

#### **211.474 Operating parameters -- Duties.**

The board shall:

- (1) Promulgate administrative regulations necessary to carry out the provisions of KRS 211.470 to 211.478;
- (2) Formulate policies and procedures for determining individual eligibility for assistance from the trust fund in accordance with the following guidelines:
  - (a) The trust fund shall serve as a funding source of last resort for residents of the Commonwealth of Kentucky. To be eligible for assistance from the trust fund, an individual must have exhausted all other funding sources that cover the type of services sought through the trust fund. Individuals who have continuing health insurance benefits, including Medicaid, may access the trust fund for services that are needed but not covered by insurance or any other funding source. Individuals who qualify for institutional care through Medicaid shall not qualify for services through the trust fund;
  - (b) All individuals receiving assistance from the fund shall receive case management services;
  - (c) Expenditures on behalf of any one (1) brain-injured individual may not exceed fifteen thousand dollars (\$15,000) for any twelve (12) month period, and may not exceed a lifetime maximum of sixty thousand dollars (\$60,000). At its discretion and subject to fund availability, the board may waive the expenditure or time limitations or both in special circumstances;
  - (d) Services covered by the trust fund shall include:
    1. Case management;
    2. Community residential services;
    3. Structured day program services;
    4. Psychological and mental health services;
    5. Prevocational services;
    6. Supported employment;
    7. Companion services;
    8. Respite care;
    9. Occupational therapy; and
    10. Speech and language therapy;
  - (e) Covered services shall not include institutionalization, hospitalization, or medications;
- (3) Establish a confidential medical registry for traumatic brain and spinal cord injuries occurring in the Commonwealth of Kentucky, or to residents of the Commonwealth of Kentucky.
  - (a) The board may promulgate administrative regulations requiring licensed or certified professionals or health services providers to report the occurrence of brain and spinal cord injuries, relevant medical and epidemiological information about the injuries, and other information describing the

circumstances of the injury to the board or its designated agent. The reporting of data by licensed hospitals under this section shall be limited to that which is reported to the cabinet pursuant to KRS 216.2920 to 216.2929 and the board shall obtain this data from the cabinet. Each licensed hospital shall grant the board, upon presentation of proper identification, access to the medical records of patients with reportable brain and spinal cord injuries for the sole purpose of collecting additional information that is not available in the data obtained from the cabinet. All costs associated with copying medical records shall be borne by the board. No liability of any kind shall arise or be enforced against any licensed hospital or hospital employee for providing the board access to a patient's medical record.

- (b) The board and its designated agent, if one is appointed, shall observe the same confidentiality requirements established for the Kentucky birth surveillance registry in KRS 211.670;
- (4) Investigate the needs of brain-injured individuals and identify gaps in current services;
- (5) Assist the cabinet in developing programs for brain-injured individuals;
- (6) Monitor and evaluate services provided by the trust fund; and
- (7) Provide the Governor, the General Assembly, and the Legislative Research Commission an annual report by January 1 of each year summarizing the activities of the board and the trust fund.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 124, sec. 3, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 124, sec. 3, effective July 15, 1998.