

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1386 Session of
1997

INTRODUCED BY CORNELL, RUBLEY, YOUNGBLOOD, HENNESSEY, DALEY,
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PISTELLA, MELIO, SCRIMENTI, ITKIN, CORRIGAN, TRELLO,
C. WILLIAMS, BROWNE, LAUGHLIN AND BOSCOLA, APRIL 30, 1997

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 30, 1997

AN ACT

1 Establishing a head injury program; further providing for the
2 Catastrophic Medical and Rehabilitation Fund; conferring
3 powers and duties on the Department of Public Welfare;
4 establishing the Head Injury Advisory Board; conferring
5 powers and duties on the Auditor General; and making a
6 repeal.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Head Injury
11 Assistance Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Board." The Head Injury Advisory Board established in
17 section 3(b).

1 "Department." The Department of Public Welfare of the
2 Commonwealth.

3 "Director." The director of the program as set forth in
4 section 6(c).

5 "Fund." The Catastrophic Medical and Rehabilitation Fund
6 established under section 14(e) of the act of July 3, 1985
7 (P.L.164, No.45), known as the Emergency Medical Services Act.

8 "Head injury." An acquired injury to the brain which:

- 9 (1) is caused by an external physical force; and
10 (2) results in total or partial functional disability or
11 psychosocial impairment, or both, that adversely affects
12 performance.

13 "Program." The Head Injury Program established in section 6.

14 "Provider." A person that provides any of the following:

- 15 (1) Head injury treatment.
16 (2) Head injury rehabilitation.

17 "Rehabilitation professional." An individual who is licensed
18 or certified by the laws of this Commonwealth to administer
19 health care or who holds a professional certification in a
20 rehabilitation field.

21 "Secretary." The Secretary of Public Welfare of the
22 Commonwealth.

23 Section 3. Department and board.

24 (a) Department.--The department has the following powers and
25 duties:

- 26 (1) To administer the program.
27 (2) To contract for case management services and direct
28 rehabilitative services with providers in this Commonwealth.
29 (3) To evaluate direct rehabilitative service
30 applications to determine eligibility of clients based on

1 criteria established in regulations.

2 (4) To appoint the director under section 6(c).

3 (5) To submit an annual report to the Governor and the
4 General Assembly regarding the administration of this act.

5 The report shall include summaries of clients served,
6 services received and effectiveness of outreach efforts.

7 (6) To promulgate regulations to administer this act.

8 (b) Board.--The Head Injury Advisory Board is established in
9 the Office of Social Programs of the department.

10 (1) The board consists of nine members appointed by the
11 secretary representing providers; families with a member who
12 has suffered a head injury; and, if available, survivors of
13 head injuries.

14 (2) A term of a board member is four years. A board
15 member may be removed for cause. A board member may serve no
16 more than two consecutive terms.

17 (3) Board members shall serve without compensation but
18 shall be reimbursed for actual and reasonable expenses in the
19 performance of official functions.

20 (4) The board has the following powers and duties:

21 (i) To recommend to the department priorities for
22 service and standards of care.

23 (ii) To recommend to the department public education
24 and outreach programs pertaining to services available
25 through the program.

26 (iii) To recommend to the department changes in
27 regulations under subsection (a)(6).

28 Section 4. Auditor General.

29 The Auditor General has the following powers and duties:

30 (1) To conduct an annual review of the income and

expenditures of the fund.

(2) To submit the results of the review under paragraph
(1) to the General Assembly.

Section 5. Fund.

(a) Source.--The source of the fund shall be allocations
under section 14(e) of the act of July 3, 1985 (P.L.164, No.45),
known as the Emergency Medical Services Act.

(b) Purpose.--The fund shall be used for the sole purpose of
providing money under section 6(b).

Section 6. Program.

(a) Establishment.--The Head Injury Program is established
in the Office of Social Programs of the department.

(b) Purpose.--The purpose of the program is to provide money
for postacute head injury rehabilitation and case management for
individuals with head injuries whose care cannot be paid for by
private insurance or medical assistance.

(c) Director.--The program shall have a director. The
director must be a rehabilitation professional with at least
three years of administrative or clinical experience in
postacute rehabilitation for individuals with head injuries and
direct experience in all phases of postacute rehabilitation for
head injury.

Section 7. Repeal.

Section 14(e) of the act of July 3, 1985 (P.L.164, No.45),
known as the Emergency Medical Services Act, is repealed insofar
as it is inconsistent with this act.

Section 8. Effective date.

This act shall take effect in 90 days.