

AMENDED IN ASSEMBLY JUNE 26, 2008

AMENDED IN ASSEMBLY JUNE 19, 2008

AMENDED IN SENATE MARCH 27, 2008

**SENATE BILL**

**No. 1401**

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**Introduced by Senator Simitian**  
**(Coauthor: Senator Cedillo)**  
(Coauthor: Assembly Member Salas)

February 21, 2008

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An act to add Section 399.5 to the Military and Veterans Code, relating to health screening.

LEGISLATIVE COUNSEL'S DIGEST

SB 1401, as amended, Simitian. Armed Forces: traumatic brain injury and post-traumatic stress disorder screening.

Existing law provides for certain rights and privileges for active members of the Armed Forces, 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 designees, to assist an eligible member, as defined, or veteran in obtaining an appropriate health screening for traumatic brain injury and post-traumatic stress disorder, 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 designees, to develop a plan for outreach to eligible members and veterans, as described, regarding traumatic brain injury and post-traumatic stress disorder. This bill would also require the Adjutant General, or his or her designee, to develop a plan

for outreach to eligible members of the California National Guard, who have returned from combat and remain on duty, regarding traumatic brain injury and post-traumatic stress disorder.

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  
 5 member or veteran who returns or has returned to this state in  
 6 obtaining an appropriate health screening test for traumatic brain  
 7 injury and post-traumatic stress disorder.

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

10 (b) (1) In order to effectively provide the assistance required  
 11 by subdivision (a), the Secretary of the California Department of  
 12 Veterans Affairs, or his or her designees, shall develop and  
 13 implement a plan for outreach to eligible members and veterans  
 14 who have returned from combat. The Adjutant General, or his or  
 15 her designee, shall also develop and implement a plan for outreach  
 16 to eligible members of the California National Guard who have  
 17 returned from combat and remain on duty in order to effectively  
 18 provide the service required by subdivision (a).

19 (2) Each outreach plan shall provide information to eligible  
 20 members and veterans concerning traumatic brain injury and  
 21 post-traumatic stress disorder, the possible impacts associated with  
 22 traumatic brain injury and post-traumatic stress disorder, and the  
 23 right to screening services.

24 (c) For purposes of this section, ~~all~~ both of the following apply:

25 (1) “Eligible member” means a member who served under Title  
 26 10 of the United States Code as designated by Executive Orders  
 27 Nos. 12744 and 13239 of the President of the United States.

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

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

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