

**Indiana State Department of Health
Health Care Quality and Regulatory Commission**

Review of Select State Licensing of TBI Facilities

July 2014

Summary: A few states have specific licensing requirements for traumatic brain injury (TBI) facilities (highlighted in yellow).

Alabama: § 22-11C Alabama Head and Spinal Cord Injury Registry Act
§ 22-11C-6. Notification of available assistance.

- (a) The Department of Public Health shall establish procedures, after a report has been received for any person with a head or spinal cord injury, to notify the individual or the most immediate available family members of the availability of assistance from the state, the services available, and the eligibility requirements.
- (b) The Department of Public Health shall refer persons who have head or spinal cord injuries to other state agencies to assure that rehabilitative services, if desired, are obtained by that person.

California: Cal. Wel. & Inst. Code § 4354 uses the term “acquired traumatic brain injury” and it is defined as “an injury that is sustained after birth from an external force to the brain or any of its parts in cognitive, psychological, neurological, or anatomical changes in brain functions.” § 4357 lists the requirements for service providers.

Georgia: Ga. Comp. R. & Regs. 111-2-2.34. Specific Review Consideration for Traumatic Brain Injury Facilities. This regulation refers to TBI facilities as transitional living programs and/or long living programs. It requires a Certificate of Need prior to the establishment of one of these facilities. This is a lengthy regulation that lists specific requirements for obtaining the certificate.

Mississippi: Miss. Code. Ann. § 37-33-263. Provides information on the creation of a spinal cord and traumatic brain injuries registry.

Idaho: ID ADC 16.03.22.630. Lists the training requirements for facilities admitting residents with TBI. This is listed under the section for residential care or assisted living facilities. The requirements for one of those licenses can be found under ID ADC 16.03.22.100.

Montana: MCA 53-6-501: Traumatic Brain Injury Defined. Definition includes brain damage caused by an internal occurrence. The only type of brain injury it doesn't include in the definition is “injuries of a degenerative or congenital nature.”

Nebraska: Facilities can be designated as advanced level rehabilitation centers. To receive this designation they must be able to provide care for TBIs. 185 NE ADC Ch.8, § 001. They must receive accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) in the Acquired Traumatic Brain Injury Program.

Nevada: Nev. Rev. Stat. Ann. § 427A.800 defines traumatic brain injury as a sudden shock or damage to the brain or its coverings which is not of a degenerative nature and produces an altered state of consciousness or temporarily or permanently impairs the mental, cognitive, behavioral or physical functioning of the brain. The term does not include: (1) a cerebral vascular accident; (2) an aneurism; or (3) a congenital defect.

§ 427A.850

1. The Division shall establish a Program for Persons With Traumatic Brain Injuries
2. The Program may, subject to legislative appropriation, provide:
 - a. The following services to persons with traumatic brain injuries:
 - (1) Treatment during the day on an outpatient basis;
 - (2) Care provided in a facility operated and maintained to furnish food, shelter, assistance and limited supervision;
 - (3) Care provided in the home;
 - (4) Instruction in the skills required for independent living;
 - (5) Placement for jobs; and
 - (6) Counseling and treatment for the abuse of drugs or alcohol.
 - b. Support service for families of persons with traumatic brain injuries.
 - c. For the dissemination of information for the prevention of traumatic brain injuries.

Other states have similar programs to this so this is an example.

New Jersey: N.J. Stat. § 30:6D-5.3. This statute lists responsibilities of staff at facility for persons with developmental disabilities and traumatic brain injuries.

N.J.A.C. 10:44C. Standards for Community Residences for Persons with Head Injuries.

- Gives a lot of details about the requirements for the facility. The subchapters are titled General Provisions, Organization and Administration, Advocacy and Rights, Service Delivery/Rehabilitation/Habilitation, Health and Safety, and Fire Safety and Physical Environment.

N.J.A.C. 10:44C-1.4. Application for a License

N.J.A.C. 10:44C-1.6 Issuance of a License

New York: New York Public Health § 2740. Traumatic Brain Injury Program. This statute limits a TBI to an injury caused by an external force.

10 NYCRR 713-3.6: Traumatic Brain Injury Units

- (a) When provided, a separate head injury unit shall comply with the requirements of a general skilled nursing unit in accordance with section 713-3.4 of the Subpart, with the following variations and additional requirements:
- (1) A minimum of 20 percent of the total residents in a unit shall be in single rooms
 - (2) The minimum room areas exclusive of toilet rooms, closets, wardrobes, alcoves or vestibules shall provide adequate space for special needs and equipment for each resident.
 - (3) The resident rooms shall be provided with room furnishings and equipment required for continuing unscheduled therapeutic program activities.

10 NYCRR 758. Outpatient Rehabilitation Services for Persons with Head Injuries

Defines the services provided and the general requirements.

North Carolina: 10A NCAC 13B.2031 Additional Requirements for Traumatic Brain Injury Patients

Lists requirements needed in addition to the requirements for licensing a hospital. These include:

- providing a quiet room for therapy, specially designed wheelchairs, and standing tables.
- The medical director of an inpatient TBI program shall have two years management in a brain injury program.
- The facility shall provide the consulting services of a neuropsychologist
- The facility shall provide continuing education in the care and treatment of brain injury patients for all staff
- The size of the brain injury program shall be adequate to support a comprehensive, dedicated ongoing brain injury program.

Pennsylvania: There were regulations on funding a head injury program at 28 PA ADC § 4.

Tennessee: T.C.A. § 68-11-273. Licensing of traumatic brain injury residential homes.

- (a) Traumatic brain injury residential homes shall be licensed by the board and meet the standards prescribed in this part and in regulations promulgated by the board pursuant to this part, unless the board waives the same.
- (b) As a condition for licensure, a traumatic brain injury residential home provider shall provide community-based care for its residents in addition to residential care. During weekdays, the disabled adults residing in a traumatic brain injury residential home shall be provided day services through a separate facility licensed by the state. On weekends, the disabled adults shall participate in community activities, including, but not limited to, church attendance, visits to local parks, and other recreational activities of their choice or the choice of their family or legal representatives.

- (c) Traumatic brain injury residential home providers shall not be required to live in or employ a resident manager or substitute caregiver to live in a traumatic brain injury residential home. However, a traumatic brain injury residential home provider shall employ staff members to supervise the residents at all times within the residence, including overnights and during weekends. The staff members providing overnight care and/or supervision shall hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury.

TN ADC 1200-08-36-.02 Licensure and Renewal.

- (b) Qualifications for a Level 2 adult care home provider serving residents with TBI
This just lists the qualifications that the providers must have.