

**Introduced by Senator Simitian**

February 21, 2008

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An act to add Section 399.5 to the Military and Veterans Code, relating to traumatic brain injury screening.

LEGISLATIVE COUNSEL'S DIGEST

SB 1401, as introduced, Simitian. Armed forces: traumatic brain injury screening.

Existing law provides for certain rights and privileges for active members of the Armed Force, reservists, and veterans of the Armed Forces, including members of the California National Guard.

This bill would require the Secretary of the California Department of Veterans Affairs, or his or her designee, to assist an eligible member, as defined, or veteran in obtaining a best practice health screening for traumatic brain injury, as described. A member or veteran would be eligible to receive the assistance when he or she returns to this state after service in specified combat zones. This bill would require the Secretary of the California Department of Veterans Affairs, or his or her designee, to develop a plan for outreach to eligible members and veterans, as described, regarding traumatic brain injury.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 399.5 is added to the Military and
- 2 Veterans Code, to read:
- 3 399.5. (a) (1) The Secretary of the California Department of
- 4 Veterans Affairs, or his or her designees, shall assist any eligible

1 member or veteran who returns or has returned to this state in  
2 obtaining a best practice health screening test for traumatic brain  
3 injury.

4 (2) The eligible member or veteran must return or have returned  
5 to this state after service.

6 (b) (1) In order to effectively provide the assistance required  
7 by subdivision (a), the Secretary of the California Department of  
8 Veterans Affairs, or his or her designees, shall develop and  
9 implement a plan for outreach to eligible members and veterans  
10 who have returned from combat.

11 (2) The outreach plan shall provide information to eligible  
12 members and veterans concerning traumatic brain injury, the  
13 possible impacts associated with traumatic brain injury, and the  
14 right to screening services.

15 (c) For purposes of this section, all of the following apply:

16 (1) “Eligible member” means a member who served in the  
17 Persian Gulf War, as defined in Section 101 of Title 38 of the  
18 United States Code, in an area designated as a combat zone by the  
19 President of United States during Operation Enduring Freedom or  
20 Operation Iraqi Freedom, or in any other combat theater.

21 (2) “Member” or “member of the Armed Forces” means a  
22 member of the Armed Forces of the United States, including the  
23 California National Guard, who is a resident of this state.

24 (3) “Military physician” means a provider who is under contract  
25 with the United States Department of Defense to provide physician  
26 services to members of the Armed Forces.