

**SENATE BILL NO. 2198**

Introduced by

Senators Mathern, J. Lee, Wardner

Representatives R. Kelsch, Mueller, Klemin

1 A BILL for an Act to create and enact three new sections to chapter 23-02.1, two new sections  
2 to chapter 50-06.4, and a new section to chapter 50-24.1 of the North Dakota Century Code,  
3 relating to the development and maintenance of a traumatic brain injury registry and the  
4 provision of services to individuals with traumatic brain injury; to amend sections 50-06.4-02  
5 and 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the  
6 department of human services; and to provide an appropriation.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1.** A new section to chapter 23-02.1 of the North Dakota Century Code is  
9 created and enacted as follows:

10 **Traumatic brain injury - Registry.** The state department of health shall establish and  
11 maintain a traumatic brain injury registry. The physician attending an individual at the time a  
12 traumatic brain injury is diagnosed shall report the diagnosis to the department.

13 **SECTION 2.** A new section to chapter 23-02.1 of the North Dakota Century Code is  
14 created and enacted as follows:

15 **Traumatic brain injury - Prevention and identification activities.** The department  
16 shall provide outreach services and conduct public awareness efforts regarding the prevention  
17 and identification of traumatic brain injury.

18 **SECTION 3.** A new section to chapter 23-02.1 of the North Dakota Century Code is  
19 created and enacted as follows:

20 **Traumatic brain injury - Services and activities - Acceptance of moneys.** The  
21 department may accept and expend moneys from any public or private source, including federal  
22 sources, for any purpose involving traumatic brain injuries or the provision of services to  
23 individuals with traumatic brain injury and their families.

1           **SECTION 4.** A new section to chapter 50-06.4 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Traumatic brain injury - Informal supports - Contracts - Exemption.**

- 4           1. The department shall contract with public or private entities for the provision of  
5 informal supports to individuals with traumatic brain injury. As used in this section,  
6 "informal supports" includes information sharing and referral services, peer  
7 mentoring, training, facilitation of support groups, public awareness efforts, and  
8 individual and programmatic advocacy efforts.
- 9           2. Any entity contracting with the department under this section must:
- 10           a. Demonstrate expertise in serving and enhancing the quality of life for  
11 individuals with traumatic brain injury;
- 12           b. Agree to work in cooperation with the department, case managers, and  
13 veterans' service officers; and
- 14           c. Agree to consult with veterans and other individuals having a traumatic brain  
15 injury, their families, and their caregivers.
- 16           3. The department is exempt from complying with chapter 54-44.4 with respect to  
17 contracting for the provision of informal supports under this section.

18           **SECTION 5. AMENDMENT.** Section 50-06.4-02 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **50-06.4-02. Department to be lead agency - Cooperation of other agencies - Joint**  
21 **meeting.** The department shall act as lead agency in the state for the purpose of coordinating  
22 services to persons with traumatic brain injury. At least annually the department shall call a  
23 joint meeting of the adjutant general, the state department of health, the department of  
24 veterans' affairs, and the superintendent of public instruction to discuss the provision of  
25 services to individuals with traumatic brain injury. State agencies and political subdivision  
26 agencies shall cooperate with the department to permit the department to efficiently coordinate  
27 services to persons with traumatic brain injury while avoiding duplication of services. Neither  
28 this chapter, nor any activity undertaken by the department under this chapter, may be  
29 construed as creating a right to any benefit or service not specifically required to be granted as  
30 a condition of the receipt of grants of federal funds.

1           **SECTION 6.** A new section to chapter 50-06.4 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Social and recreational services.** The department shall provide or contract for the  
4 provision of social and recreational services, including day supports, to individuals with  
5 traumatic brain injury, if the department determines that available vocational rehabilitative  
6 services do not meet the individuals' needs.

7           **SECTION 7.** A new section to chapter 50-24.1 of the North Dakota Century Code is  
8 created and enacted as follows:

9           **Traumatic brain injury - Home and community-based services - Outreach**  
10 **activities - Quality control.**

- 11           1. As part of the personal care services program for eligible medical assistance  
12 recipients and as part of the department's services for eligible disabled and elderly  
13 individuals, the department shall provide home and community-based services to  
14 individuals who have moderate or severe impairments as a result of a traumatic  
15 brain injury. The department shall give priority under this section to individuals  
16 whose impairments are less severe or similar to those of individuals who are  
17 eligible for medicaid waivers.
- 18           2. The department shall conduct outreach and public awareness activities regarding  
19 the availability of home and community-based services to individuals who have  
20 moderate or severe impairments as a result of a traumatic brain injury.
- 21           3. The department shall conduct quality control activities and make training available  
22 to case managers and other persons providing services to individuals under this  
23 section.

24           **SECTION 8. AMENDMENT.** Section 54-38-05 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26           **54-38-05. Duties of department.** The department shall:

- 27           1. Study alcoholism and drug abuse and related problems, including methods and  
28 facilities available for the care, custody, detention, treatment, employment, and  
29 rehabilitation of resident alcoholics and drug dependent persons.
- 30           2. Promote meetings and programs for the discussion of alcoholism and drug abuse  
31 or any of their aspects, disseminate information on the subject of alcoholism and

1 drug abuse for the guidance and assistance of individuals, courts, and public or  
2 private agencies for the prevention of alcoholism and drug abuse, and inform and  
3 educate the general public on problems of alcoholism and drug abuse, their  
4 prevention and treatment, to the end that alcoholism and drug abuse may be  
5 prevented and that persons suffering from alcoholism or drug dependency may be  
6 disposed to seek available treatment.

7 3. Conduct, promote, and finance, in full or in part, studies, investigations, and  
8 research, independently or in cooperation with universities, colleges, scientific  
9 organizations, and public or private agencies.

10 4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds  
11 permit, any resident of the state coming to the department of that person's own  
12 volition for advice and guidance. For purposes of this subsection, "any resident"  
13 includes veterans and nonveterans who have a traumatic brain injury.

14 5. Establish, from time to time, policies governing the evaluation, acceptance, care,  
15 and treatment of alcoholics and drug dependent persons.

16 6. Develop, through consultation with the director of the department of transportation,  
17 a policy governing programs for persons who, subsequent to being convicted for  
18 traffic offenses, are referred to educational courses on alcohol, drugs, and driving.

19 **SECTION 9. APPROPRIATION.** There is appropriated out of any moneys in the  
20 general fund in the state treasury, not otherwise appropriated, the sum of \$2,634,864, or so  
21 much of the sum as may be necessary, to the department of human services for the purpose of  
22 providing services to individuals with traumatic brain injury, for the biennium beginning July 1,  
23 2009, and ending June 30, 2011.

24 **SECTION 10. APPROPRIATION.** There is appropriated out of any moneys in the  
25 general fund in the state treasury, not otherwise appropriated, the sum of \$40,000, or so much  
26 of the sum as may be necessary, to the state department of health for the purpose of  
27 implementing and maintaining a traumatic brain injury registry and conducting public awareness  
28 activities regarding traumatic brain injury, for the biennium beginning July 1, 2009, and ending  
29 June 30, 2011.