



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 41 (as introduced 1-27-15)
Sponsor: Senator Jim Marleau
Committee: Health Policy

Date Completed: 5-27-15

CONTENT

The bill would create the "Michigan Brain Injury Law" as Part 52A of the Public Health Code to do the following:

- Create the Michigan Brain Injury Services and Prevention Council, and abolish the TBI Services and Prevention Council.**
- Require the proposed Council to collaborate with the Department of Health and Human Services (DHHS) to develop a comprehensive statewide plan to address the needs of individuals with acquired brain injuries (ABI).**
- Require the Council to submit to the DHHS Director and the Legislature an annual report that included recommendations to address the needs of individuals with ABI.**
- Require the DHHS to encourage and facilitate coordination of services to individuals with ABI and collaboration among entities that provide those services.**

The bill would define "acquired brain injury" as an injury to the brain that occurs after birth and is not hereditary, congenital, or degenerative. The term would include TBI and injuries caused by an internal insult to the brain. It would not include a brain injury induced by birth trauma. The bill states, "An ABI commonly results in a change in neuronal activity, which affects the physical integrity, metabolic activity, or functional ability of the cell."

"Traumatic brain injury" or "TBI" would mean an insult to the brain that is not of a degenerative or congenital nature but is caused by an external physical force that may produce a diminished or altered state of consciousness and that results in an impairment of cognitive abilities or physical functioning. TBI can also result in the disturbance of behavioral or emotional functioning. The impairments caused by TBI may be either temporary or permanent and may cause partial or total functional disability or psychosocial maladjustment."

Brain Injury Services & Prevention Council

The bill would abolish the Michigan TBI Services and Prevention Council established by the Department of Community Health (now within the DHHS) in 2005. In its place, the bill would establish the Michigan Brain Injury Services and Prevention Council within the DHHS as an advisory council to the Department Director.

The proposed Council would have to include at least 15 but not more than 21 voting members appointed by the Director for three-year terms. These members would have to represent all of the following stakeholder groups:

- ABI survivors and their families.
- Providers of treatment and rehabilitation.
- Local human services agencies.
- Consumer advocacy organizations.
- State brain injury associations.
- The Michigan National Guard or other organizations serving veterans.
- Rural and urban interest groups.
- Minority and Native American interest groups.
- Children's services.
- The agency designated under Section 931 of the Mental Health Code (i.e., Michigan Protection and Advocacy Service) to implement programs for the protection and advocacy of the rights of people with developmental disabilities and mental illness.

In addition, the Council would have to include as ex officio voting members the DHHS Director or his or her designee, as well as one representative of each of the following, appointed by the Director:

- The Mental Health and Substance Abuse Administration.
- The Children's Special Health Care Services Division.
- The Medical Services Administration.
- The Injury and Violence Prevention Section.

The Council also would have to include as ex officio voting members one representative each of Adult Protective Services and the Field Services Administration, appointed by the DHHS Director.

Other ex officio voting members would have to include the following:

- The Director of the Michigan Office of Services to the Aging or his or her designee.
- A representative of the Office of Special Education and Early Intervention Services appointed by the Director of the Department of Education.
- The Director and Adjutant General of the Department of Military and Veterans Affairs or his or her designee.
- The Director of the Department of Corrections or his or her designee.
- The Director of the Department of Licensing and Regulatory Affairs (LARA) or his or her designee.
- A representative of Michigan Rehabilitation Services appointed by the LARA Director.

A member of the TBI Services and Prevention Council on the day before the bill took effect could continue as a member of the proposed Council at the DHHS Director's discretion. The Council would have to make additional appointment recommendations to the Director.

Every two years, the Council would have to elect a chairperson, who would have to act as the presiding officer. The Council also would have to create bylaws for operational governance.

Council Responsibilities

The Council would have to collaborate with the DHHS to develop a comprehensive statewide plan to address the needs of individuals with ABI.

Additionally, the Council would have to submit to the DHHS Director and the Legislature an annual report that included all of the following:

- An update on the development of a comprehensive statewide information and referral network for individuals with ABI.

- The incidence of ABI in Michigan.
- Recommendations to address the needs of individuals with ABI, including the use of public-private partnerships.

In developing the recommendations, the Council would have to consider building provider capacity and training, improving the coordination of services, and other areas the Council considered appropriate.

DHHS Responsibilities

The bill would require the DHHS to designate Department staff who would be responsible for the coordination of policies, programs, and services for individuals with ABI and the provision of staff support to the Council. The DHHS also would have to collaborate with the Brain Injury Association during its annual campaign, and encourage and facilitate the following:

- Collaboration among State agencies that provide services to individuals with ABI.
- Collaboration among private organizations and entities that provide services to individuals with ABI.
- Community participation in program implementation.

The DHHS would have to promulgate rules it considered necessary to implement and administer its powers and duties under Part 52A.

Proposed MCL 333.5231-333.5239

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would result in minor administrative costs for the Department of Health and Human Services as the Department would have to work with the Michigan Brain Injury Services and Prevention Council and designate staff who would be responsible for the coordination of services.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.