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**SUBSTITUTE HOUSE BILL 1614**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

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

READ FIRST TIME 02/17/11.

1       AN ACT Relating to the traumatic brain injury strategic  
2 partnership; and amending RCW 74.31.005, 74.31.020, 74.31.030,  
3 74.31.040, 74.31.050, and 74.31.060.

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

5       **Sec. 1.** RCW 74.31.005 and 2007 c 356 s 1 are each amended to read  
6 as follows:

7       The center for disease control estimates that at least five million  
8 three hundred thousand Americans, approximately two percent of the  
9 United States population, currently have a long-term or lifelong need  
10 for help to perform activities of daily living as a result of a  
11 traumatic brain injury. Each year approximately one million four  
12 hundred thousand people in this country, including children, sustain  
13 traumatic brain injuries as a result of a variety of causes including  
14 falls, motor vehicle injuries, being struck by an object, or as a  
15 result of an assault and other violent crimes, including domestic  
16 violence. Additionally, there are significant numbers of veterans who  
17 sustain traumatic brain injuries as a result of their service in the  
18 military.

1 Prevention and the provision of appropriate supports and services  
2 in response to traumatic brain injury are consistent with the  
3 governor's executive order No. 10-01, "Implementing Health Reform the  
4 Washington Way," which recognizes protection of public health and the  
5 improvement of health status as essential responsibilities of the  
6 public health system.

7 Traumatic brain injury can cause a wide range of functional changes  
8 affecting thinking, sensation, language, or emotions. It can also  
9 cause epilepsy and increase the risk for conditions such as Alzheimer's  
10 disease, Parkinson's disease, and other brain disorders that become  
11 more prevalent with age. The impact of a traumatic brain injury on the  
12 individual and family can be devastating.

13 The legislature recognizes that current programs and services are  
14 not funded or designed to address the diverse needs of this population.  
15 It is the intent of the legislature to develop a comprehensive plan to  
16 help individuals with traumatic brain injuries meet their needs. The  
17 legislature also recognizes the efforts of many in the private sector  
18 who are providing services and assistance to individuals with traumatic  
19 brain injuries. The legislature intends to bring together those in  
20 both the public and private sectors with expertise in this area to  
21 address the needs of this growing population.

22 **Sec. 2.** RCW 74.31.020 and 2007 c 356 s 3 are each amended to read  
23 as follows:

24 (1) The Washington traumatic brain injury strategic partnership  
25 advisory council is established as an advisory council to the governor,  
26 the legislature, and the secretary of the department of social and  
27 health services.

28 (2) The council shall be composed of:

29 (a) The following members who shall be appointed by the governor:

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

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

35 ~~(c))~~ (i) A representative from a Native American tribe located in  
36 Washington state;

1       (ii) A representative from a nonprofit organization serving  
2 individuals with traumatic brain injury;  
3       ~~((d) The secretary of the department of health or the secretary's~~  
4 ~~designee;~~  
5       ~~(e) The secretary of the department of corrections or the~~  
6 ~~secretary's designee;~~  
7       ~~(f) A representative of the department of community, trade, and~~  
8 ~~economic development;~~  
9       ~~(g) A representative from an organization serving veterans;~~  
10       ~~(h) A representative from the national guard;~~  
11       ~~(i) A representative of a Native American tribe located in~~  
12 ~~Washington;~~  
13       ~~(j) The executive director of the Washington protection and~~  
14 ~~advocacy system;~~  
15       ~~(k))~~ (iii) An individual with expertise in working with children  
16 with traumatic brain injuries;  
17       (iv) A ~~((neurologist))~~ physician who has experience working with  
18 individuals with traumatic brain injuries;  
19       ~~((l))~~ (v) A neuropsychologist who has experience working with  
20 persons with traumatic brain injuries;  
21       ~~((m))~~ (vi) A social worker or clinical psychologist who has  
22 experience in working with persons who have sustained traumatic brain  
23 injuries;  
24       ~~((n))~~ (vii) A rehabilitation specialist, such as a speech  
25 pathologist, vocational rehabilitation counselor, occupational  
26 therapist, or physical therapist who has experience working with  
27 persons with traumatic brain injuries;  
28       ~~((o))~~ (viii) Two persons who are individuals with a traumatic  
29 brain injury;  
30       ~~((p))~~ (ix) Two persons who are family members of individuals with  
31 traumatic brain injuries; and  
32       ~~((q))~~ (x) Two members of the public who have experience with  
33 issues related to the causes of traumatic brain injuries; and  
34       (b) The following agency members:  
35       (i) The secretary or the secretary's designee, and representatives  
36 from the following: The children's administration, the division of  
37 behavioral health and recovery services, the aging and disability  
38 services administration, and the division of vocational rehabilitation;

- 1        (ii) The secretary of health or the secretary's designee;  
2        (iii) The secretary of corrections or the secretary's designee;  
3        (iv) A representative of the department of commerce with expertise  
4 in housing;  
5        (v) A representative from the Washington state department of  
6 veterans affairs;  
7        (vi) A representative from the national guard;  
8        (vii) The executive director of the Washington protection and  
9 advocacy system or the executive director's designee; and  
10       (viii) The executive director of the state brain injury association  
11 or the executive director's designee.

12       In the event that any of the state agencies designated in (b) of  
13 this subsection is renamed, reorganized, or eliminated, the director or  
14 secretary of the department that assumes the responsibilities of each  
15 renamed, reorganized, or eliminated agency shall designate a substitute  
16 representative.

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

20       ~~((Initial appointments to the council shall be made by July 30,~~  
21 ~~2007. The terms of appointed council members shall be three years,~~  
22 ~~except that the terms of the appointed members who are initially~~  
23 ~~appointed shall be staggered by the governor to end as follows:~~

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

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

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

27       ~~(5))~~ No member may serve more than two consecutive terms.

28       ~~((6))~~ (5) The appointed members of the council shall, to the  
29 extent possible, represent rural and urban areas of the state.

30       ~~((7))~~ (6) A chairperson shall be elected every two years by  
31 majority vote from among the councilmembers. The chairperson shall act  
32 as the presiding officer of the council.

33       ~~((8))~~ (7) The duties of the council include:

34       (a) Collaborating with the department to develop and revise as  
35 needed a comprehensive statewide plan to address the needs of  
36 individuals with traumatic brain injuries;

37       (b) ~~((By November 1, 2007,))~~ Providing recommendations to the

1 department on criteria to be used to select programs facilitating  
2 support groups for individuals with traumatic brain injuries and their  
3 families under RCW 74.31.050;

4 (c) By ~~((December 1, 2007, submitting a report))~~ January 15, 2013,  
5 and every two years thereafter, developing a report in collaboration  
6 with the department and submitting it to the legislature and the  
7 governor on the following:

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

10 (ii) ~~The development of a statewide registry to collect data~~  
11 ~~regarding individuals with traumatic brain injuries, including the~~  
12 ~~potential to utilize the department of information services to develop~~  
13 ~~the registry;~~

14 (iii) ~~The efforts of the department to provide services for~~  
15 ~~individuals with traumatic brain injuries;~~

16 (d) ~~By December 30, 2007, reviewing the preliminary comprehensive~~  
17 ~~statewide plan developed by the department to meet the needs of~~  
18 ~~individuals with traumatic brain injuries as required in RCW 74.31.030~~  
19 ~~and submitting a report to the legislature and the governor containing~~  
20 ~~comments and recommendations regarding the plan.~~

21 ~~(9))~~ Identifying the activities of the council in the  
22 implementation of the comprehensive statewide plan;

23 (ii) Recommendations for the revisions to the comprehensive  
24 statewide plan;

25 (iii) Recommendations for using the traumatic brain injury account  
26 established under RCW 74.31.060 to form strategic partnerships and to  
27 foster the development of services and supports for individuals  
28 impacted by traumatic brain injuries; and

29 (iv) Recommendations for a council staffing plan for council  
30 support under RCW 74.31.030.

31 (8) The council may utilize the advice or services of a nationally  
32 recognized expert, or other individuals as the council deems  
33 appropriate, to assist the council in carrying out its duties under  
34 this section.

35 **Sec. 3.** RCW 74.31.030 and 2010 1st sp.s. c 37 s 943 are each  
36 amended to read as follows:

37 (1) ~~((By July 30, 2007, the department shall))~~ In response to

1 council recommendations developed pursuant to RCW 74.31.020, the  
2 department shall include in the comprehensive statewide plan a staffing  
3 plan for providing adequate support for council activities for  
4 positions funded by the traumatic brain injury account established in  
5 RCW 74.31.060 and designate ((a)) at least one staff person who shall  
6 be responsible for the following:

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

9 (b) Providing staff support to the council created in RCW  
10 74.31.020.

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

14 ~~((By December 1, 2007, the department shall provide a~~  
15 ~~preliminary report to the legislature and the governor, and shall~~  
16 ~~provide a final report by December 1, 2008, containing recommendations~~  
17 ~~for a)) The department shall implement, within funds appropriated for  
18 this specific purpose, the comprehensive statewide plan to address the  
19 needs of individuals ((with)) impacted by traumatic brain injuries,  
20 including the use of public-private partnerships and a public awareness  
21 campaign. The comprehensive plan should be created in collaboration  
22 with the council and should consider the following:~~

23 (a) Building provider capacity and provider training;

24 (b) Improving the coordination of services;

25 (c) The feasibility of establishing agreements with private sector  
26 agencies or tribal governments to develop services for individuals with  
27 traumatic brain injuries; and

28 (d) Other areas the council deems appropriate.

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

30 (a) ~~((Provide))~~ Assure that information and referral services are  
31 provided to individuals with traumatic brain injuries ~~((until the~~  
32 ~~statewide referral and information network is developed))~~. The  
33 referral services may be funded from the traumatic brain injury account  
34 established under RCW 74.31.060;

35 (b) Encourage and facilitate the following:

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

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

3 (iii) Community participation in program implementation; and

4 (c) (~~During the 2009-2011 fiscal biennium:~~

5 ~~(i) Secure funding to develop housing specifically for traumatic~~  
6 ~~brain injured individuals by leveraging federal and private fund~~  
7 ~~sources;~~

8 ~~(ii) Expand support group services with an emphasis on persons~~  
9 ~~returning from active military duty with traumatic brain injury and~~  
10 ~~their families;~~

11 ~~(iii) Establish training and outreach to first responders and~~  
12 ~~emergency medical staff for care related to traumatic brain injury; and~~

13 ~~(iv) Improve awareness of health insurance coverage options and~~  
14 ~~promote best practices in private health insurance coverage.~~

15 ~~(5) By December 1, 2007, and by December 1st each year thereafter,~~  
16 ~~the department shall issue a report to the governor and the legislature~~  
17 ~~containing the following:~~

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

20 ~~(b) Recommendations for improvements in services to address the~~  
21 ~~needs of individuals with traumatic brain injuries.)~~ Have the  
22 authority to accept, expend, or retain any gifts, bequests,  
23 contributions, or grants from private persons or private and public  
24 agencies to carry out the purpose of this chapter.

25 **Sec. 4.** RCW 74.31.040 and 2007 c 356 s 5 are each amended to read  
26 as follows:

27 (~~By December 1, 2007,~~) In collaboration with the council, the  
28 department shall (~~institute~~) conduct a public awareness campaign that  
29 utilizes funding from the traumatic brain injury account to leverage a  
30 private advertising campaign to persuade Washington residents to be  
31 aware and concerned about the issues facing individuals with traumatic  
32 brain injuries through all forms of media including television, radio,  
33 and print.

34 **Sec. 5.** RCW 74.31.050 and 2007 c 356 s 6 are each amended to read  
35 as follows:

36 (1) (~~By March 1, 2008,~~) The department shall provide funding from

1 the traumatic brain injury account established by RCW 74.31.060 to  
2 programs that facilitate support groups to individuals with traumatic  
3 brain injuries and their families.

4 (2) The department shall use a request for proposal process to  
5 select the programs to receive funding. The council shall provide  
6 recommendations to the department on the criteria to be used in  
7 selecting the programs.

8 ~~((3) The programs shall be funded solely from the traumatic brain  
9 injury account established in RCW 74.31.060, to the extent that funds  
10 are available.))~~

11 **Sec. 6.** RCW 74.31.060 and 2010 1st sp.s. c 37 s 944 are each  
12 amended to read as follows:

13 The traumatic brain injury account is created in the state  
14 treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(c)  
15 must be deposited into the account. Moneys in the account may be spent  
16 only after appropriation, and may be used only to support the  
17 activities in the statewide traumatic brain injury comprehensive plan,  
18 to provide a public awareness campaign and services relating to  
19 traumatic brain injury under RCW 74.31.040 and 74.31.050, for  
20 information and referral services, and for costs of required department  
21 staff who are providing support for the council ~~((and information and~~  
22 ~~referral services))~~ under RCW 74.31.020 and 74.31.030. ~~((During the~~  
23 ~~2009-2011 fiscal biennium, money in the account may also be spent on~~  
24 ~~long-term care services and the services authorized in RCW~~  
25 ~~74.31.030(4)(c).))~~ The secretary of the department of social and  
26 health services has the authority to administer the funds.

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