

# SENATE BILL No. 41

January 27, 2015, Introduced by Senators MARLEAU, GREEN, ZORN, HERTEL, SCHUITMAKER and KNEZEK and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding part 52A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 52A

BRAIN INJURY

SEC. 5231. THIS PART MAY BE KNOWN AS THE "MICHIGAN BRAIN INJURY LAW".

SEC. 5233. (1) AS USED IN THIS PART:

(A) "ACQUIRED BRAIN INJURY" OR "ABI" MEANS AN INJURY TO THE BRAIN THAT OCCURS AFTER BIRTH AND IS NOT HEREDITARY, CONGENITAL, OR DEGENERATIVE. ABI INCLUDES TBI AND INJURIES CAUSED BY AN INTERNAL INSULT TO THE BRAIN. AN ABI COMMONLY RESULTS IN A CHANGE IN NEURONAL ACTIVITY, WHICH AFFECTS THE PHYSICAL INTEGRITY, METABOLIC

1 ACTIVITY, OR FUNCTIONAL ABILITY OF THE CELL. ABI DOES NOT INCLUDE A  
2 BRAIN INJURY INDUCED BY BIRTH TRAUMA.

3 (B) "COUNCIL" MEANS THE MICHIGAN BRAIN INJURY SERVICES AND  
4 PREVENTION COUNCIL ESTABLISHED IN SECTION 5235.

5 (C) "TRAUMATIC BRAIN INJURY" OR "TBI" MEANS AN INSULT TO THE  
6 BRAIN THAT IS NOT OF A DEGENERATIVE OR CONGENITAL NATURE BUT IS  
7 CAUSED BY AN EXTERNAL PHYSICAL FORCE THAT MAY PRODUCE A DIMINISHED  
8 OR ALTERED STATE OF CONSCIOUSNESS AND THAT RESULTS IN AN IMPAIRMENT  
9 OF COGNITIVE ABILITIES OR PHYSICAL FUNCTIONING. TBI CAN ALSO RESULT  
10 IN THE DISTURBANCE OF BEHAVIORAL OR EMOTIONAL FUNCTIONING. THE  
11 IMPAIRMENTS CAUSED BY TBI MAY BE EITHER TEMPORARY OR PERMANENT AND  
12 MAY CAUSE PARTIAL OR TOTAL FUNCTIONAL DISABILITY OR PSYCHOSOCIAL  
13 MALADJUSTMENT.

14 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND  
15 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS ACT  
16 AND PART 51 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.

17 SEC. 5235. (1) THE MICHIGAN BRAIN INJURY SERVICES AND  
18 PREVENTION COUNCIL IS ESTABLISHED IN THE DEPARTMENT AS AN ADVISORY  
19 COUNCIL TO THE DIRECTOR. THE TBI SERVICES AND PREVENTION COUNCIL  
20 ESTABLISHED BY THE DEPARTMENT IN APRIL 2005 IS ABOLISHED.

21 (2) SUBJECT TO SUBSECTION (3), THE COUNCIL IS COMPOSED OF THE  
22 FOLLOWING MEMBERS:

23 (A) AT LEAST 15 BUT NOT MORE THAN 21 VOTING MEMBERS APPOINTED  
24 BY THE DIRECTOR FOR 3-YEAR TERMS. THE MEMBERS APPOINTED UNDER THIS  
25 SUBDIVISION SHALL REPRESENT ALL OF THE FOLLOWING STAKEHOLDER  
26 GROUPS:

27 (i) SURVIVORS OF ABI AND THEIR FAMILIES.

- 1           (ii) PROVIDERS OF TREATMENT AND REHABILITATION.
- 2           (iii) LOCAL HUMAN SERVICE AGENCIES.
- 3           (iv) CONSUMER ADVOCACY ORGANIZATIONS.
- 4           (v) STATE BRAIN INJURY ASSOCIATIONS.
- 5           (vi) THE MICHIGAN NATIONAL GUARD OR OTHER ORGANIZATIONS SERVING  
6 VETERANS.
- 7           (vii) RURAL AND URBAN INTEREST GROUPS.
- 8           (viii) MINORITY AND NATIVE AMERICAN INTEREST GROUPS.
- 9           (ix) CHILDREN'S SERVICES.
- 10          (x) THE AGENCY DESIGNATED UNDER SECTION 931 OF THE MENTAL  
11 HEALTH CODE, 1974 PA 258, MCL 330.1931, TO IMPLEMENT THE PROTECTION  
12 AND ADVOCACY PROGRAMS DESCRIBED IN THAT SECTION.
- 13          (B) THE FOLLOWING EX OFFICIO VOTING MEMBERS:
- 14           (i) THE DIRECTOR OR HIS OR HER DESIGNEE.
- 15           (ii) THE FOLLOWING MEMBERS APPOINTED BY THE DIRECTOR:
- 16           (A) A REPRESENTATIVE OF THE MENTAL HEALTH AND SUBSTANCE ABUSE  
17 ADMINISTRATION.
- 18           (B) A REPRESENTATIVE OF THE CHILDREN'S SPECIAL HEALTH CARE  
19 SERVICES DIVISION.
- 20           (C) A REPRESENTATIVE OF THE MEDICAL SERVICES ADMINISTRATION.
- 21           (D) A REPRESENTATIVE OF THE INJURY AND VIOLENCE PREVENTION  
22 SECTION.
- 23           (iii) THE DIRECTOR OF THE MICHIGAN OFFICE OF SERVICES TO THE  
24 AGING OR HIS OR HER DESIGNEE.
- 25           (iv) THE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR HIS OR  
26 HER DESIGNEE.
- 27           (v) THE FOLLOWING MEMBERS APPOINTED BY THE DIRECTOR OF THE

1 DEPARTMENT OF HUMAN SERVICES:

2 (A) A REPRESENTATIVE OF ADULT PROTECTIVE SERVICES.

3 (B) A REPRESENTATIVE OF THE FIELD SERVICES ADMINISTRATION.

4 (vi) A REPRESENTATIVE OF THE OFFICE OF SPECIAL EDUCATION AND  
5 EARLY INTERVENTION SERVICES APPOINTED BY THE DIRECTOR OF THE  
6 DEPARTMENT OF EDUCATION.

7 (vii) THE DIRECTOR AND ADJUTANT GENERAL OF THE DEPARTMENT OF  
8 MILITARY AND VETERANS AFFAIRS OR HIS OR HER DESIGNEE.

9 (viii) THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR  
10 HER DESIGNEE.

11 (ix) THE DIRECTOR OF THE DEPARTMENT OF LICENSING AND REGULATORY  
12 AFFAIRS OR HIS OR HER DESIGNEE.

13 (x) A REPRESENTATIVE OF MICHIGAN REHABILITATION SERVICES  
14 APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF LICENSING AND  
15 REGULATORY AFFAIRS.

16 (3) A MEMBER OF THE TBI SERVICES AND PREVENTION COUNCIL ON THE  
17 DAY BEFORE THE EFFECTIVE DATE OF THIS PART MAY, AT THE DIRECTOR'S  
18 DISCRETION, CONTINUE AS A MEMBER OF THE COUNCIL UNDER THIS SECTION.  
19 THE COUNCIL SHALL MAKE ADDITIONAL APPOINTMENT RECOMMENDATIONS TO  
20 THE DIRECTOR.

21 SEC. 5237. THE COUNCIL SHALL DO ALL OF THE FOLLOWING:

22 (A) ELECT A CHAIRPERSON EVERY 2 YEARS BY MAJORITY VOTE OF THE  
23 COUNCIL MEMBERS. THE CHAIRPERSON SHALL ACT AS THE PRESIDING OFFICER  
24 OF THE COUNCIL.

25 (B) CREATE BYLAWS FOR OPERATIONAL GOVERNANCE.

26 (C) COLLABORATE WITH THE DEPARTMENT TO DEVELOP A COMPREHENSIVE  
27 STATEWIDE PLAN TO ADDRESS THE NEEDS OF INDIVIDUALS WITH ABI.

1 (D) SUBMIT AN ANNUAL REPORT TO THE DIRECTOR AND THE  
2 LEGISLATURE THAT INCLUDES ALL OF THE FOLLOWING:

3 (i) AN UPDATE ON THE DEVELOPMENT OF A COMPREHENSIVE STATEWIDE  
4 INFORMATION AND REFERRAL NETWORK FOR INDIVIDUALS WITH ABI.

5 (ii) THE INCIDENCE OF ABI IN THIS STATE.

6 (iii) RECOMMENDATIONS TO ADDRESS THE NEEDS OF INDIVIDUALS WITH  
7 ABI, INCLUDING THE USE OF PUBLIC-PRIVATE PARTNERSHIPS. IN  
8 DEVELOPING THE RECOMMENDATIONS UNDER THIS SUBPARAGRAPH, THE COUNCIL  
9 SHALL CONSIDER ALL OF THE FOLLOWING:

10 (A) BUILDING PROVIDER CAPACITY AND TRAINING.

11 (B) IMPROVING THE COORDINATION OF SERVICES.

12 (C) OTHER AREAS THE COUNCIL CONSIDERS APPROPRIATE.

13 SEC. 5239. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

14 (A) DESIGNATE DEPARTMENT STAFF WHO SHALL BE RESPONSIBLE FOR  
15 ALL OF THE FOLLOWING:

16 (i) THE COORDINATION OF POLICIES, PROGRAMS, AND SERVICES FOR  
17 INDIVIDUALS WITH ABI.

18 (ii) THE PROVISION OF STAFF SUPPORT TO THE COUNCIL.

19 (B) COLLABORATE WITH THE BRAIN INJURY ASSOCIATION DURING ITS  
20 ANNUAL CAMPAIGN.

21 (C) ENCOURAGE AND FACILITATE ALL OF THE FOLLOWING:

22 (i) COLLABORATION AMONG STATE AGENCIES THAT PROVIDE SERVICES TO  
23 INDIVIDUALS WITH ABI.

24 (ii) COLLABORATION AMONG PRIVATE ORGANIZATIONS AND ENTITIES  
25 THAT PROVIDE SERVICES TO INDIVIDUALS WITH ABI.

26 (iii) COMMUNITY PARTICIPATION IN PROGRAM IMPLEMENTATION.

27 (D) PROMULGATE RULES IT CONSIDERS NECESSARY TO IMPLEMENT AND

1 ADMINISTER ITS POWERS AND DUTIES UNDER THIS PART.