

CF 7r0897

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Introduced and read first time: February 5, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Traumatic Brain Injury and Spinal Cord Injury Rehabilitation Fund and**
3 **Advisory Board**

4 FOR the purpose of establishing the Maryland Traumatic Brain Injury and Spinal Cord
5 Injury Rehabilitation Fund; establishing certain requirements for the Fund;
6 establishing who may qualify to receive payments from the Fund; establishing which
7 services will be paid for by moneys in the Fund; establishing the Maryland
8 Traumatic Brain Injury and Spinal Cord Injury Advisory Board; establishing the
9 membership of the Board; establishing certain requirements for the Board;
10 designating the Board as the official State board for purposes of qualifying for
11 certain federal funding; requiring the Board to establish priorities and criteria for
12 the disbursement of moneys in the Fund; requiring the Board to make an annual
13 report containing certain information; requiring the Division of Rehabilitation
14 Services in the Department of Education to administer the Fund; authorizing the
15 Division of Rehabilitation Services to adopt certain regulations; establishing
16 additional fees for violation of certain laws; establishing certain requirements for
17 the collection of certain fees; defining certain terms; and generally relating to
18 traumatic brain injuries and spinal cord injuries.

19 BY adding to

20 Article - Education
21 Section 21-3A-01 through 21-3A-07, inclusive, to be under a new subtitle "Subtitle
22 3A. Maryland Traumatic Brain Injury and Spinal Cord Injury Assistance"
23 (1997 Replacement Volume)

24 BY adding to

25 Article - Transportation
26 Section 27-111
27 Annotated Code of Maryland
28 (1992 Replacement Volume and 1996 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

30 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Education**

2 SUBTITLE 3A. MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY
3 ASSISTANCE.

4 21-3A-01.

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

7 (B) "BOARD" MEANS THE MARYLAND TRAUMATIC BRAIN INJURY AND
8 SPINAL CORD INJURY ADVISORY BOARD.

9 (C) "DIVISION" MEANS THE DIVISION OF REHABILITATION SERVICES IN THE
10 DEPARTMENT OF EDUCATION.

11 (D) "FUND" MEANS THE MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL
12 CORD INJURY REHABILITATION FUND.

13 (E) (1) "TRAUMATIC BRAIN INJURY" MEANS AN ACQUIRED INJURY TO THE
14 BRAIN, INCLUDING BRAIN INJURIES CAUSED BY ANOXIA DUE TO NEAR DROWNING.

15 (2) "TRAUMATIC BRAIN INJURY" DOES NOT INCLUDE BRAIN
16 DYSFUNCTION CAUSED BY CONGENITAL OR DEGENERATIVE DISORDERS, OR BIRTH
17 TRAUMA.

18 (F) "SPINAL CORD INJURY" MEANS A TRAUMATIC INJURY TO THE SPINAL
19 CORD THAT RESULTS IN A PERMANENT LOSS OF SENSATION AND VOLUNTARY
20 MOVEMENT BELOW THE LEVEL OF THE LESION.

21 21-3A-02.

22 (A) (1) THERE IS A MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL
23 CORD INJURY REHABILITATION FUND.

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

26 (3) THE TREASURER SHALL SEPARATELY HOLD AND THE
27 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

28 (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
29 MANNER AS OTHER STATE FUNDS.

30 (B) THE FUND CONSISTS OF:

31 (1) ALL FEES COLLECTED UNDER § 27-111 OF THE TRANSPORTATION
32 ARTICLE;

33 (2) INVESTMENT EARNINGS DERIVED FROM MONEYS IN THE FUND;
34 AND

35 (3) ANY FEDERAL MATCHING FUNDS RECEIVED BY THE STATE FOR
36 TRAUMATIC BRAIN INJURY OR SPINAL CORD INJURY TREATMENT OR ASSISTANCE.

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1 (C) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF
2 LEGISLATIVE AUDITS AS PROVIDED FOR IN § 2-1215 OF THE STATE GOVERNMENT
3 ARTICLE.

4 (D) THE FUND SHALL BE ADMINISTERED BY THE DIVISION IN ACCORDANCE
5 WITH § 21-3A-07 OF THIS SUBTITLE.

6 (E) THE FUND SHALL BE USED TO MAKE PAYMENTS AUTHORIZED BY THE
7 DIVISION AS PROVIDED IN § 21-3A-07 OF THIS SUBTITLE.

8 (F) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND
9 FROM RECEIVING MONEYS FROM ANY OTHER SOURCE.

10 21-3A-03.

11 (A) THE PURPOSE OF THE FUND IS TO ASSIST INDIVIDUALS WHO HAVE
12 SUFFERED A TRAUMATIC BRAIN INJURY OR SPINAL CORD INJURY AND THEIR
13 FAMILIES IN PAYING FOR SERVICES THAT ARE NOT COVERED BY THE INDIVIDUAL'S
14 HEALTH INSURANCE, MEDICARE, MARYLAND MEDICAL ASSISTANCE, OR OTHER
15 PUBLIC OR PRIVATE HEALTH BENEFIT PROGRAMS.

16 (B) THE FUND SHALL BE THE PAYER OF LAST RESORT FOR SERVICES
17 DESCRIBED UNDER § 21-3A-04 OF THIS SUBTITLE AND MONEYS MAY BE EXPENDED
18 FROM THE FUND ONLY AFTER COMPARABLE BENEFITS AND SERVICES AVAILABLE
19 TO AN INDIVIDUAL HAVE BEEN UTILIZED.

20 (C) THE FUND MAY BE USED ONLY TO ASSIST RESIDENTS OF THE STATE.

21 (D) AN INDIVIDUAL MUST ESTABLISH THE PRESENCE OF A TRAUMATIC
22 BRAIN INJURY OR SPINAL CORD INJURY WITH DOCUMENTED MEDICAL EVIDENCE
23 IN ORDER TO BECOME ELIGIBLE TO RECEIVE MONEYS FROM THE FUND.

24 21-3A-04.

25 (A) MONEYS IN THE FUND SHALL BE USED TO PAY FOR SERVICES THAT WILL
26 INCREASE OPPORTUNITIES FOR AND ENHANCE THE ACHIEVEMENT OF FUNCTIONAL
27 INDEPENDENCE, AND A RETURN TO A PRODUCTIVE LIFESTYLE FOR INDIVIDUALS
28 WHO HAVE SUFFERED A TRAUMATIC BRAIN INJURY OR A SPINAL CORD INJURY.

29 (B) SERVICES THAT ARE ELIGIBLE FOR PAYMENT BY THE FUND SHALL
30 INCLUDE:

- 31 (1) CASE MANAGEMENT;
- 32 (2) REHABILITATIVE THERAPIES AND SERVICES;
- 33 (3) ATTENDANT CARE;
- 34 (4) HOME ACCESSIBILITY MODIFICATIONS;
- 35 (5) EQUIPMENT NECESSARY FOR ACTIVITIES;
- 36 (6) FAMILY SUPPORT SERVICES; AND

4

1 (7) OTHER SERVICES AS RECOMMENDED BY THE BOARD AND
2 APPROVED BY THE DIVISION.

3 (C) FUNDS SHALL BE EXPENDED ACCORDING TO THE PRIORITIES AND
4 CRITERIA FOR DISBURSEMENT ESTABLISHED BY THE DIVISION UNDER § 21-3A-07 OF
5 THIS SUBTITLE.

6 21-3A-05.

7 (A) THERE IS A MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD
8 INJURY ADVISORY BOARD IN THE DIVISION.

9 (B) (1) THE BOARD CONSISTS OF 13 MEMBERS.

10 (2) ONE BOARD MEMBER SHALL BE DRAWN FROM EACH OF THE
11 FOLLOWING AGENCIES:

12 (I) THE DIVISION, WHO SHALL BE ASSOCIATED WITH THE
13 MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY
14 REHABILITATION FUND OF THE DIVISION, APPOINTED BY THE STATE BOARD;

15 (II) THE DIVISION AT LARGE, APPOINTED BY THE STATE BOARD;

16 (III) THE DIVISION OF SPECIAL EDUCATION SERVICES IN THE
17 DEPARTMENT, APPOINTED BY THE STATE BOARD;

18 (IV) THE MARYLAND MEDICAL ASSISTANCE POLICY
19 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
20 APPOINTED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

21 (V) THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH
22 DISABILITIES, APPOINTED BY THE GOVERNOR.

23 (3) THE BOARD SHALL ALSO HAVE THE FOLLOWING MEMBERS:

24 (I) ONE REPRESENTATIVE OF THE MARYLAND BRAIN INJURY
25 ASSOCIATION, APPOINTED BY THE ASSOCIATION;

26 (II) ONE REPRESENTATIVE OF THE MARYLAND MEDICAL SOCIETY,
27 APPOINTED BY THE SOCIETY;

28 (III) ONE SURVIVOR OF A TRAUMATIC BRAIN INJURY, APPOINTED
29 BY THE GOVERNOR;

30 (IV) ONE SURVIVOR OF A SPINAL CORD INJURY, APPOINTED BY
31 THE GOVERNOR;

32 (V) ONE FAMILY MEMBER OF A SURVIVOR OF A TRAUMATIC
33 BRAIN INJURY, APPOINTED BY THE GOVERNOR;

34 (VI) ONE FAMILY MEMBER OF A SURVIVOR OF A SPINAL CORD
35 INJURY, APPOINTED BY THE GOVERNOR;

36 (VII) ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES,

37 APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND

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1 (VIII) ONE MEMBER OF THE MARYLAND SENATE, APPOINTED BY THE
2 PRESIDENT OF THE SENATE.

3 (C) APPOINTMENTS TO THE BOARD SHALL BE FOR 4-YEAR TERMS.

4 (D) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
5 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN
6 THE STATE BUDGET.

7 (E) THE BOARD SHALL ELECT FROM ITS MEMBERSHIP A CHAIRPERSON AND
8 A VICE CHAIRPERSON AT AN ORGANIZATIONAL MEETING TO BE HELD NO LATER
9 THAN 30 DAYS AFTER APPOINTMENTS TO THE BOARD ARE FINALIZED.

10 (F) AFTER THE BOARD HAS HELD AN ORGANIZATIONAL MEETING, THE
11 BOARD SHALL MEET UPON THE REQUEST OF THE CHAIRPERSON, VICE
12 CHAIRPERSON, OR FIVE OR MORE MEMBERS.

13 (G) THE BOARD SHALL ESTABLISH RULES GOVERNING NOTICE AND
14 PROCEDURE FOR REQUESTING A MEETING.

15 (H) A MAJORITY OF THE MEMBERS OF THE BOARD SHALL CONSTITUTE A
16 QUORUM FOR TRANSACTING BUSINESS OR PERFORMING ANY DUTIES.

17 (I) THE BOARD MAY ADOPT ADMINISTRATIVE RULES FOR TRANSACTING
18 BUSINESS.

19 (J) THE BOARD SHALL KEEP COMPLETE WRITTEN RECORDS OF ALL
20 PROCEEDINGS.

21 (K) THE BOARD IS DESIGNATED AS THE OFFICIAL STATE BOARD FOR
22 PURPOSES OF QUALIFYING FOR FEDERAL FUNDING UNDER PUBLIC LAW 104-166
23 AND ANY OTHER FEDERAL LAW UNDER WHICH THE STATE COULD QUALIFY FOR
24 FEDERAL FUNDING AVAILABLE FOR TRAUMATIC BRAIN INJURY OR SPINAL CORD
25 INJURY TREATMENT OR ASSISTANCE.

26 21-3A-06.

27 (A) THE BOARD SHALL:

28 (1) INVESTIGATE THE NEEDS OF CITIZENS WITH TRAUMATIC BRAIN
29 INJURIES AND SPINAL CORD INJURIES;

30 (2) IDENTIFY THE GAPS IN SERVICES TO CITIZENS WITH TRAUMATIC
31 BRAIN INJURIES AND SPINAL CORD INJURIES; OR

32 (3) ISSUE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, IN
33 ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE, ON JANUARY 31
34 OF EACH YEAR SUMMARIZING THE BOARD'S ACTIONS DURING THE PRECEDING
35 YEAR, AND CONTAINING RECOMMENDATIONS FOR:

36 (I) MEETING THE NEEDS OF CITIZENS WITH TRAUMATIC BRAIN
37 INJURIES AND SPINAL CORD INJURIES; AND

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1 (II) IMPROVING COORDINATION OF SERVICES REGARDING
2 TRAUMATIC BRAIN INJURIES AND SPINAL CORD INJURIES.

3 (B) IN ORDER TO ENSURE MAXIMUM BENEFITS FROM THE FUND, THE BOARD
4 SHALL:

5 (1) ADVISE THE DIVISION IN ADMINISTERING THE FUND;

6 (2) DEVELOP RECOMMENDED PRIORITIES AND CRITERIA FOR
7 DISBURSEMENT OF MONEYS IN THE FUND;

8 (3) DETERMINE WHETHER ADDITIONAL SERVICES SHOULD BE
9 ELIGIBLE UNDER § 21-3A-04 FOR PAYMENTS FROM THE FUND;

10 (4) ADVISE THE DIVISION OF SERVICES IDENTIFIED UNDER ITEM (3) OF
11 THIS SUBSECTION; AND

12 (5) ADVISE THE DIVISION AS TO THE DESIRABILITY OF USING MONEYS
13 FROM THE FUND TO PROVIDE STATE MATCHING FUNDS IN ORDER TO QUALIFY FOR
14 FEDERAL FUNDING UNDER PUBLIC LAW 104-166, OR ANY OTHER FEDERAL FUNDING
15 AVAILABLE FOR TRAUMATIC BRAIN INJURY OR SPINAL CORD INJURY TREATMENT
16 OR ASSISTANCE.

17 21-3A-07.

18 (A) THE DIVISION SHALL ADMINISTER THE FUND IN CONSULTATION WITH
19 THE BOARD.

20 (B) THE DIVISION IS AUTHORIZED TO MAKE PAYMENTS FROM THE FUND:

21 (1) TO PAY FOR SERVICES AUTHORIZED UNDER § 21-3A-04 OF THIS
22 SUBTITLE;

23 (2) TO PROVIDE STATE MATCHING FUNDS IN ORDER TO QUALIFY FOR
24 FEDERAL FUNDING UNDER PUBLIC LAW 104-166, OR ANY OTHER FEDERAL FUNDING
25 AVAILABLE FOR TRAUMATIC BRAIN INJURY OR SPINAL CORD INJURY TREATMENT
26 OR ASSISTANCE; AND

27 (3) TO PAY THE COSTS OF ACTIVITIES OF THE BOARD AND
28 ADMINISTRATION OF THE FUND.

29 (C) (1) THE DIVISION IS AUTHORIZED TO ADOPT REGULATIONS TO
30 ESTABLISH PROCEDURES AND CRITERIA FOR PAYMENTS FROM THE FUND.

31 (2) IN ADOPTING REGULATIONS UNDER THIS SUBSECTION, THE
32 DIVISION SHALL INCORPORATE THE BOARD'S RECOMMENDATIONS REGARDING
33 PRIORITIES AND CRITERIA FOR DISBURSEMENT OF MONEYS FROM THE FUND.

34 **Article - Transportation**

35 27-111.

36 (A) IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, A PERSON WHO
37 IS CONVICTED OF, OR RECEIVES PROBATION PRIOR TO JUDGMENT FOR ANY

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1 VIOLATION OF THE MARYLAND VEHICLE LAW WHICH IS PUNISHABLE BY
2 IMPRISONMENT SHALL PAY AN ADDITIONAL FEE OF \$25.

3 (B) FEES DUE UNDER THIS SECTION SHALL BE COLLECTED IN THE SAME
4 MANNER AS OTHER COSTS, FEES, FINES, FORFEITURES, OR PENALTIES IMPOSED BY
5 THE COURT.

6 (C) (1) ALL MONEYS COLLECTED UNDER THIS SECTION SHALL BE PAID TO
7 THE COMPTROLLER OF THE STATE.

8 (2) THE COMPTROLLER SHALL DEPOSIT ALL FEES RECEIVED UNDER
9 THIS SECTION INTO THE MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD
10 INJURY REHABILITATION FUND ESTABLISHED UNDER § 21-3A-02 OF THE
11 EDUCATION ARTICLE.

12 (3) THE COMPTROLLER SHALL PAY MONEYS FROM THE MARYLAND
13 TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REHABILITATION FUND AS
14 DIRECTED BY THE DIVISION OF REHABILITATION SERVICES IN THE DEPARTMENT
15 OF EDUCATION UNDER § 21-3A-07 OF THE EDUCATION ARTICLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.