

CHAPTER 50-06.4

TRAUMATIC BRAIN INJURIES

50-06.4-01. Definitions. As used in this chapter:

1. "Department" means the department of human services.
2. "Traumatic brain injury" means an acquired injury to the brain caused by an external physical force resulting in total or partial disability or impairment, including open and closed head injuries that may result in mild, moderate, or severe impairments in one or more areas including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory perceptual and motor abilities, psychosocial behavior, physical functioning, information processing, and speech. The term does not include brain injuries that are congenital or degenerative or brain injuries induced by birth trauma, but may include brain injuries caused by anoxia and other related causes.

50-06.4-02. Department to be lead agency - Cooperation of other agencies - Joint meeting. The department shall act as lead agency in the state for the purpose of coordinating services to persons with traumatic brain injury. At least annually the department shall call a joint meeting of the adjutant general, the state department of health, the department of veterans' affairs, and the superintendent of public instruction to discuss the provision of services to individuals with traumatic brain injury. State agencies and political subdivision agencies shall cooperate with the department to permit the department to efficiently coordinate services to persons with traumatic brain injury while avoiding duplication of services. Neither this chapter, nor any activity undertaken by the department under this chapter, may be construed as creating a right to any benefit or service not specifically required to be granted as a condition of the receipt of grants of federal funds.

50-06.4-03. Department may submit plans - Seek waivers. The department may submit state plans and amendments to state plans, concerning programs administered under this title, to carry out this chapter. The department may seek appropriate waivers of the requirements of federal statutes or regulations as authorized by federal law.

50-06.4-04. Authority to accept and expend grants, gifts, and services. The department may apply for and accept any funds, grants, gifts, or services made available for the purpose of providing or coordinating services to persons with traumatic brain injury by any federal agency or department or any private agency or individual. Funds received by the department under this section must be deposited in the state treasury in a special fund designated as the traumatic brain injury fund and may be spent within the limits of legislative appropriation.

50-06.4-05. Traumatic brain injury - Prevention and identification activities. The department shall provide outreach services and conduct public awareness efforts regarding the prevention and identification of traumatic brain injury.

50-06.4-06. Traumatic brain injury - Services and activities - Acceptance of moneys. The department may accept and expend moneys from any public or private source, including federal sources, for any purpose involving traumatic brain injuries or the provision of services to individuals with traumatic brain injury and their families.

50-06.4-07. Traumatic brain injury - Informal supports - Contracts - Exemption.

1. The department shall contract with public or private entities for the provision of informal supports to individuals with traumatic brain injury. As used in this section, "informal supports" includes information sharing and referral services, peer mentoring, training, facilitation of support groups, public awareness efforts, and individual and programmatic advocacy efforts.

2. Any entity contracting with the department under this section must:
 - a. Demonstrate expertise in serving and enhancing the quality of life for individuals with traumatic brain injury;
 - b. Agree to work in cooperation with the department, case managers, and veterans' service officers; and
 - c. Agree to consult with veterans and other individuals having a traumatic brain injury, their families, and their caregivers.
3. The department is exempt from complying with chapter 54-44.4 with respect to contracting for the provision of informal supports under this section.

50-06.4-08. Social and recreational services. The department shall provide or contract for the provision of social and recreational services, including day supports, to individuals with traumatic brain injury, if the department determines that available vocational rehabilitative services do not meet the individuals' needs.

50-06.4-09. Vocational rehabilitation and consultation. The department shall provide or contract for the provision of increased and specialized vocational rehabilitation and consultation to individuals with traumatic brain injury who receive case management for personal care services. Services under this section include extended support for individuals at risk of losing their employment upon exhausting their vocational services.