

1 **H. B. 2087**

2
3 (By Delegates Walters, Iaquinta, Crosier and Azinger)

4 [Introduced January 12, 2011; referred to the
5 Committee on Veterans' Affairs and Homeland Security then
6 Finance.]

**FISCAL
NOTE**

7
8
9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §9A-5-1, §9A-5-2,
12 §9A-5-3, §9A-5-4, §9A-5-5 and §9A-5-6, all relating to
13 creation of a Traumatic Brain Injury Services Commission;
14 stating legislative findings; creating commission and members;
15 stating purpose and duties of members of commission; stating
16 how funded and requiring reporting; and providing effective
17 date of article.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto a new article, designated §9A-5-1, §9A-5-2, §9A-
21 5-3, §9A-5-4, §9A-5-5 and §9A-5-6, all to read as follows:

22 **ARTICLE 5. TRAUMATIC BRAIN INJURY SERVICES COMMISSION.**

23 **§9A-5-1. Legislative findings.**

1 (a) The Legislature hereby finds and declares:

2 (1) That the number of veterans returning to West Virginia is
3 increasing, and they are in need of assistance;

4 (2) That many programs are available to people, particularly
5 veterans to address traumatic brain injuries and related issues;
6 and

7 (3) It is in the best interest of the state to facilitate
8 these services to the veterans in need of them.

9 (b) Therefore, the Traumatic Brain Injury Services Commission
10 is created.

11 **§9A-5-2. Creation of commission, members.**

12 (a) The Traumatic Brain Injury Services Commission consists of
13 the following persons appointed by the Governor with the advice and
14 consent of the Senate, except for those persons holding specific
15 state offices:

16 (1) The Director of the Division of Veterans Affairs or
17 designee;

18 (2) A veteran with a traumatic brain injury or family member
19 of the veteran;

20 (3) The chairperson of the West Virginia Traumatic
21 Brain/Spinal Cord Injury Rehabilitation Fund Board;

22 (4) A medical professional who is not a state employee and who
23 has experience with traumatic brain injury;

24 (5) The Adjutant General of the West Virginia National Guard

1 or designee;

2 (6) The West Virginia National Guard's transition assistance
3 advisor, or designee;

4 (7) Three representatives of leading veterans organizations in
5 West Virginia;

6 (8) A representative of the Brain Injury Association of West
7 Virginia;

8 (9) The Secretary of the Department of Health and Human
9 Resources, or designee;

10 (10) The Secretary of the Department of Military Affairs and
11 Public Safety, or designee; and

12 (11) Two West Virginia citizens, at least one of whom is a
13 nonmilitary survivor of traumatic brain injury or a family member
14 of such a person.

15 (b) Term of members who do not hold specific state offices
16 serve staggered, four-year terms.

17 (c) All members are voting members except for the Secretary of
18 the Department of Health and Human Resources and the Secretary of
19 the Department of Military Affairs and Public Safety or their
20 designees.

21 (d) The commission shall select its chairperson from among its
22 members who are not state employees.

23 **§9A-5-3. Purpose.**

24 The purpose of the commission is to assist military veterans

1 and other West Virginians with traumatic brain injuries to receive
2 services to help them regain as much quality of life and
3 productivity as possible.

4 **§9A-5-4. Duties.**

5 The duties and responsibilities of the commission are as
6 follows:

7 (1) The commission shall establish outreach efforts that would
8 connect veterans and others with traumatic brain injury services to
9 services available to them.

10 (2) The commission shall provide funding to the Division of
11 Veterans Affairs and community organizations to deliver services to
12 West Virginians with traumatic brain injuries.

13 (3) The commission shall determine the costs of establishing
14 a Medicaid waiver and a trust fund to provide services for
15 individuals with traumatic brain injuries.

16 (4) (A) The Department of Health and Human Resources shall be
17 required to provide data on costs and actuarial information
18 requested by the commission within seven days of receiving the
19 requests, or if the data cannot be provided within seven days, the
20 department must notify commission members in public letters.

21 (B) All costs of compiling data and responding to the
22 commission's requests shall be borne by the Department of Health
23 and Human Services. However, the commission may not be limited to
24 data from the department in determining the costs of establishing

1 a Medicaid waiver and a trust fund to provide services for
2 individuals with traumatic brain injuries.

3 **§9A-5-5. Funding and reporting.**

4 Funding for the Traumatic Brain Injury Services Commission is
5 as follows:

6 (1) Upon approval of the Governor, who shall notify the
7 Speaker of the House of Delegates and the President of the Senate,
8 the Department of Health and Human Resources shall apply to the
9 federal government for a Medicaid waiver and establish a trust fund
10 to provide services for individuals with traumatic brain injuries.

11 (2) A gross receipts tax of one percent on all limited video
12 lottery terminals shall be used to fund the operations of the
13 commission to match federal funds from a Medicaid waiver or other
14 services and to establish a trust fund to provide services for
15 individuals with traumatic brain injuries.

16 (3) Current Medicaid funded programs and services for West
17 Virginians with traumatic brain injuries may not be supplemented by
18 any new or expanded services provided by this legislation.

19 (d) The Department of Health and Human Resources shall report
20 annually to the commission and to the Legislature on the status of
21 services for West Virginians with traumatic brain injuries.

22 **§9A-5-6. Effective date.**

23 This article shall become effective July 1, 2011.

NOTE: The purpose of this article is to create a new commission for the service to veterans and others suffering from traumatic brain injuries.

This article is new; therefore, it has been completely underscored.