

By: Guillen

H.B. No. 3669

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

1 collaborate with the Department of Public Safety to ensure that law
2 enforcement and emergency medical services personnel throughout
3 the state recognize the identification card and understand the
4 impact an acquired brain injury may have on an individual's
5 behavior.

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

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

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

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

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

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

26 SECTION 5. Subchapter C, Chapter 352, Labor Code, is
27 amended by adding Section 352.109 to read as follows:

1 Sec. 352.109. VOCATIONAL REHABILITATION SERVICES FOR
2 INDIVIDUALS WITH ACQUIRED BRAIN INJURY. (a) In this section,
3 "council" and "office" have the meanings assigned by Section
4 531.0982, Government Code.

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

10 SECTION 6. (a) In this section:

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

13 (2) "Council" has the meaning assigned by Section
14 531.0982, Government Code.

15 (3) "Office" has the meaning assigned by Section
16 531.0982, Government Code.

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

21 (c) The comprehensive plan must:

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

25 (A) assess services currently available; and

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

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

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

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

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

14 SECTION 7. If before implementing any provision of this Act
15 a state agency determines that a waiver or authorization from a
16 federal agency is necessary for implementation of that provision,
17 the agency affected by the provision shall request the waiver or
18 authorization and may delay implementing that provision until the
19 waiver or authorization is granted.

20 SECTION 8. This Act takes effect September 1, 2019.