1, 2007, the Department is required to institute, in collaboration with the Council, a public awareness campaign that utilizes state or federal funding to leverage a private advertising campaign to promote awareness of TBIs through all forms of media including television, radio, and print.

By March 1, 2008, the Department is also required to provide funding to programs that facilitate support groups to individuals with TBIs and their families. The Department shall use a request for proposal process to select the programs to receive funding. The Council must provide recommendations to the Department on the criteria to be used in selecting the programs. The public awareness campaign and the support groups will be funded from the TBI account, to the extent that funds are available.

Traumatic Brain Injury Account

The Traumatic Brain Injury Account (TBI Account) is created with the State Treasurer. The Department may authorize spending on information and services related to the public awareness campaign, support groups, or information and referral services.

The TBI Account is funded by fees collected as part of a reissuing fee on licenses that have been suspended for driving under the influence. The reissuing fee is increased from \$150 to \$200. Twenty-four percent of each fee collected must be deposited in the TBI Account.

Substitute Bill Compared to Original Bill:

The substitute bill revises the definition of TBI and adds the following members to the Advisory Council:

- Children's Administration;
- a representative of the Department of Community, Trade, and Economic Development;
- the Executive Director of the Brain Injury Association rather than the President;
- a representative of the National Guard; and
- a representative of a Native American Tribe located in Washington.

The Council is given the authority to consult with anyone the Council deems appropriate.

The substitute bill focuses the duties of the Council to include only the following:

- collaborate with the Department to develop a comprehensive statewide plan;

- providing recommendations to the Department on criteria to be used to select programs facilitating support groups; and
- reporting to the Legislature and the Governor on the following:
 - the development of a comprehensive statewide information and referral network for individuals with TBIs;
 - the development of a statewide registry to collect data regarding individuals with TBIs;
 - the efforts of the Department to provide services for individuals with TBIs; and
 - reviewing the preliminary comprehensive statewide plan developed by the Department and reporting to the Legislature on comments and recommendations regarding the plan.

The substitute bill removes references to the needs assessment and identification of gaps in services and clarifies that the role of the Council is only to provide recommendations to the Department and not to actively participate in the implementation of services.

The duties of the Department are focused to include:

- designating a staff person who is responsible for coordinating policies, programs, and services and providing staff support to the Council;
- providing data and information to the Council;
- developing recommendations for a comprehensive statewide plan to address the needs of individuals with TBIs;
- providing information and referral services until the statewide referral and information network is developed;
- encouraging and facilitating the collaboration among state agencies and organizations, as well as developing community participation in program implementation; and
- reporting annually to the Governor and the Legislature on action taken by the Department to meet the needs of individuals with TBIs and recommendations for improvements in services to address the needs of this population.

The substitute bill clarifies that the public awareness campaign is to be funded through the TBI Account and adds that funds from the TBI Account may be used to fund an information and referral network.

Dates are changed to allow the Department more time to implement the support group and to develop the comprehensive plan for services.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Traumatic brain injury (TBI) is unknown to most people. This bill creates a public awareness campaign to help people begin to understand the problem and creates funding for support groups. Support groups are important for people with TBI. Many people with TBI fall through the cracks. Traumatic brain injury is a significant problem for our veterans. About 4,500 veterans returning to Washington will have concussive TBI. With TBI, the medical system focuses on the physical symptoms, but what many individuals with TBI need are a full range of services. There needs to be a priority on information and referral. I had a college degree and a job as an executive until my TBI and afterwards, I could not add or even feed myself. With rehabilitation I have been able to regain many of my abilities. Without rehabilitation, much progress of individuals with TBI would not be possible. It is very difficult to find resources in Washington. We need a registry in this state. Traumatic brain injury is also devastating to the family. There is a national crisis on Native American Reservations with TBI. There are no support groups on reservations. We have collected hundreds of signatures supporting a TBI bill.

(Opposed) None.

Persons Testifying: (In support) Representative Flannigan, prime sponsor; Linda Hurley Ishem; Skip Dreps, Northwest Chapter Paralyzed Veterans of America; Gene van den Bosch and Richard Adler, Brain Injury Association of Washington; Penny Condoll, Linda Scheibe, and James R. Kelly, Tacoma Brain Injury Support Group; David Lord, Washington Protection and Advocacy System; Marlene Davis; Constance Miller, Brain Injury Resource Center; and John Ernest Berry III, Think First.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by 33 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Minority Report: Without recommendation. Signed by 1 member: Representative Anderson.

Staff: Elisabeth Donner (786-7137).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Human Services:

The second substitute bill emphasizes the seriousness of traumatic brain injury and the fact the military veterans sustain traumatic brain injuries. A statement is added to recognize private sector efforts and the intention of the Legislature to work with public and private sectors to address the needs of this growing population. Funding from the Traumatic Brain Injury Account may be used for the Department of Social and Health Services staff who are providing support to the Advisory Council.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.