

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

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

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

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

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

15 Sec. 352.109. VOCATIONAL REHABILITATION SERVICES FOR
16 INDIVIDUALS WITH ACQUIRED BRAIN INJURY. (a) In this section,
17 "council" and "office" have the meanings assigned by Section
18 531.0982, Government Code.

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

24 SECTION 7. (a) In this section:

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

27 (2) "Council" has the meaning assigned by Section

1 531.0982, Government Code.

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

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

8 (c) The comprehensive plan must:

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

12 (A) assess services currently available; and

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

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

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

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

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

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

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

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

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