FIRST ENGROSSMENT

Sixty-first Legislative Assembly of North Dakota

ENGROSSED 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 five new sections to chapter 50-06.4 and a new section to
- 2 chapter 50-24.1 of the North Dakota Century Code, relating to the provision of services to
- 3 individuals with traumatic brain injury; to amend sections 50-06.4-02 and 54-38-05 of the North
- 4 Dakota Century Code, relating to joint meetings and duties of the department of human
- 5 services; and to provide an appropriation.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

9 Traumatic brain injury - Prevention and identification activities. The department

10 shall provide outreach services and conduct public awareness efforts regarding the prevention

- 11 and identification of traumatic brain injury.
- SECTION 2. A new section to chapter 50-06.4 of the North Dakota Century Code is
 created and enacted as follows:
- 14 Traumatic brain injury Services and activities Acceptance of moneys. The
- 15 department may accept and expend moneys from any public or private source, including

16 <u>federal sources, for any purpose involving traumatic brain injuries or the provision of services to</u>

17 individuals with traumatic brain injury and their families.

SECTION 3. A new section to chapter 50-06.4 of the North Dakota Century Code is
 created and enacted as follows:

- 20 Traumatic brain injury Informal supports Contracts Exemption.
 21 <u>1.</u> The department shall contract with public or private entities for the provision of
- 22 informal supports to individuals with traumatic brain injury. As used in this section,
- 23 "informal supports" includes information sharing and referral services, peer

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1		mentoring, training, facilitation of support groups, public awareness efforts, and
2		individual and programmatic advocacy efforts.
3	<u>2.</u>	Any entity contracting with the department under this section must:
4		a. Demonstrate expertise in serving and enhancing the quality of life for
5		individuals with traumatic brain injury;
6		b. Agree to work in cooperation with the department, case managers, and
7		veterans' service officers; and
8		c. Agree to consult with veterans and other individuals having a traumatic brain
9		injury, their families, and their caregivers.
10	<u>3.</u>	The department is exempt from complying with chapter 54-44.4 with respect to
11		contracting for the provision of informal supports under this section.
12	SEC	CTION 4. AMENDMENT. Section 50-06.4-02 of the North Dakota Century Code is
13	amended a	nd reenacted as follows:
14	50-0	06.4-02. Department to be lead agency - Cooperation of other agencies <u>- Joint</u>
15	meeting. 7	he department shall act as lead agency in the state for the purpose of coordinating
16	services to	persons with traumatic brain injury. At least annually the department shall call a
17	joint meetin	g of the adjutant general, the state department of health, the department of
18	veterans' af	fairs, and the superintendent of public instruction to discuss the provision of
19	services to	individuals with traumatic brain injury. State agencies and political subdivision
20	agencies sh	nall cooperate with the department to permit the department to efficiently coordinate
21	services to	persons with traumatic brain injury while avoiding duplication of services. Neither
22	this chapter	, nor any activity undertaken by the department under this chapter, may be
23	construed a	is creating a right to any benefit or service not specifically required to be granted as
24	a condition	of the receipt of grants of federal funds.
25	SEC	CTION 5. A new section to chapter 50-06.4 of the North Dakota Century Code is
26	created and	l enacted as follows:
27	Soc	ial and recreational services. The department shall provide or contract for the
28	provision of	social and recreational services, including day supports, to individuals with
29	traumatic b	rain injury, if the department determines that available vocational rehabilitative
30	services do	not meet the individuals' needs.

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1	SEC	CTION 6. A new section to chapter 50-06.4 of the North Dakota Century Code is	
2	created and	d enacted as follows:	
3	Voc	cational rehabilitation and consultation. The department shall provide or contract	
4	for the prov	ision of increased and specialized vocational rehabilitation and consultation to	
5	individuals	with traumatic brain injury who receive case management for personal care	
6	services. S	Services under this section include extended support for individuals at risk of losing	
7	their emplo	yment upon exhausting their vocational services.	
8	SEC	CTION 7. A new section to chapter 50-24.1 of the North Dakota Century Code is	
9	created and enacted as follows:		
10	Traumatic brain injury - Home and community-based services - Outreach		
11	activities -	Quality control.	
12	<u>1.</u>	As part of the personal care services program for eligible medical assistance	
13		recipients and as part of the department's services for eligible disabled and elderly	
14		individuals, the department shall provide home and community-based services to	
15		individuals who have moderate or severe impairments as a result of a traumatic	
16		brain injury. The department shall give priority under this section to individuals	
17		whose impairments are less severe or similar to those of individuals who are	
18		eligible for medicaid waivers.	
19	<u>2.</u>	The department shall conduct outreach and public awareness activities regarding	
20		the availability of home and community-based services to individuals who have	
21		moderate or severe impairments as a result of a traumatic brain injury.	
22	<u>3.</u>	The department shall conduct quality control activities and make training available	
23		to case managers and other persons providing services to individuals under this	
24		section.	
25	SEC	CTION 8. AMENDMENT. Section 54-38-05 of the North Dakota Century Code is	
26	amended and reenacted as follows:		
27	54-3	38-05. Duties of department. The department shall:	
28	1.	Study alcoholism and drug abuse and related problems, including methods and	
29		facilities available for the care, custody, detention, treatment, employment, and	
30		rehabilitation of resident alcoholics and drug dependent persons.	

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1	2.	Promote meetings and programs for the discussion of alcoholism and drug abuse	
2		or any of their aspects, disseminate information on the subject of alcoholism and	
3		drug abuse for the guidance and assistance of individuals, courts, and public or	
4		private agencies for the prevention of alcoholism and drug abuse, and inform and	
5		educate the general public on problems of alcoholism and drug abuse, their	
6		prevention and treatment, to the end that alcoholism and drug abuse may be	
7		prevented and that persons suffering from alcoholism or drug dependency may be	
8		disposed to seek available treatment.	
9	3.	Conduct, promote, and finance, in full or in part, studies, investigations, and	
10		research, independently or in cooperation with universities, colleges, scientific	
11		organizations, and public or private agencies.	
12	4.	Accept for examination, diagnosis, guidance, and treatment, insofar as funds	
13		permit, any resident of the state coming to the department of that person's own	
14		volition for advice and guidance. For purposes of this subsection, "any resident"	
15		includes veterans and nonveterans who have a traumatic brain injury.	
16	5.	Establish, from time to time, policies governing the evaluation, acceptance, care,	
17		and treatment of alcoholics and drug dependent persons.	
18	6.	Develop, through consultation with the director of the department of transportation,	
19		a policy governing programs for persons who, subsequent to being convicted for	
20		traffic offenses, are referred to educational courses on alcohol, drugs, and driving.	
21	SEC	CTION 9. APPROPRIATION. There is appropriated out of any moneys in the	
22	general fund in the state treasury, not otherwise appropriated, the sum of \$864,000, or so much		
23	of the sum as may be necessary, to the department of human services for the purpose of		
24	providing services to individuals with traumatic brain injury, for the biennium beginning July 1,		
25	2009, and ending June 30, 2011.		