

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Rice**

A Bill

HOUSE BILL 1524

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE ARKANSAS HEAD INJURY COMMISSION;
9 AND FOR OTHER PURPOSES."

10

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

12

13 SECTION 1. It is the intent of the General Assembly to insure the
14 referral of all head injured disabled persons to the Arkansas Head Injury
15 Commission by appropriate individuals or public and private agencies in order
16 that all head injured disabled persons might obtain the appropriate total
17 rehabilitative services rendered by existing state agencies, departments, and
18 other organizations and individuals.

19

20 SECTION 2. As used in this act:

21 (1) "Commission" means the Arkansas Head Injury Commission;

22 (2) "Head injury" means any insult to the brain not of a degenerative
23 or congenital nature, but caused by an external physical force, that may
24 produce a diminished or altered state of consciousness which results in
25 impairment of cognitive abilities or physical functioning. It can also result
26 in the disturbance of behavioral or emotional functioning. These impairments
27 may be either temporary or permanent and cause partial or total functional
28 disability or psychosocial maladjustment.

29

30 SECTION 3. (a) There is established the Arkansas Head Injury
31 Commission to consist of five (5) members to be appointed by the Governor from
32 the state at large for terms of ten (10) years. The members of the commission
33 shall be either head injured persons, members of the immediate families of
34 head injured persons, or persons with special knowledge of and experience with
35 head injuries. *The initial members of the commission shall be selected to*

1 *serve as follows:*

2

3 (1) *one (1) member shall serve for two (2) years;*

4 (2) *one (1) member shall serve for four (4) years;*

5 (3) *one (1) member shall serve for six (6) years;*

6 (4) *one (1) member shall serve for eight (8) years; and*

7 (5) *one (1) member shall serve for ten (10) years.*

8 (b) Members of the commission shall serve until their successors are
9 appointed and confirmed.

10 (c) In the event a vacancy occurs on the commission due to death,
11 resignation, or other cause, the vacancy shall be filled by appointment of the
12 Governor of a person eligible for the initial appointment as set forth in this
13 section, to serve for the remainder of the unexpired portion of the term of
14 the member.

15 (d) (1) The commission shall select a disbursing officer of funds
16 appropriated to the commission. All expenditures shall be approved by the
17 chairman of the commission prior to their disbursement.

18 (2) The commission shall annually elect one (1) of its members as
19 chairman and one (1) of its members as vice-chairman, and other officers as
20 the commission deems necessary.

21 (e) Members of the commission shall serve without pay but shall be
22 reimbursed from commission funds, if available, for reasonable and necessary
23 expenses incurred in attending to commission business, in the same manner and
24 in accordance with the same conditions, restrictions, and limitations as are
25 applicable to employees of the state.

26 (f) Members of the commission shall qualify by taking the oath of
27 office as prescribed by law.

28 (g) The commission shall meet at least one (1) time each calendar
29 quarter and at such other times as may be designated by the commission's
30 rules, or upon call by the chairman or by the written request of any four (4)
31 members.

32 (h) (1) The commission may, from time to time, create advisory
33 committees as are deemed necessary to assist the commission in formulating
34 policies, effectuating and reviewing operating procedures, and for such other
35 purposes as the commission may deem appropriate.

36 (2) The members of the advisory committees shall serve without

1 pay, but the commission may, if sufficient funds are available, reimburse
2 members of the advisory committees for actual and necessary expenses in
3 attending advisory committee meetings.

4

5 SECTION 4. The commission shall have the following functions, powers,
6 and duties:

7 (1) To identify and cooperate with existing agencies, organizations,
8 and individuals offering services to the head injured for the establishment
9 and integration of a statewide system of treatment, rehabilitation,
10 counseling, and social services by means of entering into cooperative
11 agreement with the agencies, organizations, and individuals. The programs
12 shall be designed and administered to:

13 (A) Provide for coordinated and integrated development and
14 continued review of a full treatment and rehabilitation plan for each
15 qualified applicant patient;

16 (B) Identify all possible and existing funding sources for each
17 type of service identified in the treatment plan for which a qualified patient
18 may be eligible and assist the patient in obtaining funding assistance for
19 which he is eligible from existing sources;

20 (C) Assess the patient's financial ability to pay for needed
21 services identified in the treatment plan for which no other funding sources
22 are available;

23 (D) Provide financial assistance for persons unable to pay for
24 the services, including special equipment, without causing unjust and unusual
25 hardship, including, but not limited to, a drastic lowering of the standard of
26 living to the person or his immediate family;

27 (E) Identify service needs which cannot be adequately met by
28 existing resources;

29 (F) Provide for increased accountability by documenting the full
30 range of fiscal resources being invested from the various funding sources
31 toward the achievement of each patient's service plan objectives; and

32 (G) Provide an annual report to the Governor, to the General
33 Assembly, and to the public documenting areas of success, unresolved problems,
34 and overall cost/benefit analyses of expenditures from the various sources;

35 (2) To develop or cause to be developed an Arkansas head injury

1 treatment center and system to serve the entire state through the provision of
2 such direct and indirect services as may be identified and documented as
3 provided for in subdivision (1) of this section.

4 (A) The center and system may provide such services as
5 specialized emergency and acute care, specialized emergency transfer services,
6 specialized diagnostic and prescriptive services, specialized rehabilitative
7 services, family education and home care outreach services, coordination
8 services, continuing educational services for physicians and other health
9 professionals and paraprofessionals who deal with the head injured patient,
10 and such other services as are deemed necessary and appropriate by the
11 commission;

12 (B) At such time as an Arkansas head injury treatment center is
13 established, the commission shall serve as its board of directors and may
14 either directly administer the operation of the center, or may enter into
15 contractual agreements with existing institutions for facilities, staffing,
16 and administrative services, or such other services as the commission deems
17 appropriate;

18 (C) Until an Arkansas head injury treatment center is
19 established, or after a center is established, the commission may, whenever
20 the commission determines it to be in the best interest of a head injured
21 person, contract and pay for services provided by other institutions. It is
22 the intent of this act that the commission have broad discretion in providing
23 or obtaining for head injured patients a complete level of services which the
24 commission deems to be in the best interest of the patient, as set forth in
25 this act;

26 (3) To work with all appropriate agencies, organizations, and
27 individuals throughout the state in order to develop a fully integrated
28 statewide network of coordinated services for head injured patients covering
29 all needed services from the detection of head injuries conditions through the
30 related phases of emergency care and transfer, acute and definitive care, and
31 rehabilitative and follow-up care and to thus effect a measured reduction in
32 head injury related morbidity and mortality, long-term disability, and long-
33 term maintenance system expenditures of public funds;

34 (4) To provide special expert consultation and services to cooperating
35 and participating agencies, institutions, and individuals, including

1 appropriate elements of the Arkansas Emergency Medical Services System, on the
2 emergency care and transportation of head injured persons as well as to other
3 agencies, institutions, and individuals responsible for the delivery of
4 professional medical and health sciences education and training necessary for
5 providing appropriate progressive and evolving specialized programs of
6 treatment of service to head injured patients;

7 (5) To develop standards for determining eligibility for assistance to
8 defray the cost of care and treatment of head injured patients under this
9 program; and

10 (6) To accept gifts, grants, and donations from private sources, from
11 municipal and county governments, from the state, and from the federal
12 government to be used for the purposes of this act to defray costs incurred by
13 persons suffering from head injury disability who are unable to meet the total
14 cost of treatment and rehabilitation and to promote the development of
15 specialized service capability found to be needed but not available.

16

17 SECTION 5. (a) The commission shall establish and maintain a central
18 registry of head injured disabled persons.

19 (1) Every public and private health and social agency and
20 attending physician shall report to the commission within five (5) calendar
21 days after identification of any head injured disabled person. However, the
22 consent of the individual shall be obtained prior to making this report,
23 except that every head injury resulting in permanent partial, permanent total,
24 or total disability shall be reported to the commission immediately upon
25 identification.

26 (2) The report shall contain the name, age, residence, and type
27 of disability of the individual and such additional information as may be
28 deemed necessary by the commission.

29 (3) Within fifteen (15) days of the report and identification of
30 a head injured person, the commission shall furnish the Arkansas Department of
31 Health all available information for use in any information system on injuries
32 maintained by the department. The commission shall not release the identity
33 of the patient, reporting physician, or hospital. However, the identity of
34 the patient shall be released upon written consent of the patient, or parent
35 or guardian of the patient; the identity of the reporting physician shall be

1 released upon written consent of the reporting physician; and the identity of
2 the hospital shall be released upon written consent of the hospital.

3 (b) (1) All hospitals with patient records containing information
4 pertaining to head injured disabilities shall share such information in those
5 records pertaining to head injury disabilities with the commission.

6 (2) Any physician, clinic, person, or organization may provide
7 information relative to head injury disabilities to the commission.

8 (3) No liability of any kind or character for damages or other
9 relief shall arise or be enforced against any hospital, physician, clinic,
10 person or organization by reason of having provided the information or by
11 reason of having released or published the findings of the commission in order
12 to reduce morbidity or mortality, or to advance medical research or medical
13 education.

14

15 SECTION 6. (a) Within fifteen (15) days of the report and
16 identification of a head injured disabled person, the commission shall notify
17 the disabled or the most immediate family members of their right to assistance
18 from the state, the services available, and the eligibility requirements.

19 (b) The commission shall refer severely disabled persons to appropriate
20 divisions, departments, and other state agencies to insure that maximum
21 available rehabilitative services, if desired, are obtained by the head
22 injured disabled person.

23 (c) All other agencies of the state shall cooperate with the commission
24 to insure that appropriate total rehabilitative and other services are
25 available.

26

27 SECTION 7. Title 20, Chapter 14, Subchapter 7 of the Arkansas Code of
28 1987 Annotated is hereby repealed.

29

30 SECTION 8. All provisions of this act of a general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

33

34 SECTION 9. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

