

RULE

Department of Health and Hospitals Office of Aging and Adult Services

Traumatic Head and Spinal Cord Injury Trust Fund Program
(LAC 48:I.Chapter 19 and LAC 67:VII.Chapter 19)

The Department of Health and Hospitals, Office of Aging and Adult Services does hereby amend the Traumatic Head and Spinal Cord Injury Trust Fund Program regulations as authorized by R.S. 36:259(T). This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

During the 2012 Regular Session, the Louisiana Legislature authorized the transfer of the Traumatic Head and Spinal Cord Injury Trust Fund and its functions to the Department of Health and Hospitals, Office of Aging and Adult Services (R.S. 36:259(T)). The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (R.S. 46:2631-2635) was also placed within the Department of Health and Hospitals. This Rule is being promulgated to adopt the changes created by the new legislation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 1. General

Chapter 19. Traumatic Head and Spinal Cord Injury

Editor's Note: This Chapter, formerly LAC 67:VII.Chapter 19, was moved to LAC 48:I.Chapter 19.

§1901. Program Profile

[Formerly LAC 67:VII.1901]

A. Mission—to provide services in a flexible, individualized manner to Louisiana citizens who survive traumatic head or spinal cord injuries enabling them to return to a reasonable level of functioning and independent living in their communities.

B. Program Administration

1. The Department of Health and Hospitals, Office of Aging and Adult Services (OAAS), shall be responsible for administration of the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund.

2. OAAS will have the responsibility of:

- a. promulgating rules and regulations;
- b. establishing priorities and criteria for disbursement of the fund;
- c. evaluating the needs of head injured and spinal cord injured individuals to identify service gaps and needs; submitting an annual report with recommendations to the legislature and governor 60 days prior to each Regular Session of the Legislature; and
- d. monitoring, evaluating, and reviewing the development and quality of services and programs funded through the trust fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:000 (January 2014).

§1903. Enabling Legislation

[Formerly LAC 67:VII.1903]

A. House bill number 591, Act 269 of the 2012 Regular Session, chapter 48 of title 46 of R.S. 46:2631-2635 and R.S. 36:259(T).

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:000 (January 2014).

§1905. Definitions

[Formerly LAC 67:VII.1905]

Advisory Board—Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board.

Domiciled—a resident of the state of Louisiana with intent to permanently remain within the state.

Medically Stable—no progression of deficits and/or no deterioration of physical/cognitive status; does not require acute daily medical intervention.

Medically Unstable—progression of neurologic deficits and/or deterioration of medical condition.

Spinal Cord Injury—an insult to the spinal cord, not of a degenerative or congenital nature but caused by an external physical force resulting in paraparesis/plegia or quadraparesis/plegia.

Traumatic Head Injury—an insult to the head, affecting the brain, not of a degenerative or congenital nature, but caused by an external physical force that may produce a diminished or altered state of consciousness which results in an impairment of cognitive abilities or physical functioning.

Trust Fund—Traumatic Head and Spinal Cord Injury Trust Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:000 (January 2014).

§1907. General Requirements

[Formerly LAC 67:VII.1907]

A. Cost-Effective Service Provision. All services shall be provided in a cost-effective manner.

B. Case Record Documentation. A case record will be maintained for each individual served. The record shall contain documentation to support the decision to provide, deny, or amend services. The case record will contain documentation of the amounts and dates of each service delivery.

1. All records must include service plans and progress notes.

2. All records must reflect individual identifications, and other pertinent medical histories.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:000 (January 2014).

§1909. Individual Appeals Rights

[Formerly LAC 67:VII.1911]

A. Administrative Review. The administrative review is a process which may be used by individuals for a timely

§2632. Definitions

As used in this Chapter, the following terms shall have the following meanings:

- (1) "Board" means the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board.
- (2) "Department" means the Department of Health and Hospitals.
- (3) "Fund" means the Traumatic Head and Spinal Cord Injury Trust Fund.
- (4) "Spinal cord injury" means an insult to the spinal cord, not of a degenerative or congenital nature, but caused by an external physical force resulting in paraplegia or quadriplegia.
- (5) "Traumatic head injury" means an insult to the head, affecting the brain, not of a degenerative or congenital nature, but caused by an external physical force that may produce a diminished or altered state of consciousness which results in an impairment of cognitive abilities or physical functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychological maladjustment.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 2010, No. 939, §8, eff. July 1, 2010.