

Senate Bill 208

By: Senators Meyer von Bremen of the 12th, Stephens of the 27th, Thomas of the 54th,
Hooks of the 14th and Carter of the 13th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 31 of the Official Code of Georgia Annotated, relating to
2 treatment and rehabilitation of spinal cord disabled and head-injured persons, so as to create
3 a state-wide central registry for traumatic brain and spinal cord injuries; to change certain
4 definitions; to require that certain information relating to brain or spinal cord injured persons
5 be reported to the Brain and Spinal Injury Trust Fund Commission; to provide for certain
6 duties of the commission; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 18 of Title 31 of the Official Code of Georgia Annotated, relating to treatment and
11 rehabilitation of spinal cord disabled and head-injured persons, is amended by striking said
12 chapter in its entirety and inserting in lieu thereof the following:

13 "CHAPTER 18

14 31-18-1.

15 ~~It is the intent of the General Assembly to ensure the registration by the department of all~~
16 ~~spinal cord disabled or head-injured persons in order that all spinal cord disabled or~~
17 ~~head-injured persons might obtain rehabilitative services provided by existing state~~
18 ~~agencies, departments, other organizations, and individuals. It is the intent of the General~~
19 ~~Assembly to create a state-wide Central Registry for Traumatic Brain and Spinal Injuries~~
20 ~~to ensure the registration of all persons with traumatic brain or spinal cord injuries in order~~
21 ~~that all such persons might obtain information about rehabilitative, independent living, and~~
22 ~~other services or goods provided by existing state agencies, departments, other~~
23 ~~organizations, and individuals.~~

1 31-18-2.

2 As used in this chapter, the term:

3 (1) ~~'Head-injured person' means a person who has sustained brain damage of traumatic~~
4 ~~or acute onset, not of a degenerative nature, that results in temporary or permanent~~
5 ~~decrease of cognitive, behavioral, social, or physical functioning. 'Brain injury' means a~~
6 ~~traumatic injury to the brain (cranio-cerebral head trauma), not of a degenerative or~~
7 ~~congenital nature, but arising from blunt or penetrating trauma or from~~
8 ~~acceleration-deceleration forces, that is associated with any of these symptoms or signs~~
9 ~~attributed to the injury: decreased level of consciousness, amnesia, other neurologic or~~
10 ~~neuropsychologic abnormalities, skull fracture, or diagnosed intracranial lesions. These~~
11 ~~impairments may be either temporary or permanent and can result in a partial or total~~
12 ~~functional disability.~~

13 (2) ~~'Spinal cord disabled person' means a person suffering from any spinal cord disease,~~
14 ~~spinal cord injury, or neural tube defect, whether congenital or acquired, which results~~
15 ~~in partial or total loss of motor or sensory functions and which results in partial or total~~
16 ~~disability, regardless of whether such disability is temporary or permanent. 'Spinal cord~~
17 ~~injury' means a traumatic injury to the spinal cord, not of a degenerative or congenital~~
18 ~~nature, but arising from blunt or penetrating trauma or from acceleration-deceleration~~
19 ~~forces, resulting in paraplegia or quadriplegia, which can be a partial or total loss of~~
20 ~~physical function.~~

21 31-18-3.

22 ~~Except as otherwise provided, every public and private health and social agency and every~~
23 ~~physician authorized to practice medicine in this state shall report to the Brain and Spinal~~
24 ~~Injury Trust Fund Commission, which is administratively assigned to the department, the~~
25 ~~name of any person such agency or physician has identified as being spinal cord disabled~~
26 ~~or head-injured. The report shall be made within 48 hours after identification of the spinal~~
27 ~~cord disabled or head-injured person. The report shall contain the name, age, address, type~~
28 ~~and extent of disability, and such other information concerning the disabled person as the~~
29 ~~Brain and Spinal Injury Trust Fund Commission, which is administratively assigned to the~~
30 ~~department, may require. Every public and private health and social agency, every hospital~~
31 ~~or facility that has a valid permit or provisional permit issued by the Department of Human~~
32 ~~Resources under Chapter 7 of this title, and every physician licensed to practice medicine~~
33 ~~in this state, if such physician has not otherwise reported such information to another~~
34 ~~agency, hospital, and facility, shall report to the Brain and Spinal Injury Trust Fund~~
35 ~~Commission such information concerning the identity of the person such agency, hospital,~~
36 ~~facility, or physician has identified as having a traumatic brain or spinal cord injury as~~

1 defined in this chapter. The report shall be made within 45 days after identification of the
2 person with the traumatic brain or spinal cord injury. The report shall contain the name,
3 age, address, type and extent of disability, and such other information concerning the
4 person with the disability as the Brain and Spinal Injury Trust Fund Commission, which
5 is administratively assigned to the department, may require.

6 31-18-4.

7 ~~(a) The Brain and Spinal Injury Trust Fund Commission, which is administratively~~
8 ~~assigned to the department, shall establish procedures whereby a spinal cord disabled or~~
9 ~~head-injured person for whom a report is made under this chapter shall be referred with~~
10 ~~informed consent to appropriate public or private departments or agencies for treatment and~~
11 ~~rehabilitative services. The Brain and Spinal Injury Trust Fund Commission, which is~~
12 ~~administratively assigned to the Department of Human Resources, shall establish~~
13 ~~procedures whereby a person with a traumatic brain or spinal cord injury for whom a report~~
14 ~~is made in this chapter shall be informed of appropriate agencies, departments, hospitals,~~
15 ~~facilities, organizations, or individuals providing rehabilitative, independent living, and~~
16 ~~other services or goods.~~

17 ~~(b) The Brain and Spinal Injury Trust Fund Commission shall maintain records of reports,~~
18 ~~notifications, and referrals made under this chapter. The Brain and Spinal Injury Trust Fund~~
19 ~~Commission shall produce an annual report relating to information and data collected~~
20 ~~pursuant to this chapter and shall make such report available upon request. The Brain and~~
21 ~~Spinal Injury Trust Fund Commission shall maintain records of reports and notifications~~
22 ~~made under this chapter. The Brain and Spinal Injury Trust Fund Commission shall~~
23 ~~produce an annual report relating to information and data collected pursuant to this chapter~~
24 ~~and shall make such report available upon request.~~

25 ~~(c) Statistical information collected under this chapter shall be available to any other~~
26 ~~federal or state agency or private organization concerned with spinal cord dysfunction or~~
27 ~~head injuries, but no names or addresses will be provided without the consent of the spinal~~
28 ~~cord disabled or head-injured person or the consent of the immediate family or guardian~~
29 ~~of such person if that person is unable to consent. Statistical information collected under~~
30 ~~this chapter shall be available to any other federal or state agency or private organization~~
31 ~~concerned with traumatic brain or spinal cord injuries, but no names or addresses will be~~
32 ~~provided without the consent of the person with the traumatic brain or spinal cord injury~~
33 ~~or the consent of the immediate family or guardian of such person if that person is unable~~
34 ~~to consent."~~

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.