

AN ACT relating to acquired brain injuries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Acquired brain injury" means:*

1. *An injury to the brain that is not congenital, hereditary, or degenerative and that results in physical, cognitive, or emotional disabilities, including but not limited to central nervous system injury from trauma, anoxic or hypoxic episodes, encephalitis, allergic conditions, damage caused by toxic substances, and other acute medical or clinical incidents; or*

2. *Traumatic brain injury as defined in KRS 211.470;*

(b) *"Outcome" means measurement of any functional gains that the patient may make as determined by a nationally recognized scale that includes a clinical evaluation and rating tool designed to look at physical, cognitive, emotional, behavioral, social, and environmental problems to assist in determining clinical interventions specifically for individuals with acquired brain injury; and*

(c) *"Treatment" means all medically necessary therapies or disciplines provided to a person diagnosed with an acquired brain injury.*

(2) *A health benefit plan that provides coverage for treatment of a post-acute acquired brain injury shall be exempt from the assessment required by KRS 304.17B-021, if the medical, physical, cognitive, and affective behavioral rehabilitation treatments of the person suffering the post-acute acquired brain injury are covered.*

(3) *The following conditions shall apply to any health benefit plan providing*

coverage for treatments of post-acute acquired brain injuries pursuant to subsection (2) of this section:

(a) Treatments shall be provided at a facility that is properly licensed and accredited, at which appropriate services may be provided to achieve desired outcomes, including but not limited to:

1. A hospital;
2. An acute rehabilitation hospital;
3. A long-term acute care hospital;
4. A hospital-based outpatient rehabilitation facility;
5. An interdisciplinary outpatient medical rehabilitation program; and
6. A residential rehabilitation program, skilled nursing facility, assisted living facility, outpatient rehabilitation facility, or acute or post-acute residential transitional rehabilitation facility accredited by the Commission on Accreditation of Rehabilitation Facilities as a specialty brain injury rehabilitation program;

(b) The health benefit plan shall provide coverage of a minimum of sixty (60) visits per calendar year; and

(c) Coverage shall not be denied or terminated to an individual solely because the treating facility is not geographically proximate to the insured.

(4) The commissioner shall promulgate administrative regulations to implement the provisions of this section in accordance with KRS Chapter 13A.