

# HOUSE BILL REPORT

## SHB 1614

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### As Passed Legislature

**Title:** An act relating to the traumatic brain injury strategic partnership.

**Brief Description:** Concerning the traumatic brain injury strategic partnership.

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Dickerson, Rodne, Hope, Goodman, Walsh, Roberts, Green, McCoy, Blake, Kagi, Dunshee, Springer, Appleton, Seaquist, Johnson, Jinkins, Lias, Kelley, Rolfes, Maxwell, Van De Wege and Kenney).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/11/11, 2/15/11 [DPS];

Health & Human Services Appropriations & Oversight: 2/18/11, 2/21/11 [DPS(ELHS)].

**Floor Activity:**

Passed House: 2/28/11, 97-0.

Passed Senate: 4/7/11, 48-0.

Passed Legislature.

#### Brief Summary of Substitute Bill

- Changes the composition of the Traumatic Brain Injury Strategic Partnership Advisory Council (Advisory Council) to include additional persons with experience working with adults and children with traumatic brain injuries.
- Requires that the Advisory Council revise and update the Statewide Comprehensive Plan, as needed, in collaboration with the Department of Social and Health Services (DSHS), and develop a report regarding activities and recommendations for the plan.
- 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.
- Requires the DSHS to provide funding from the Traumatic Brain Injury Account (Account) for programs that facilitate support groups to individuals with traumatic brain injuries and their families; these programs are no longer required to be funded solely from the Account.

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*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.*

- Requires that moneys from the Account may be used only to support the activities of the Statewide Traumatic Brain Injury Comprehensive Plan, to provide a public awareness campaign, for information and referral services, and the cost of required DSHS staff to support the Advisory Council.

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## HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

**Staff:** Linda Merelle (786-7092).

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## HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS & OVERSIGHT

**Majority Report:** The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Dickerson, Chair; Appleton, Vice Chair; Johnson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Cody, Green, Harris, Kagi, Overstreet, Pettigrew and Walsh.

**Staff:** Carma Matti-Jackson (786-7140).

### **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 as follows:

- the Secretary or the Secretary's designee from the DSHS;
- representatives from the Children's Administration, the Mental Health Division, the Aging and Disability Services Administration, and the Division of Vocational Rehabilitation;
- the Executive Director of a state brain injury association;
- a representative from a nonprofit organization serving individuals with traumatic brain injury (TBI);
- the Secretary or designee of the Department of Health;
- the Secretary or designee of the Department of Commerce;
- a representative from an organization serving veterans;
- a representative from the National Guard;
- a representative of a Native American tribe located in Washington;

- the Executive Director of the Washington Protection and Advocacy System;
- a neurologist who has experience with working with individuals with TBI;
- a neuropsychologist who has experience working with persons with TBI;
- a rehabilitation specialist, such as a speech pathologist, vocational rehabilitation counselor, occupational therapist, or physical therapist who has experience working with persons with TBI;
- two individuals with TBI;
- two family members of individuals with TBI; and
- two members of the public who have experience with issues related to the causes of 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;
- providing recommendations to the DSHS on criteria to be used to select programs facilitating support groups for individuals with TBI and their families;
- by December 2007, submitting a report to the Legislature and Governor on:
  1. the development of a comprehensive statewide information and referral network for individuals with TBI;
  2. the development of a statewide registry to collect data regarding individuals with TBI; and
  3. efforts of the DSHS to provide services for individuals with TBI;
- by December 2007, reviewing the preliminary comprehensive statewide plan developed by the DSHS to meet the needs of individuals with TBI; and
- submitting a report to the Legislature and the Governor containing comments and recommendations regarding the plan.

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 Substitute Bill:**

#### Composition of the Advisory Council.

The composition of the Advisory Council is changed. Some members are to be appointed by the Governor and some members will be representatives from state agencies.

Added to the members who shall be appointed by the Governor are the following:

- an individual with expertise in working with children with TBI; and
- a physician who has experience working with persons with TBI.

Changes have been made to the agency representatives who shall be members:

- a representative from the Division of Behavioral Health and Recovery Services; and
- a designee in place of the Executive Director of the State Brain Injury Association.

If any of the agencies is renamed, reorganized, or eliminated, the Director or Secretary of the DSHS that assumes the responsibilities of the previous agency shall designate a substitute representative.

The provisions regarding staggered appointments have been removed.

#### Duties of the Advisory Council and Reporting Requirements.

In collaboration with the DSHS, the Advisory Council must develop and revise as needed a Comprehensive Statewide Plan to address the needs of individuals with TBI. The Advisory Council must, in collaboration with the DSHS, develop and submit a report to the Legislature and the Governor regarding:

- identifying the activities for the Advisory Council in the implementation of the Comprehensive Statewide Plan;
- recommendations for the revisions to the Comprehensive Statewide Plan; and
- recommendations for a council staffing plan for council support.

The initial report is due on January 15, 2013, and every two years thereafter.

In response to the recommendations from work in collaboration with the Advisory Council, the DSHS shall include in the Comprehensive Statewide Plan a staffing plan for adequate support activities of the Advisory Council for positions funded by the Account. Current law requires the DSHS to designate a staff person to provide support for the Advisory Council. The bill requires the DSHS to designate *at least* one staff person.

The Comprehensive Statewide Plan must address the needs of individuals impacted by TBI, not just those individuals with TBI. In creating the plan, the feasibility of establishing agreements with tribal governments should be considered.

#### 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 have been removed.

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

The requirements that the DSHS secure funding to develop housing for individuals suffering with TBI by leveraging federal and private fund sources; expand support group services with an emphasis on individuals with TBI returning from active military duty; establish training and outreach to first responders and emergency medical staff for care for individuals with TBI; and improve awareness of health insurance coverage options have been removed. The DSHS no longer is required to issue a yearly report to the Governor and Legislature which

contains a summary of action taken by the DSHS to meet the needs of individuals with TBI and recommendations for improvements in services to address the needs of individuals with TBI.

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.

Instead of instituting a public awareness campaign using funds from the Account, the DSHS must *conduct* a public awareness campaign. The timeline of December 1, 2007, is removed from statute.

Under the bill, the DSHS expressly must provide funding from the Account for programs that facilitate support groups to individuals with TBI injuries and their families. These programs are no longer required to be funded solely from the Account.

#### Traumatic Brain Injury Account.

Moneys in the Account may be used only after appropriation and only to support the activities in the Statewide Traumatic Brain Injury Comprehensive Plan to provide a public awareness campaign, for information and referral services, and costs of required staff of the DSHS providing support to the Advisory Council.

**Appropriation:** None.

**Fiscal Note:** Available.

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

#### **Staff Summary of Public Testimony (Early Learning & Human Services):**

(In support) This bill essentially makes permanent the fix we had received on a temporary basis. The major provision is to allow us to spend funds on the Statewide Traumatic Brain Injury Comprehensive Plan, to provide a public awareness campaign, for information and referral services, and the cost of required DSHS staff to support the Advisory Council. Everything that had a fiscal impact in the bill has been removed from the bill. This legislation has been tailored to continue our work with minimal fiscal impacts. There is a huge need for veterans to get screened for TBI. There are too many TBI patients not to pass House Bill 1614. Having a TBI is difficult to deal with. A person feels normal inside but has limited physical ability.

(Opposed) None.

#### **Staff Summary of Public Testimony (Health & Human Services Appropriations & Oversight):**

(In support) This is the sequel to a bill that was put forward by Representative Flannigan during the 2010 session. The bill is fiscally neutral.

(Opposed) None.

**Persons Testifying** (Early Learning & Human Services): Representative Dickerson, prime sponsor; Mark Stroh, Traumatic Brain Injury Council; Laura Dahmer White; Penny Condoll; Joan Longstaff, Brain Injury Association of Washington; Jeff Fisher, Department of Veteran Affairs; Tommy O'Dell Manning; and Jasmine Brown, Seattle Brainworks.

**Persons Testifying** (Health & Human Services Appropriations & Oversight): Mark Stroh, Traumatic Brain Injury Council.

**Persons Signed In To Testify But Not Testifying** (Early Learning & Human Services): None.

**Persons Signed In To Testify But Not Testifying** (Health & Human Services Appropriations & Oversight): None.