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By: **Delegates Mohorovic, Finifter, Nathan-Pulliam, DeCarlo, Cadden,  
Morhaim, Paige, Sophocleus, Bronrott, Minnick, Marriott, Riley,  
Boutin, Rosso, Cane, Linton, Kopp, Fulton, La Vay, Goldwater, Conroy,  
Moe, Mandel, and Cryor**

Introduced and read first time: February 9, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Mental Hygiene Administration - Traumatic Brain Injury Rehabilitation**  
3                                   **Fund**

4 FOR the purpose of establishing a Traumatic Brain Injury Rehabilitation Fund;  
5 providing that the Fund is a special continuing, nonlapsing fund; requiring the  
6 Comptroller to distribute a certain amount of money derived from a certain  
7 tobacco tax to the Fund in each fiscal year; providing that the purpose of the  
8 Fund is to assist certain individuals who are at least a certain age and who have  
9 suffered traumatic brain injuries, and their families, in paying for certain  
10 services and products; providing that the Fund shall be administered by the  
11 Mental Hygiene Administration; requiring the Administration to develop a list  
12 of approved providers; requiring the Administration to adopt regulations that  
13 establish priorities for use of the Fund, application procedures, and eligibility  
14 criteria; and generally relating to the Mental Hygiene Administration and  
15 individuals who suffer traumatic brain injuries.

16 BY adding to  
17 Article - Health - General  
18 Section 10-927 through 10-930, inclusive, to be under the new part "Part V.  
19 Traumatic Brain Injury Rehabilitation Fund"  
20 Annotated Code of Maryland  
21 (1994 Replacement Volume and 1999 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Tax - General  
24 Section 2-1603  
25 Annotated Code of Maryland  
26 (1997 Replacement Volume and 1999 Supplement)

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

1 **Article - Health - General**

## 2 PART V. TRAUMATIC BRAIN INJURY REHABILITATION FUND.

3 10-927.

4 (A) IN PART V OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
5 MEANINGS INDICATED.6 (B) "APPROVED PROVIDER" MEANS A PERSON WHO IS APPROVED BY THE  
7 ADMINISTRATION TO PROVIDE PRODUCTS OR SERVICES TO AN INDIVIDUAL WITH A  
8 TRAUMATIC BRAIN INJURY.

9 (C) "FUND" MEANS THE TRAUMATIC BRAIN INJURY REHABILITATION FUND.

10 (D) (1) "TRAUMATIC BRAIN INJURY" MEANS AN INSULT TO THE BRAIN THAT  
11 IS CAUSED BY AN EXTERNAL PHYSICAL FORCE THAT PRODUCES A DIMINISHED OR  
12 ALTERED STATE OF CONSCIOUSNESS THAT IMPAIRS OR DISTURBS COGNITIVE,  
13 PHYSICAL, BEHAVIORAL, OR EMOTIONAL FUNCTIONING.14 (2) "TRAUMATIC BRAIN INJURY" DOES NOT INCLUDE AN INSULT TO THE  
15 BRAIN THAT IS CAUSED BY A CONGENITAL OR DEGENERATIVE DISORDER.

16 10-928.

17 (A) (1) THERE IS A TRAUMATIC BRAIN INJURY REHABILITATION FUND.

18 (2) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS  
19 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.20 (3) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER  
21 SHALL ACCOUNT FOR THE FUND.22 (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME  
23 MANNER AS OTHER STATE FUNDS.

24 (B) THE FUND CONSISTS OF:

25 (1) MONEYS DISTRIBUTED TO THE FUND UNDER § 2-1603 OF THE TAX -  
26 GENERAL ARTICLE;

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

28 (3) ANY FEDERAL MATCHING FUNDS RECEIVED BY THE STATE FOR  
29 TRAUMATIC BRAIN INJURY TREATMENT OR ASSISTANCE.30 (C) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF  
31 LEGISLATIVE AUDITS AS PROVIDED UNDER § 2-1220 OF THE STATE GOVERNMENT  
32 ARTICLE.

1 (D) THE ADMINISTRATION SHALL ADMINISTER THE FUND AS PROVIDED  
2 UNDER § 10-930 OF THIS PART.

3 (E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND FROM  
4 RECEIVING MONEYS FROM ANY OTHER SOURCE.

5 10-929.

6 (A) THE PURPOSE OF THE FUND IS TO ASSIST INDIVIDUALS WHO HAVE  
7 SUFFERED TRAUMATIC BRAIN INJURIES AFTER THE AGE OF 21, AND THEIR  
8 FAMILIES, IN PAYING FOR SERVICES AND PRODUCTS THAT:

9 (1) ARE NOT COVERED BY THE INDIVIDUAL'S HEALTH INSURANCE OR  
10 ANY OTHER PRIVATE HEALTH BENEFIT PROGRAM; AND

11 (2) WILL INCREASE THE INDIVIDUAL'S OPPORTUNITY FOR AND  
12 ENHANCE THE INDIVIDUAL'S ACHIEVEMENT OF FUNCTIONAL INDEPENDENCE AND A  
13 PRODUCTIVE LIFESTYLE.

14 (B) THE FUND SHALL BE THE PAYER OF LAST RESORT FOR SERVICES AND  
15 PRODUCTS DESCRIBED UNDER § 10-930(B) OF THIS PART.

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

17 10-930.

18 (A) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

19 (B) THE ADMINISTRATION SHALL USE THE FUND TO:

20 (1) PAY FOR SERVICES AND PRODUCTS RECEIVED FROM APPROVED  
21 PROVIDERS, INCLUDING:

22 (I) CASE MANAGEMENT SERVICES;

23 (II) REHABILITATIVE THERAPIES AND SERVICES;

24 (III) ATTENDANT CARE;

25 (IV) HOME ACCESSIBILITY MODIFICATIONS;

26 (V) EQUIPMENT NECESSARY FOR ACTIVITIES; AND

27 (VI) FAMILY SUPPORT SERVICES;

28 (2) PROVIDE STATE MATCHING FUNDS IN ORDER TO QUALIFY FOR  
29 FEDERAL FUNDING OF TRAUMATIC BRAIN INJURY ASSISTANCE OR TREATMENT; AND

30 (3) PAY THE COSTS ASSOCIATED WITH ADMINISTERING THE FUND.

1 (C) THE ADMINISTRATION SHALL DEVELOP A LIST OF APPROVED PROVIDERS  
2 AND MAKE THIS LIST AVAILABLE TO INDIVIDUALS WITH TRAUMATIC BRAIN  
3 INJURIES.

4 (D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO ESTABLISH:

5 (1) PRIORITIES FOR THE USE OF THE FUND;

6 (2) APPLICATION PROCEDURES FOR INDIVIDUALS SEEKING PAYMENTS  
7 FROM THE FUND;

8 (3) ELIGIBILITY CRITERIA FOR INDIVIDUALS SEEKING PAYMENTS FROM  
9 THE FUND, INCLUDING:

10 (I) INCOME CRITERIA THAT AUTHORIZES PAYMENTS BASED ON A  
11 SLIDING SCALE; AND

12 (II) A REQUIREMENT THAT THE PRESENCE OF A TRAUMATIC BRAIN  
13 INJURY BE ESTABLISHED WITH DOCUMENTED MEDICAL EVIDENCE.

14 **Article - Tax - General**

15 2-1603.

16 (A) [After] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
17 AFTER making the distributions required under §§ 2-1601 and 2-1602 of this  
18 subtitle, the Comptroller shall distribute the remaining tobacco tax revenue to the  
19 General Fund of the State.

20 (B) FOR EACH FISCAL YEAR, BEFORE MAKING THE DISTRIBUTION REQUIRED  
21 UNDER SUBSECTION (A) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE  
22 \$5,000,000 TO THE TRAUMATIC BRAIN INJURY REHABILITATION FUND CREATED  
23 UNDER § 10-928 OF THE HEALTH - GENERAL ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2000.