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By:  Powell S.B. No. 2388

A BILL TO BE ENTITLED

AN ACT

relating to services provided to and collection of data regarding individuals with acquired brain injury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0982 to read as follows:

Sec. 531.0982.  SERVICES FOR INDIVIDUALS WITH ACQUIRED BRAIN INJURY. (a) In this section:

(1)  "Council" means the Texas Brain Injury Advisory Council established under 1 T.A.C. Section 351.825.

(2)  "Office" means the office of acquired brain injury within the commission.

(b)  The commission, in collaboration with the council and the office, shall periodically review and evaluate:

(1)  acquired brain injury programs in other states to develop best practices for this state; and

(2)  services provided to individuals who have experienced a concussion, particularly services provided to students in public education systems, for consistency and efficacy.

(c)  The commission, in collaboration with the council, the office, and the Department of Public Safety, shall develop an identification card for individuals with acquired brain injury to help those individuals when interacting with law enforcement and emergency medical services personnel. The commission shall collaborate with the Department of Public Safety to ensure that law enforcement and emergency medical services personnel throughout the state recognize the identification card and understand the impact an acquired brain injury may have on an individual's behavior.

SECTION 2.  Section 92.002(a), Health and Safety Code, is amended to read as follows:

(a)  Spinal cord injuries, acquired brain injuries, including traumatic and non-traumatic brain injuries, and submersion injuries are reportable to the department. The executive commissioner by rule shall define those terms for reporting purposes.

SECTION 3.  Section 92.003, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d)  The executive commissioner by rule shall develop reporting requirements to ensure acquired brain injury data is reported in each case in which an acquired brain injury has occurred, without regard to whether acquired brain injury is the primary diagnosis.

SECTION 4.  Section 32.024, Human Resources Code, is amended by adding Subsection (oo) to read as follows:

(oo) The commission shall provide medical assistance for cognitive rehabilitation therapy for a recipient of medical assistance who suffers an acquired brain injury, regardless of when the injury occurred.

SECTION 5.  Section 1352.001, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d)  This chapter applies to stop-loss insurance that, due to the low level at which the insurer's liability attaches, serves the same function as conventional group accident and health insurance policies, as determined in accordance with rules adopted by the commissioner. This chapter does not apply to employers or self-funded health benefit plans.

(e)  In this section, "stop-loss insurance" means a policy of insurance that indemnifies, directly or indirectly, a self-funded health benefit plan for a portion of the plan's liability for benefits for plan participants. The term includes excess loss insurance and other equivalent coverage, aggregate stop-loss insurance, and individual stop-loss insurance.

SECTION 6.  Subchapter C, Chapter 352, Labor Code, is amended by adding Section 352.109 to read as follows:

Sec. 352.109.  VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WITH ACQUIRED BRAIN INJURY. (a) In this section, "council" and "office" have the meanings assigned by Section 531.0982, Government Code.

(b)  The commission, in collaboration with the council and the office, shall implement a program to provide vocational rehabilitation services to individuals with acquired brain injury across all levels of functioning, including by providing ongoing support as needed to maintain the individual's employment.

SECTION 7.  (a) In this section:

(1)  "Commission" means the Health and Human Services Commission.

(2)  "Council" has the meaning assigned by Section 531.0982, Government Code.

(3)  "Office" has the meaning assigned by Section 531.0982, Government Code.

(b)  The commission, in collaboration with the office and the council, shall develop a comprehensive plan to improve long-term outcomes, reduce disabilities, and decrease long-term health care costs for individuals with acquired brain injury.

(c)  The comprehensive plan must:

(1)  regarding long-term residential services and community services including day habilitation, supported living, and supported work:

(A)  assess services currently available; and

(B)  identify gaps in and barriers to accessing those services;

(2)  identify actions necessary to ensure that health care providers have the knowledge and skills to meet the needs of individuals with acquired brain injury;

(3)  develop tools, protocols, and reporting procedures for use by hospitals, emergency systems, school districts, state agencies, and others to identify individuals with acquired brain injury; and

(4)  develop a uniform screening and assessment tool to identify the services and supports needed by an individual with an acquired brain injury.

(d)  Not later than November 30, 2020, the commission shall prepare and submit to the legislature a report describing the comprehensive plan required by this section.

SECTION 8.  (a)  Not later than December 31, 2019, the commissioner of insurance shall adopt rules necessary to implement Section 1352.001(d), Insurance Code, as added by this Act.

(b)  The change in law made by this Act applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2020. A policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 9.  If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 10.  This Act takes effect September 1, 2019.