

ACT 333

H.B. NO. 167

A Bill for an Act Relating to Traumatic Brain Injury.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that every year 1.9 million Americans experience traumatic brain injury. About half of these cases result in short-term disability, and approximately fifty-two thousand people die as a result of these injuries. Of those who survive, seventy thousand to ninety thousand endure lifelong debilitating losses of function. An additional two thousand will exist in a persistent vegetative state.

Traumatic brain injury is the leading cause of death and the leading cause of disability in children and young adults. Motor vehicle accidents cause one-half of all traumatic brain injuries; falls account for twenty-one per cent; assaults and violence, twelve per cent; and sports and recreation, ten per cent. Further, child abuse accounts for sixty-four per cent of infant head injuries.

The legislature further finds that the physical consequences of brain injury include impairment of speech, vision and hearing loss, headaches, muscle spasticity, paralysis, and seizure disorders. The cognitive consequences of brain injury include memory deficits, limited concentration, impaired perception and communication, and difficulties with reading, writing, planning, and judgment. The psycho-social-behavioral-emotional consequences of brain injury include fatigue, mood swings, denial, anxiety, depression, lack of motivation, and problems with interpersonal skills.

A survivor of a severe brain injury typically faces five to ten years of intensive treatment, with estimated lifetime costs exceeding \$4,000,000. Nationally, the direct medical costs for treatment of traumatic brain injury have been estimated at more than \$4,000,000,000 per year. The total economic costs of brain injury have been estimated to approach \$25,000,000,000 per year.

The purpose of this Act is to increase public awareness of the consequences of brain injury to not only prevent such injuries, but to enhance the recovery process for all brain injury survivors by establishing a traumatic brain injury advisory board within the department of health to develop and implement a comprehensive plan by encouraging public and private partnerships and private sector responses.

SECTION 2. Chapter 324, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§324- Advisory board. (a)¹ There is established within the department of health the traumatic brain injury advisory board. The advisory board shall advise the department in the development and implementation of a comprehensive plan to address the needs of persons affected by disorders and disabilities that involve the brain. Further, the advisory board shall advise the department of the feasibility of establishing agreements with private sector agencies to develop services for persons with brain injuries.

The advisory board shall consist of nine members who shall be appointed by the director of health in accordance with section 26-35. The director of health shall

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designate a member to be the chairperson of the advisory board. The director of health or a designee shall serve as an ex officio nonvoting member of the advisory board. The members shall serve for a term of four years; provided that upon the initial appointment of the members, two shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and three for a term of four years. In establishing the advisory board, the director of health shall appoint at least:

- (1) Two members representing private sector businesses that provide services for brain injured persons;
- (2) Two survivors of traumatic brain injury; and
- (3) One member representing trauma centers that provide services for brain injured persons.

The members shall serve without compensation but shall be reimbursed for actual expenses, including travel expenses, that are necessary for the performance of their duties.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 1997-1998 to the department of health to be used as matching funds for the federal traumatic brain injury or other matching national and local grant funds from the private sector; provided that \$15,000 shall be used to hire a consultant to write and edit the comprehensive plan.

SECTION 4. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. New statutory material is underscored.²

SECTION 6. This Act shall take effect on July 1, 1997.

(Approved July 2, 1997.)

Notes

1. No subsection (b).
2. Edited pursuant to HRS §23G-16.5.