

HOUSE BILL REPORT

HB 2248

As Reported by House Committee On:
Human Services, Youth, & Early Learning

Title: An act relating to providing support to individuals with traumatic brain injuries.

Brief Description: Providing support to individuals with traumatic brain injuries.

Sponsors: Representatives Bateman, Callan, Fey, Reed, Doglio, Leavitt and Davis.

Brief History:

Committee Activity:

Human Services, Youth, & Early Learning: 1/19/24, 1/26/24 [DPS].

Brief Summary of Substitute Bill

- Modifies the membership, notice, and reporting requirements for the Washington Traumatic Brain Injury Strategic Partnership Council.
- Requires the Department of Social and Health Services to provide funding to support at least one in-person traumatic brain injury support group in each region of the state served by an accountable community of health and modifies other components of these support groups.

HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Senn, Chair; Cortes, Vice Chair; Rule, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan, Goodman, Ortiz-Self and Taylor.

Minority Report: Without recommendation. Signed by 2 members: Representatives Dent and Walsh.

Staff: Luke Wickham (786-7146).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:*Traumatic Brain Injury.*

A traumatic brain injury is an injury to the brain caused by an external force. The causes of a traumatic brain injury include falling, car accidents, and violence, among other things.

Washington Traumatic Brain Injury Strategic Partnership Advisory Council.

The Washington Traumatic Brain Injury Strategic Partnership Advisory Council (Council) is responsible for coordinating with the Department of Social and Health Services (DSHS) on a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, providing recommendations to the DSHS on criteria used to select support group programs that receive support from the Traumatic Brain Injury Account (Account), and reporting periodically to the Legislature and Governor.

Council membership includes gubernatorial appointees and representatives of state and nonprofit agencies.

Traumatic Brain Injury Account.

The Account is an appropriated account administered by the DSHS. This Account is funded by a \$5 fee imposed on traffic infractions. Funds from this Account may only be used:

- to support activities listed in statewide traumatic brain injury comprehensive plan;
- to provide a public awareness campaign and services relating to traumatic brain injury including programs that facilitate support groups to individuals and their families with traumatic brain injuries for information and referral services; and
- for costs of DSHS staff providing support for the Council.

Summary of Substitute Bill:*Washington Traumatic Brain Injury Strategic Partnership Council.*

State employees are not allowed to serve on the Washington Traumatic Brain Injury Strategic Partnership Council (Council) for the following appointed positions:

- the two persons who are individuals with a traumatic brain injury;
- the two persons who are family members of individuals with traumatic brain injuries;
- and
- the two members of the public who have experience with issues related to the causes of traumatic brain injuries.

To the extent possible, appointed members of the Council must reflect the racial, ethnic, and socioeconomic diversity of the state, including the different types of health insurance coverage that individuals may have.

The required contents of the annual report provided by the Council are expanded to include

a summary of expenditures from, and deposits made into, the Traumatic Brain Injury Account (Account) during the previous two years.

The Department of Social and Health Services (DSHS) must provide public notice of each Council meeting in advance and post the meeting agenda and materials on its website before the meeting. The DSHS must also post on its website the meeting minutes, information about Council membership, and reports developed by the Council.

Council meetings are required to be open to the public and provide an opportunity for public comment.

Traumatic Brain Injury Support Groups.

The DSHS must provide funding from the Account to support at least one in-person traumatic brain injury support group in each region of the state served by an accountable community of health.

The Council's recommendations to the DSHS on the criteria used in selecting support groups are modified to:

- reflect the diversity of individuals with traumatic brain injuries; and
- provide preference to programs that facilitate support groups led by individuals with direct lived experience with traumatic brain injuries or individuals certified as brain injury specialists.

Each support group funded by the DSHS must ensure that the support groups meet at least quarterly, and are free of charge.

The DSHS must approve at least one brain injury facilitation training curriculum to be used by the support groups.

Substitute Bill Compared to Original Bill:

The substitute bill allows state employees to be included as some appointed members of the Washington Traumatic Brain Injury Partnership Advisory Council (Council), but prohibits state employees from serving as members of the Council for the following positions:

- the two persons who are individuals with a traumatic brain injury;
- the two persons who are family members of individuals with traumatic brain injuries; and
- the two members of the public who have experience with issues related to the causes of traumatic brain injuries.

The substitute bill specifies that the funding provided by the Department of Social and Health Services to support at least one in-person support group in each region served by an accountable community of health come from the Traumatic Brain Injury Account (Account) (the underlying bill requires funding to support these in-person support groups but does not

require the funding come from the Account).

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill improves the social, economic, and racial diversity of the Washington Traumatic Brain Injury Partnership Advisory Council (Council). The exclusion of state employees as public members of the Council was intended to improve the socioeconomic diversity. However, there have been quite a few comments from individuals, including members of this Council, that do not think that excluding state employees will accomplish this goal. So this element of the bill will be removed.

Transparency is the cornerstone of good democracy. The public notice requirements will help with transparency. The Council's budget and meeting minutes should be publicly available. Individuals that have requested information from the Council, have been told that they need to submit a public records request to get that information.

Regarding the support groups, many individuals with traumatic brain injuries have cognitive deficits and sensory processing issues that require special accommodations. It can be difficult for them to process information that is presented virtually and be active participants in purely virtual meetings. In order to best serve individuals with traumatic brain injuries and meet them where they are, in-person meetings should resume.

The Council is funded through a specialized Account that is funded by traffic fees. Traffic fees have been declining. For the last two fiscal years, the Account has received approximately one million dollars less than projected and money that was requested from the Governor's budget was not provided.

This bill is simple; it requires transparency to the public regarding the activities of this Council and a minimum number of in-person meetings across the state.

Traumatic brain injuries are a traumatic experience that has a profound impact on the lives of survivors and can lead to isolation. People with traumatic brain injuries consistently share that they want efforts to connect with people. There used to be 28 in-person support groups. Currently there are no in-person support groups. When the pandemic hit, there were no more in-person support groups and no response to inquiries sent to the Council.

The journey of living with a brain injury is a surreal and impossible one. Trying to navigate support resources is like walking through a web of unconnected siloes. Every resource that people encounter is essentially useless. The brain injury community and their support groups are the things that make this impossible journey possible.

Support programs are a place of hope and where people are connected to meaningful resources. These support programs have been eliminated. This bill would restore those important services.

The traumatic brain injury support groups, including yoga and lunch, are critical for people with traumatic brain injuries to connect with other people.

The traumatic brain injury support groups can include craft classes and peer-to-peer mentoring. When COVID hit, these support groups lost all state funding.

Zoom support groups are nice and all but do not compare in the least bit to in-person support groups. You don't get to talk about issues and solutions in the same way you can during an in-person support group. These support groups provide a reason to get out of the house and friendships. Not having these in person support groups have had a negative impact on people with traumatic brain injuries.

It is difficult for people with traumatic brain injuries to get out of the house, so these support groups are sometimes the only opportunity for people to connect with others.

The exclusive way for funding for this is through in-person written traffic tickets. Because more and more traffic tickets are issued through traffic cameras and not through written tickets, the funding for this program is dwindling.

5.3 million Americans suffer from traumatic brain injuries.

(Opposed) None.

Persons Testifying: Representative Jessica Bateman, prime sponsor; Serry Bauer; Rebecca Pezely, Brain Injury Community Alliance; Dr. Laura Dahmer-White, Brain Injury Community Alliance; Janet Novinger, Brain Injury Community Alliance; Robert Pezely, Brain Injury Community Alliance; Seth Barronian, Brain Injury Community Alliance; Michele Kauffman; Daniella Clark; Gabriella Ottoboni; and Kristina Sawyckj.

Persons Signed In To Testify But Not Testifying: Shawn Sandquist; Andy Prochnow; Andrea Gray; Lynn A Holmes, Imaginal Network Traumatic Brain Injury Support Group; and Robert Wardell.