

Chapter 511

(Senate Bill 632)

AN ACT concerning

State Brain Injury Trust Fund

FOR the purpose of establishing the State Brain Injury Trust Fund as a special fund to be used to support certain services for certain individuals with brain injuries; requiring the Secretary of Health and Mental Hygiene or the Secretary's designee to administer the Fund; requiring the Secretary or the Secretary's designee to report to the Governor and the General Assembly on or before a certain date each year; establishing eligibility for individuals to receive assistance from the Fund; requiring that certain investment earnings be credited to the Fund; ~~altering the amount of a certain motor vehicle registration fee surcharge; requiring that a certain amount of the motor vehicle registration fee surcharge be paid into the Fund;~~ defining certain terms; requiring the Department of Health and Mental Hygiene to report to the General Assembly on or before a certain date on certain issues related to the implementation of this Act; authorizing the Department to contract with a certain entity for a certain purpose; declaring the intent of the General Assembly regarding implementation of administration of the Fund; and generally relating to the establishment of the State Brain Injury Trust Fund.

BY adding to

Article – Health – General

Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle 21A. State Brain Injury Trust Fund”

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)69. and 70.

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Finance and Procurement
 Section 6–226(a)(2)(ii)71.
 Annotated Code of Maryland
 (2009 Replacement Volume and 2012 Supplement)

~~BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 13–954
 Annotated Code of Maryland
 (2012 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

SUBTITLE 21A. STATE BRAIN INJURY TRUST FUND.

13–21A–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “SECRETARY” MEANS THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

(C) “FUND” MEANS THE STATE BRAIN INJURY TRUST FUND.

(D) “TRAUMATIC BRAIN INJURY” HAS THE MEANING ESTABLISHED IN THE POLICIES AND PROCEDURES ADOPTED BY THE STATE TRAUMATIC BRAIN INJURY ADVISORY BOARD UNDER § 13–2105 OF THIS TITLE.

13–21A–02.

(A) THERE IS A STATE BRAIN INJURY TRUST FUND.

(B) (1) THE PURPOSE OF THE FUND IS TO ASSIST IN THE PROVISION OF THE FOLLOWING SERVICES TO ELIGIBLE INDIVIDUALS WHO HAVE SUSTAINED BRAIN INJURIES:

(I) INDIVIDUAL CASE MANAGEMENT SERVICES; AND

(II) NEUROPSYCHOLOGICAL EVALUATION.

(2) THE FUND MAY BE USED TO SUPPORT:

- PROGRAMS;
- (I) PREVENTION, EDUCATION, AND AWARENESS
 - (II) REHABILITATION SERVICES;
 - (III) MEDICAL SERVICES;
 - (IV) DURABLE MEDICAL EQUIPMENT;
 - (V) ASSISTIVE TECHNOLOGY ASSESSMENT AND EQUIPMENT;
 - (VI) SERVICES TO ASSIST IN THE RETURN TO DRIVING;
 - (VII) EVALUATION AND TRAINING RELATED TO THE BRAIN INJURY;
 - (VIII) NEUROBEHAVIORAL HEALTH SERVICES;
 - (IX) NURSING HOME TRANSITION SERVICES;
 - (X) COMMUNITY REENTRY SERVICES;
 - (XI) EDUCATIONAL NEEDS;
 - (XII) HOUSING AND RESIDENTIAL SERVICES; AND
 - (XIII) TRANSPORTATION SERVICES.

(C) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) ~~MOTOR VEHICLE REGISTRATION SURCHARGES PAID INTO THE FUND IN ACCORDANCE WITH § 13-954(B)(3) OF THE TRANSPORTATION ARTICLE;~~

~~(2)~~ MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

~~(3)~~ (2) INVESTMENT EARNINGS OF THE FUND; AND

~~(4)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE PURPOSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(H) MONEY EXPENDED FROM THE FUND TO SUPPORT SERVICES TO INDIVIDUALS WITH BRAIN INJURIES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR THOSE SERVICES.

(I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE NUMBER OF INDIVIDUALS SERVED AND THE SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR USING THE FUND.

13-21A-03.

(A) TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN INDIVIDUAL SHALL:

(1) BE A UNITED STATES CITIZEN AND A RESIDENT OF THE STATE AT THE TIME OF THE BRAIN INJURY;

(2) HAVE A BRAIN INJURY THAT HAS BEEN DOCUMENTED IN THE MEDICAL RECORDS OF THE INDIVIDUAL;

(3) HAVE INCOME AT OR BELOW 300% OF THE FEDERAL POVERTY LEVEL; AND

(4) HAVE EXHAUSTED ALL OTHER HEALTH, REHABILITATION, AND DISABILITY BENEFIT FUNDING SOURCES THAT COVER THE SERVICES PROVIDED BY THE FUND.

(B) AN INDIVIDUAL MAY NOT RECEIVE SERVICES FROM THE FUND COSTING MORE THAN:

(1) THE ANNUAL AMOUNT ESTABLISHED BY POLICIES AND PROCEDURES ADOPTED BY THE SECRETARY OR THE SECRETARY'S DESIGNEE; AND

(2) THE LIFETIME OF THE INDIVIDUAL AMOUNT ESTABLISHED BY POLICIES AND PROCEDURES ADOPTED BY THE SECRETARY OR THE SECRETARY'S DESIGNEE.

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

69. the Maryland Legal Services Corporation Fund; [and]

70. Mortgage Loan Servicing Practices Settlement Fund;

AND

71. STATE BRAIN INJURY TRUST FUND.

~~Article – Transportation~~

~~13-954.~~

~~(a) In this section, "motor vehicle" means a:~~

~~(1) Class A (passenger) vehicle;~~

~~(2) Class B (for hire) vehicle;~~

- ~~(3) Class C (funeral and ambulance) vehicle;~~
- ~~(4) Class D (motorcycle) vehicle;~~
- ~~(5) Class E (truck) vehicle;~~
- ~~(6) Class F (tractor) vehicle;~~
- ~~(7) Class H (school) vehicle;~~
- ~~(8) Class J (vanpool) vehicle;~~
- ~~(9) Class M (multipurpose) vehicle;~~
- ~~(10) Class P (passenger bus) vehicle;~~
- ~~(11) Class Q (limousine) vehicle;~~
- ~~(12) Class R (low speed) vehicle; or~~
- ~~(13) Vehicle within any other class designated by the Administrator.~~

~~(b) (1) In addition to the registration fee otherwise required by this title, the owner of any motor vehicle registered under this title shall pay a surcharge of ~~[\$13.50]~~\$15.50 per year for each motor vehicle registered.~~

~~(2) \$2.50 of the surcharge collected under paragraph (1) of this subsection shall be paid into the Maryland Trauma Physician Services Fund established under § 19-130 of the Health General Article.~~

~~**(3) \$2.00 OF THE SURCHARGE COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PAID INTO THE STATE BRAIN INJURY TRUST FUND ESTABLISHED UNDER § 13-21A-02 OF THE HEALTH GENERAL ARTICLE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2014, the Department of Health and Mental Hygiene shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

- (1) the expected date of implementation of Section 1 of this Act;
- (2) the status of adoption of any rules or procedures relating to the administration of the Fund established under Section 1 of this Act; and

(3) any recommendations for legislation needed to allow for more efficient administration of the Fund established under Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may contract with an outside entity to develop the rules and procedures relating to the administration of the Fund established under Section 1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that implementation of administration of the Fund begin on or after July 1, 2014.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 16, 2013.