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**By: Senators Roesser and Haines**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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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 Annotated Code of Maryland  
24 (1997 Replacement Volume)

25 BY adding to

26 Article - Transportation  
27 Section 27-111  
28 Annotated Code of Maryland  
29 (1992 Replacement Volume and 1996 Supplement)

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

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

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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

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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.