

# SENATE BILL No. 374

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-11-14.

**Synopsis:** Brain injury task force. Establishes the traumatic brain injury task force within the office of the secretary of family and social services. Requires the task force to establish a comprehensive statewide plan to address the needs of individuals with brain injuries and the individual's families and caregivers. Requires the task force to report annually to specified persons.

**Effective:** Upon passage.

---

---

## Arnold J

---

---

January 14, 2014, read first time and referred to Committee on Health and Provider Services.

---

---



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 374

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-7-2-1.2 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 1.2. "Acquired brain injury", for purposes**
- 4 **of IC 12-11-14, has the meaning set forth in IC 12-11-14-1.**
- 5 SECTION 2. IC 12-7-2-23.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]: **Sec. 23.5. "Brain injury disorder", for purposes**
- 8 **of IC 12-11-14, has the meaning set forth in IC 12-11-14-2.**
- 9 SECTION 3. IC 12-7-2-33.3 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 11 UPON PASSAGE]: **Sec. 33.3. "Chronic brain injury", for purposes**
- 12 **of IC 12-11-14, has the meaning set forth in IC 12-11-14-3.**
- 13 SECTION 4. IC 12-7-2-190 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 190. "Task force"
- 15 ~~for purposes of:~~ **has the following meaning:**
- 16 **(1) For purposes of IC 12-10-5, ~~has~~ the meaning set forth in**



1 IC 12-10-5-1.

2 (2) For purposes of IC 12-11-14, the meaning set forth in  
3 IC 12-11-14-4.

4 SECTION 5. IC 12-7-2-192.8 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE UPON PASSAGE]: **Sec. 192.8. "Traumatic brain  
7 injury", for purposes of IC 12-11-14, has the meaning set forth in  
8 IC 12-11-14-5.**

9 SECTION 6. IC 12-11-14 IS ADDED TO THE INDIANA CODE  
10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]:

12 **Chapter 14. Traumatic Brain Injury Task Force**

13 **Sec. 1. As used in this chapter, "acquired brain injury" means  
14 an injury to the brain after birth that is not a brain injury  
15 disorder.**

16 **Sec. 2. As used in this chapter, "brain injury disorder" means  
17 an injury to the brain that is:**

- 18 (1) hereditary;
- 19 (2) congenital;
- 20 (3) degenerative; or
- 21 (4) induced by birth trauma.

22 **Sec. 3. (a) As used in this chapter, "chronic brain injury" means  
23 an injury to the brain that evolves into a lifelong health condition  
24 with sufficient severity to result in the impairment of at least one  
25 (1) of the following areas:**

- 26 (1) Cognition.
- 27 (2) Language.
- 28 (3) Memory.
- 29 (4) Attention.
- 30 (5) Reasoning.
- 31 (6) Abstract thinking.
- 32 (7) Judgment.
- 33 (8) Problem solving.
- 34 (9) Sensory, perceptual, and motor abilities.
- 35 (10) Psychosocial behavior.
- 36 (11) Physical functions.
- 37 (12) Information processing.

38 **A chronic brain injury may be caused by physical trauma, hypoxia,  
39 illness, infection, stroke, substance abuse, toxic exposure, and  
40 tumors.**

41 **(b) The term does not include a brain injury disorder.**

42 **Sec. 4. As used in this chapter, "task force" refers to the**



1 traumatic brain injury task force established by section 6 of this  
2 chapter.

3 Sec. 5. As used in this chapter, "traumatic brain injury" means  
4 an acquired brain injury that is:

- 5 (1) an alteration in brain function; or
- 6 (2) other evidence of brain pathology;

7 caused by an external force.

8 Sec. 6. (a) The traumatic brain injury task force is established.  
9 The legislative leaders of each of the four (4) caucuses shall submit  
10 task force member candidates to the secretary not later than April  
11 15, 2014. The secretary shall consider the candidates and appoint  
12 at least one (1) candidate from each caucus as a member of the task  
13 force. The task force must consist of at least sixteen (16) members  
14 that meet the following criteria:

15 (1) At least fifty percent (50%) of the members must be  
16 individuals with a brain injury or family members of an  
17 individual with a brain injury.

18 (2) Not more than thirty percent (30%) of the members may  
19 consist of representatives of a state agency, including the  
20 following:

- 21 (A) The office of the secretary, including representatives of  
22 divisions and bureaus within the office of the secretary that  
23 have experience with individuals with a brain injury.
- 24 (B) The state department of health.
- 25 (C) The department of veteran affairs.

26 The secretary or the secretary's designee shall serve as  
27 chairperson of the task force.

28 (3) The remainder of the task force must represent the  
29 following:

- 30 (A) Professionals in the field of brain injury.
- 31 (B) At least one (1) member representing a statewide  
32 veterans group.
- 33 (C) Representatives of the Brain Injury Association of  
34 Indiana.
- 35 (D) Any other organization that serves individuals with  
36 brain injuries or family members and caregivers of an  
37 individual with a brain injury.
- 38 (E) Urban and rural areas of Indiana.
- 39 (F) Minority populations of Indiana.

40 (b) A task force member does not receive compensation for  
41 serving on the task force. However, each member of the task force  
42 is entitled to:



1 (1) reimbursement for traveling expenses as provided under  
2 IC 4-13-1-4; and

3 (2) other expenses actually incurred in connection with the  
4 member's duties as provided in the state policies and  
5 procedures established by the Indiana department of  
6 administration and approved by the budget agency.

7 (c) A member's term of office on the task force is four (4) years.  
8 A member may not serve more than two (2) consecutive terms.

9 (d) The office of the secretary shall staff the task force.

10 (e) The affirmative votes of a majority of the appointed  
11 members are required for the task force to take action on any  
12 measure, including the annual report.

13 Sec. 7. (a) The duties of the task force include the following:

14 (1) Before November 1, 2014, the development of:

15 (A) a comprehensive statewide plan to address the needs of  
16 individuals with brain injuries and the families and  
17 caregivers of such individuals; and

18 (B) strategies to accomplish the statewide plan.

19 (2) The preparation of an annual report to:

20 (A) the general assembly; and

21 (B) the governor;

22 concerning the status of brain injury services in Indiana and  
23 the task force's plan to address any need for services. The  
24 report must be submitted to the general assembly in an  
25 electronic format under IC 5-14-6 and must also be posted on  
26 the office of the secretary's Internet web site. The initial  
27 report must be available not later than November 1, 2015.

28 (b) The task force may consult with experts to assist in carrying  
29 out the task force's duties under this section.

30 Sec. 8. The comprehensive statewide plan described in section  
31 7 of this chapter must include the following:

32 (1) A priority listing of needed services and a plan for  
33 development of these services.

34 (2) The feasibility of the creation of a permanent division of  
35 chronic brain injury within the office of the secretary to  
36 coordinate policies, programs, and services for individuals  
37 with:

38 (A) acquired brain injuries; and

39 (B) chronic brain injuries;

40 and the appropriate funding and staffing for the new division.

41 (3) Recommendations for the establishment of a permanent  
42 brain injury account and funding for the account for use in



1           the development of strategic public-private partnerships that  
 2           expand brain injury services and other services for  
 3           individuals with a chronic brain injury.  
 4           **(4) Recommendations for:**  
 5                **(A) building provider capacity and provider training; and**  
 6                **(B) improving the coordination of brain injury services.**  
 7           **(5) Development and funding for a statewide public awareness**  
 8           **campaign.**  
 9           **Sec. 9. The office of the secretary and the state department of**  
 10          **health shall provide any requested relevant data and information**  
 11          **to the task force to carry out the duties of the task force.**  
 12          **Sec. 10. The office of the secretary shall encourage the**  
 13          **following:**  
 14                **(1) Cooperation and collaboration among state agencies**  
 15                **regarding the development of the comprehensive statewide**  
 16                **plan described in section 7 of this chapter.**  
 17                **(2) Community participation in implementation of a statewide**  
 18                **brain injury services program.**  
 19          **Sec. 11. The office of the secretary may accept, expend, and**  
 20          **retain any gifts, bequests, contributions, or grants from private**  
 21          **and public entities for the purposes of carrying out this chapter.**  
 22          **SECTION 7. An emergency is declared for this act.**

