

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS95053-MG-117A (03/15)

Short Title: Establish Study Commission On TBI Services. (Public)

Sponsors: Senator Pate (Primary Sponsor).

Referred to:

1 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE
2 SERVICE NEEDS OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** There is created the Joint Legislative Study Commission on the
5 Service Needs of Individuals with Traumatic Brain Injury (TBI). The purpose of the
6 Commission is to study and make recommendations about the service needs of individuals with
7 TBI.

8 **SECTION 2.** The Commission shall consist of 19 members as follows:

- 9 (1) Six members appointed by the Speaker of the House of Representatives with
10 the following qualifications:
11 a. Three members of the House of Representatives.
12 b. One licensed physician with experience assessing and treating adults
13 who have suffered TBI.
14 c. One neuropsychologist with experience assessing and treating
15 individuals with TBI.
16 d. One adult survivor of TBI.
17 (2) Six members appointed by the President Pro Tempore of the Senate with the
18 following qualifications:
19 a. Three members of the Senate.
20 b. One operator of a rehabilitation facility for adults with TBI.
21 c. One representative of the Veterans Administration with knowledge
22 and experience in the range of TBI services available to members of
23 the military and veterans.
24 d. One parent of a child survivor of TBI.
25 (3) The Secretary of the Department of Health and Human Services, or the
26 Secretary's designee.
27 (4) The Director of the Division of Medical Assistance, or the Director's
28 designee.
29 (5) The Director of the Division of Mental Health, Developmental Disabilities,
30 and Substance Abuse Services, or the Director's designee.
31 (6) The Executive Director of the North Carolina Brain Injury Council, or the
32 Executive Director's designee.
33 (7) The Chair of the North Carolina Brain Injury Council, or the Chair's
34 designee.
35 (8) The Executive Director of Community Care of North Carolina, or the
36 Executive Director's designee.



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- 1 (9) One Chief Executive Officer (CEO) of a local management entity that has
2 been approved to operate the 1915(b)/(c) Medicaid Waiver, who is currently
3 managing services for children and adults with TBI, or the CEO's designee,
4 appointed jointly by the cochairs of the Commission.

5 **SECTION 3.** The Commission shall have two cochairs, one designated by the
6 Speaker of the House of Representatives and one designated by the President Pro Tempore of
7 the Senate from among their respective appointees. The Commission shall meet upon the call
8 of the cochairs. Any vacancy on the Commission shall be filled by the original appointing
9 authority. A quorum shall consist of a majority of the total membership of the Commission.

10 **SECTION 4.** The Commission shall study all of the following issues:

- 11 (1) Existing TBI services and any deficiencies in service array, quality of
12 services, accessibility, and availability of services across each age group of
13 persons with TBI regardless of the age at which the trauma occurred.
14 (2) Existing TBI-specific service definitions for children and adults who receive
15 services through federally funded programs, including Medicaid, federal
16 block grants, and the Veterans Administration; through State-funded
17 programs, including the Traumatic Brain Injury Trust Fund; through
18 county-funded programs; and through other funding sources, as well as the
19 need for additional or revised service definitions to meet the specific needs
20 of those with TBI.
21 (3) Current reimbursement rates tied to settings that treat adults with TBI, and
22 the adequacy of these reimbursement rates.
23 (4) Current accessibility to TBI services, service information, educational
24 materials, and family resources; and any deficiencies that need to be
25 addressed.
26 (5) Current status of TBI-specific screening, assessment, triage, and service
27 referrals for children, adults, and veterans; and any deficiencies that need to
28 be addressed.
29 (6) This State's current organizational model for providing comprehensive needs
30 assessment, information management, policy development, service delivery,
31 monitoring, and quality assurance for children and adults with TBI as
32 compared to TBI organizational structures in other states; and specific
33 organizational models to manage services for persons with TBI that are well
34 coordinated for all citizens, including veterans.
35 (7) Any other matters related to TBI services for children, adults, veterans, and
36 their families.

37 **SECTION 5.** Members of the Commission shall receive per diem, subsistence, and
38 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The
39 Commission, while in the discharge of its official duties, may exercise all powers provided for
40 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the
41 Legislative Building or the Legislative Office Building.

42 With approval of the Legislative Services Commission, the Legislative Services
43 Officer shall assign professional staff to assist the Commission in its work. Upon the direction
44 of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the
45 House of Representatives shall assign clerical staff to the Commission. The expenses for
46 clerical employees shall be borne by the Commission. The Commission may contract for
47 consultants or hire employees in accordance with G.S. 120-32.02.

48 **SECTION 6.** The Commission shall submit a final report of its findings and
49 recommendations, including any proposed legislation, to the 2014 Regular Session of the 2013
50 General Assembly. The Commission shall terminate upon the filing of its final report or upon
51 the convening of the 2014 Regular Session, whichever occurs first.

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SECTION 7. This act is effective when it becomes law.