
HOUSE RESOLUTION

REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO
COLLABORATE AND APPLY FOR A FEDERAL TRAUMATIC BRAIN INJURY
WAIVER.

1 WHEREAS, every year approximately 1.9 million people in the
2 United States experience traumatic brain injuries; and
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4 WHEREAS, the physical consequences of a traumatic brain
5 injury include impaired speech, vision and hearing loss,
6 headaches, muscle spasticity, paralysis, and seizure disorders;
7 and
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9 WHEREAS, the cognitive consequences of a traumatic brain
10 injury include memory deficits, limited concentration, impaired
11 perception and communication, and difficulty reading, writing,
12 planning, and with judgment; and
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14 WHEREAS, the psycho, social, behavioral, and emotional
15 consequences of a traumatic brain injury include fatigue, mood
16 swings, denial, anxiety, depression, lack of motivation, and
17 problems with interpersonal skills; and
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19 WHEREAS, advances in neurosurgery and rehabilitation
20 therapy have dramatically increased the number of traumatic
21 brain injury survivors, but little has been accomplished to help
22 them adjust to their lives after experiencing a traumatic brain
23 injury; and
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25 WHEREAS, there is a large community of individuals who are
26 affected by traumatic brain injuries in Hawaii; and
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28 WHEREAS, the State lacks effective, affordable treatment
29 and rehabilitation programs and community support for these
30 individuals, their families, and their caregivers that could
31 facilitate their independent living; and
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33 WHEREAS, in 1997, the Legislature passed Act 333, Session
34 Laws of Hawaii, establishing the Traumatic Brain Injury Advisory
35 Board to help the Department of Health develop and implement a



1 comprehensive plan to address the needs of persons affected by
2 traumatic brain injuries; and
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4 WHEREAS, in 2002, the Legislature passed Act 160, Session
5 Laws of Hawaii (Act 160), which recognized the needs of
6 individuals who suffer from the physical, cognitive, and
7 behavioral consequences of neurotrauma, which includes traumatic
8 brain injuries; and
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10 WHEREAS, the Neurotrauma Special fund was established to
11 provide education, to help individuals and families identify and
12 obtain access to services, and to create a neurotrauma registry;
13 and
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15 WHEREAS, while there was no specific provision in Act 160
16 to fund direct services to neurotrauma survivors, the Conference
17 Committee Report for Act 160 noted that the Department of Health
18 and the Neurotrauma Advisory Board would gather data to
19 determine the extent to which direct services could reasonably
20 be funded within the limits of the resources in the special
21 fund; and
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23 WHEREAS, in 2006, the Governor vetoed a measure that was
24 passed by the Legislature that directed moneys from the special
25 fund be used by the Departments of Health and Human Services to
26 apply for a federal waiver; and
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28 WHEREAS, if the Departments of Health and Human Services
29 apply for and receive a federal traumatic brain injury waiver,
30 the State would be able to match federal funds; and
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32 WHEREAS, this federal revenue maximization would yield
33 approximately twice as much money for the provision of needed
34 traumatic brain injury services; and
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36 WHEREAS, the Departments of Health and Human Services
37 should collaborate and apply for a federal traumatic brain
38 injury waiver; now, therefore,
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40 BE IT RESOLVED by the House of Representatives of the
41 Twenty-fourth Legislature of the State of Hawaii, Regular
42 Session of 2007, that the Departments of Health and Human
43 Services are requested to collaborate and apply for a federal



1 traumatic brain injury waiver no later than December 31, 2008;
2 and

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4 BE IT FURTHER RESOLVED that in formulating an application
5 for a federal traumatic brain injury waiver, the Departments of
6 Health and Human Services are requested to consult with
7 community stakeholders, such as the Traumatic Brain Injury
8 Advisory Board and the Neurotrauma Advisory Board, to determine
9 services that need to be included in the waiver; and

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11 BE IT FURTHER RESOLVED that the Departments of Health and
12 Human Services are requested to submit an interim report to the
13 Legislature no later than twenty days prior to the convening of
14 the 2008 Regular Session, and a final report to the Legislature
15 no later than twenty days prior to the convening of the 2009
16 Regular Session; and

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18 BE IT FURTHER RESOLVED that the interim report include:

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20 (1) A detailed time line for completion of the waiver
21 application;
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23 (2) The number of individuals expected to be served by the
24 waiver;
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26 (3) The services that will be included in the waiver; and
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28 (4) A recommendation regarding whether the State's portion
29 of the waiver's financial commitment should be funded
30 exclusively by general fund appropriations or using
31 some portion of moneys from the Neurotrauma Special
32 Fund; and

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34 BE IT FURTHER RESOLVED that the Departments of Health and
35 Human Services should include sufficient appropriations to meet
36 the financial requirements under the terms of the waiver in
37 their Executive Budget requests; and

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39 BE IT FURTHER RESOLVED that certified copies of this
40 Resolution be transmitted to the Director of Health,



1 Director of Human Services, Chair of the Traumatic Brain Injury
2 Advisory Board, and Chair of the Neurotrauma Advisory Board.
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OFFERED BY: John M. Marzio

Della C. Belatti
John M. Marzio
Paul N. ...

MAR - 8 2007

