

MAR 14 2007

SENATE CONCURRENT 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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1 WHEREAS, in 1997, the Legislature passed Act 333, Session
2 Laws of Hawaii, establishing the Traumatic Brain Injury Advisory
3 Board to help the Department of Health develop and implement a
4 comprehensive plan to address the needs of persons affected by
5 traumatic brain injuries; and

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7 WHEREAS, in 2002, the Legislature passed Act 160, Session
8 Laws of Hawaii (Act 160), which recognized the needs of
9 individuals who suffer from the physical, cognitive, and
10 behavioral consequences of neurotrauma, which includes traumatic
11 brain injuries; and

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13 WHEREAS, the Neurotrauma Special fund was established to
14 provide education, to help individuals and families identify and
15 obtain access to services, and to create a neurotrauma registry;
16 and

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18 WHEREAS, while there was no specific provision in Act 160
19 to fund direct services to neurotrauma survivors, the Conference
20 Committee Report for Act 160 noted that the Department of Health
21 and the Neurotrauma Advisory Board would gather data to
22 determine the extent to which direct services could reasonably
23 be funded within the limits of the resources in the special
24 fund; and

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26 WHEREAS, in 2006, the Governor vetoed a measure that was
27 passed by the Legislature that directed moneys from the special
28 fund be used by the Departments of Health and Human Services to
29 apply for a federal waiver; and

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31 WHEREAS, if the Departments of Health and Human Services
32 apply for and receive a federal traumatic brain injury waiver,
33 the State would be able to match federal funds; and

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35 WHEREAS, this federal revenue maximization would yield
36 approximately twice as much money for the provision of needed
37 traumatic brain injury services; and

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39 WHEREAS, the Departments of Health and Human Services
40 should collaborate and apply for a federal traumatic brain
41 injury waiver; now, therefore,

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43 BE IT RESOLVED by the Senate of the Twenty-fourth
44 Legislature of the State of Hawaii, Regular Session of 2007, the
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1 House of Representatives concurring, that the Departments of
2 Health and Human Services are requested to collaborate and apply
3 for a federal traumatic brain injury waiver no later than
4 December 31, 2008; and
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6 BE IT FURTHER RESOLVED that in formulating an application
7 for a federal traumatic brain injury waiver, the Departments of
8 Health and Human Services are requested to consult with
9 community stakeholders, such as the Traumatic Brain Injury
10 Advisory Board and the Neurotrauma Advisory Board, to determine
11 services that need to be included in the waiver; and
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13 BE IT FURTHER RESOLVED that the Departments of Health and
14 Human Services are requested to submit an interim report to the
15 Legislature no later than twenty days prior to the convening of
16 the 2008 Regular Session, and a final report to the Legislature
17 no later than twenty days prior to the convening of the 2009
18 Regular Session; and
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20 BE IT FURTHER RESOLVED that the interim report include:

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- 22 (1) A detailed time line for completion of the waiver
23 application;
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 - 25 (2) The number of individuals expected to be served by the
26 waiver;
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 - 28 (3) The services that will be included in the waiver; and
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 - 30 (4) A recommendation regarding whether the State's portion
31 of the waiver's financial commitment should be funded
32 exclusively by general fund appropriations or using
33 some portion of moneys from the Neurotrauma Special
34 Fund; and
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36 BE IT FURTHER RESOLVED that the Departments of Health and
37 Human Services should include sufficient appropriations to meet
38 the financial requirements under the terms of the waiver in
39 their Executive Budget requests; and
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41 BE IT FURTHER RESOLVED that certified copies of this
42 Concurrent 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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