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FISCAL IMPACT REPORT

ORIGINAL DATE 1/17/08

SPONSOR Cisneros LAST UPDATED _____ HB _____

SHORT TITLE NM National Guard Baseline Brain Functions SB 52

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
NA	1,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Veterans' Services Department
 Aging and Long-Term Services Department
 Developmental Disabilities Planning Council
 Department of Military Affairs

SUMMARY

Synopsis of Bill

Senate Bill 52 appropriates \$1,000.0 from the general fund, for expenditure in fiscal years 2009 through 2011, to the Department of Military Affairs for the purpose of supporting a pilot program using proven advanced technology to conduct baseline assessments of brain function of New Mexico National Guard personnel before deployment to a war zone. The technology is to be used in treatment and rehabilitation of National Guard personnel suffering from brain injury.

FISCAL IMPLICATIONS

The appropriation of \$1,000.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2011 shall revert to the general fund.

SIGNIFICANT ISSUES

Veterans' Services Department states the Department of Military Affairs can administer a standard, objective test that measures a soldier's reaction time, short-term memory and other

motor skills. The test would be administered again when a soldier returns from a tour of duty, and the comparison of the tests would point out any changes to fine motor skills, memory or reaction time. The tests would allow a soldier to get a quicker diagnosis of traumatic brain injury and begin treatment sooner. Veterans' Services Department reports that brain injuries caused by explosions have become the most common combat injury suffered by soldiers fighting in Iraq and Afghanistan.

The Developmental Disabilities Planning Council reports that between July and November 2003 the Defense and Veterans Brain Injury Center at Walter Reed Army Medical Center screened 155 patients who had returned from Iraq and were deemed at risk for brain injury. Ninety-six of the 155 screened, or 62 percent, were identified as having sustained a brain injury. The Developmental Disabilities Planning Council states activities focused to identify a brain injury where the injury isn't visible need to happen in order for appropriate treatment to occur. Post traumatic stress disorder and traumatic brain injury have similar symptoms but very different treatments. The council stressed it is imperative that an individual receive a correct diagnosis and treatment tailored to that diagnosis for a successful transition into family and community life.

Department of Military Affairs states the proposed legislation does not address licensing, insuring and authorizing the department to provide health services outside those authorized by federal law. Department of Military Affairs reports it does not have the infrastructure required to determine which experimental technology could be used to assess brain function, and that there are serious implications requiring research as to if the department should be authorized to be a health care provider. The department states as to the merit of the proposed legislation, the Department of Health would be in a better position to evaluate such technology.

OTHER SUBSTANTIVE ISSUES

Aging and Long-Term Services Department reports the federal government is developing a diagnostic tool for pre- and post-deployment assessments that will become a required part of pre- and post-deployment activity. The initiative is being endorsed by the Department of Defense. Aging and Long-Term Services Department states the New Mexico National Guard would be able to utilize these tools once they are developed.

Aging and Long-Term Services Department reports there is a preliminary questionnaire that is being used as an assessment of brain function for all active military for both pre- and post-deployment. The questionnaire can be found at <http://www.dvbic.org/>.

Department of Military Affairs reports the U.S. Department of Veterans Affairs treats veterans, at no cost to an injured veteran or the State of New Mexico, who have suffered brain injury or any other combat related injury or disease.

Department of Military Affairs reports developing systems, procedures and rules to comply with the federal requirements of the Health Insurance Portability and Accountability Act of 1996 would require enabling legislation and authorization from the State of New Mexico.

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