

CF 7r0897

**By: Delegates Nathan-Pulliam, Grosfeld, Kirk, Parker, Valderrama, Watson, E. Burns,
B. Hughes, D. Hughes, and Mohorovic**

Introduced and read first time: February 5, 1997

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 1997

CHAPTER ____

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; providing for the termination of this Act;~~ defining
18 certain terms; and generally relating to traumatic brain injuries and spinal cord
19 injuries.

20 BY adding to

21 Article - Education
22 Section 21-3A-01 through ~~21-3A-07~~ 21-3A-03, inclusive, to be under a new
23 subtitle "Subtitle 3A. Maryland Traumatic Brain Injury and Spinal Cord
24 Injury ~~Assistance~~ Advisory Board"
25 Annotated Code of Maryland
26 (1997 Replacement Volume)

2

1 ~~BY adding to~~
2 ~~Article — Transportation~~
3 ~~Section 27-111~~
4 ~~Annotated Code of Maryland~~
5 ~~(1992 Replacement Volume and 1996 Supplement)~~

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

8 **Article - Education**

9 SUBTITLE 3A. MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY
10 ~~ASSISTANCE~~ ADVISORY BOARD.

11 21-3A-01.

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

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

16 (C) "DIVISION" MEANS THE DIVISION OF REHABILITATION SERVICES IN THE
17 DEPARTMENT OF EDUCATION.

18 ~~(D) "FUND" MEANS THE MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL~~
19 ~~CORD INJURY REHABILITATION FUND.~~

20 ~~(E)~~ (D) (1) "TRAUMATIC BRAIN INJURY" MEANS AN ACQUIRED INJURY TO
21 THE BRAIN, INCLUDING BRAIN INJURIES CAUSED BY ANOXIA DUE TO NEAR
22 DROWNING.

23 (2) "TRAUMATIC BRAIN INJURY" DOES NOT INCLUDE BRAIN
24 DYSFUNCTION CAUSED BY CONGENITAL OR DEGENERATIVE DISORDERS, OR BIRTH
25 TRAUMA.

26 ~~(E)~~ (E) "SPINAL CORD INJURY" MEANS A TRAUMATIC INJURY TO THE
27 SPINAL CORD THAT RESULTS IN A PERMANENT LOSS OF SENSATION AND
28 VOLUNTARY MOVEMENT BELOW THE LEVEL OF THE LESION.

29 21-3A-02.

30 ~~(A) (1) THERE IS A MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL~~
31 ~~CORD INJURY REHABILITATION FUND.~~

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

34 ~~(3) THE TREASURER SHALL SEPARATELY HOLD AND THE~~
35 ~~COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

36 ~~(4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME~~
37 ~~MANNER AS OTHER STATE FUNDS.~~

1 ~~(B) THE FUND CONSISTS OF:~~

2 ~~(1) ALL FEES COLLECTED UNDER § 27-111 OF THE TRANSPORTATION~~
3 ~~ARTICLE;~~

4 ~~(2) INVESTMENT EARNINGS DERIVED FROM MONEYS IN THE FUND;~~
5 ~~AND~~

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

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

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

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

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

17 ~~21-3A-03.~~

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

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

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

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

31 ~~21-3A-04.~~

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

36 ~~(B) SERVICES THAT ARE ELIGIBLE FOR PAYMENT BY THE FUND SHALL~~
37 ~~INCLUDE:~~

38 ~~(1) CASE MANAGEMENT;~~

4

- 1 ~~(2) REHABILITATIVE THERAPIES AND SERVICES;~~
- 2 ~~(3) ATTENDANT CARE;~~
- 3 ~~(4) HOME ACCESSIBILITY MODIFICATIONS;~~
- 4 ~~(5) EQUIPMENT NECESSARY FOR ACTIVITIES;~~
- 5 ~~(6) FAMILY SUPPORT SERVICES; AND~~
- 6 ~~(7) OTHER SERVICES AS RECOMMENDED BY THE BOARD AND~~
- 7 ~~APPROVED BY THE DIVISION.~~

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

11 ~~21-3A-05.~~

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

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

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

17 ~~(I) THE DIVISION, WHO SHALL BE ASSOCIATED WITH THE~~
18 ~~MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY~~
19 ~~REHABILITATION FUND OF THE DIVISION, APPOINTED BY THE STATE BOARD;~~

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

21 ~~(III)~~ (II) THE DIVISION OF SPECIAL EDUCATION SERVICES IN THE
22 DEPARTMENT, APPOINTED BY THE STATE BOARD;

23 ~~(IV)~~ (III) THE MARYLAND MEDICAL ASSISTANCE POLICY
24 ~~ADMINISTRATION OF THE~~ DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
25 APPOINTED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

26 ~~(V)~~ (IV) THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH
27 DISABILITIES, APPOINTED BY THE GOVERNOR.

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

29 (I) ONE REPRESENTATIVE OF THE ~~MARYLAND BRAIN INJURY~~
30 ~~ASSOCIATION~~ BRAIN INJURY ASSOCIATION OF MARYLAND, APPOINTED BY THE
31 ASSOCIATION;

32 (II) ONE REPRESENTATIVE OF THE MARYLAND MEDICAL SOCIETY,
33 APPOINTED BY THE SOCIETY;

34 (III) ONE REPRESENTATIVE OF THE SPINAL CORD INJURY
35 NETWORK, APPOINTED BY THE NETWORK;

5

1 ~~(III)~~ (IV) ONE SURVIVOR OF A TRAUMATIC BRAIN INJURY,
2 APPOINTED BY THE GOVERNOR;

3 ~~(IV)~~ (V) ONE SURVIVOR OF A SPINAL CORD INJURY, APPOINTED
4 BY THE GOVERNOR;

5 ~~(V)~~ (VI) ONE FAMILY MEMBER OF A SURVIVOR OF A TRAUMATIC
6 BRAIN INJURY, APPOINTED BY THE GOVERNOR;

7 ~~(VI)~~ (VII) ONE FAMILY MEMBER OF A SURVIVOR OF A SPINAL CORD
8 INJURY, APPOINTED BY THE GOVERNOR;

9 ~~(VII)~~ (VIII) ONE MEMBER OF THE MARYLAND HOUSE OF
10 DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND

11 ~~(VIII)~~ (IX) ONE MEMBER OF THE MARYLAND SENATE, APPOINTED
12 BY THE PRESIDENT OF THE SENATE.

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

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

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

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

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

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

27 (I) THE BOARD MAY ADOPT ADMINISTRATIVE RULES FOR TRANSACTING
28 BUSINESS.

29 (J) THE BOARD SHALL KEEP COMPLETE WRITTEN RECORDS OF ALL
30 PROCEEDINGS.

31 (K) THE BOARD IS DESIGNATED AS THE OFFICIAL STATE BOARD FOR
32 PURPOSES OF QUALIFYING FOR FEDERAL FUNDING UNDER PUBLIC LAW 104-166
33 ~~AND ANY OTHER FEDERAL LAW UNDER WHICH THE STATE COULD QUALIFY FOR~~
34 ~~FEDERAL FUNDING AVAILABLE FOR TRAUMATIC BRAIN INJURY OR SPINAL CORD~~
35 ~~INJURY TREATMENT OR ASSISTANCE.~~

36 ~~21-3A-06; 21-3A-03.~~

37 ~~(A)~~ THE BOARD SHALL:

6

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

3 (2) IDENTIFY THE GAPS IN SERVICES TO CITIZENS WITH TRAUMATIC
4 BRAIN INJURIES AND SPINAL CORD INJURIES; ~~OR~~ AND

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

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

11 (II) IMPROVING COORDINATION OF SERVICES REGARDING
12 TRAUMATIC BRAIN INJURIES AND SPINAL CORD INJURIES.

13 ~~(B) IN ORDER TO ENSURE MAXIMUM BENEFITS FROM THE FUND, THE BOARD~~
14 ~~SHALL:~~

15 ~~(1) ADVISE THE DIVISION IN ADMINISTERING THE FUND;~~

16 ~~(2) DEVELOP RECOMMENDED PRIORITIES AND CRITERIA FOR~~
17 ~~DISBURSEMENT OF MONEYS IN THE FUND;~~

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

20 ~~(4) ADVISE THE DIVISION OF SERVICES IDENTIFIED UNDER ITEM (3) OF~~
21 ~~THIS SUBSECTION; AND~~

22 ~~(5) ADVISE THE DIVISION AS TO THE DESIRABILITY OF USING MONEYS~~
23 ~~FROM THE FUND 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.~~

27 ~~21-3A-07.~~

28 ~~(A) THE DIVISION SHALL ADMINISTER THE FUND IN CONSULTATION WITH~~
29 ~~THE BOARD.~~

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

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

33 ~~(2) TO PROVIDE STATE MATCHING FUNDS IN ORDER TO QUALIFY FOR~~
34 ~~FEDERAL FUNDING UNDER PUBLIC LAW 104-166, OR ANY OTHER FEDERAL FUNDING~~
35 ~~AVAILABLE FOR TRAUMATIC BRAIN INJURY OR SPINAL CORD INJURY TREATMENT~~
36 ~~OR ASSISTANCE; AND~~

37 ~~(3) TO PAY THE COSTS OF ACTIVITIES OF THE BOARD AND~~
38 ~~ADMINISTRATION OF THE FUND.~~

7

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

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

6 **Article—Transportation**

7 ~~27-111.~~

8 ~~(A) IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, A PERSON WHO~~
9 ~~IS CONVICTED OF, OR RECEIVES PROBATION PRIOR TO JUDGMENT FOR ANY~~
10 ~~VIOLATION OF THE MARYLAND VEHICLE LAW WHICH IS PUNISHABLE BY~~
11 ~~IMPRISONMENT SHALL PAY AN ADDITIONAL FEE OF \$25.~~

12 ~~(B) FEES DUE UNDER THIS SECTION SHALL BE COLLECTED IN THE SAME~~
13 ~~MANNER AS OTHER COSTS, FEES, FINES, FORFEITURES, OR PENALTIES IMPOSED BY~~
14 ~~THE COURT.~~

15 ~~(C) (1) ALL MONEYS COLLECTED UNDER THIS SECTION SHALL BE PAID TO~~
16 ~~THE COMPTROLLER OF THE STATE.~~

17 ~~(2) THE COMPTROLLER SHALL DEPOSIT ALL FEES RECEIVED UNDER~~
18 ~~THIS SECTION INTO THE MARYLAND TRAUMATIC BRAIN INJURY AND SPINAL CORD~~
19 ~~INJURY REHABILITATION FUND ESTABLISHED UNDER § 21-3A-02 OF THE~~
20 ~~EDUCATION ARTICLE.~~

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1997. It shall remain effective for a period of 5 years and, at the end of
27 September 30, 2002, with no further action required by the General Assembly, this Act
28 shall be abrogated and of no further force and effect.