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By: **Delegates Mohorovic, Owings, Baldwin, Boutin, Guns, Hammen,  
Klausmeier, Morhaim, Nathan-Pulliam, Sher, and Stull**

Introduced and read first time: February 7, 2001

Assigned to: Environmental Matters and Judiciary

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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 annual transfer to the Fund by the Comptroller of the Treasury of a certain  
7 portion of the moneys collected from certain surcharges on certain traffic fines  
8 required to be assessed by police officers and the courts; providing for the  
9 disposition of moneys not transferred; requiring certain lines on certain traffic  
10 citation forms; providing that the purpose of the Fund is to assist certain  
11 individuals who are at least a certain age and who have suffered traumatic  
12 brain injuries, and their families, in paying for certain services and products;  
13 providing that the Fund shall be administered by the Mental Hygiene  
14 Administration; requiring the Administration to develop a list of approved  
15 providers; requiring the Administration to adopt regulations that establish  
16 priorities for use of the Fund, application procedures, and eligibility criteria;  
17 requiring the Administration to make a certain annual report; requiring the  
18 District Court of Maryland to make certain periodic reports; and generally  
19 relating to the Mental Hygiene Administration and individuals who suffer  
20 traumatic brain injuries.

21 BY adding to  
22 Article - Courts and Judicial Proceedings  
23 Section 1-605.1 and 7-301(g)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2000 Supplement)

26 BY adding to  
27 Article - Health - General  
28 Section 10-927 through 10-930, inclusive, to be under the new part "Part V.  
29 Traumatic Brain Injury Rehabilitation Fund"  
30 Annotated Code of Maryland  
31 (2000 Replacement Volume)

1 BY adding to  
2 Article - Transportation  
3 Section 27-101.2  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 2000 Supplement)

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

8 **Article - Courts and Judicial Proceedings**

9 1-605.1.

10 THE CITATION FORMS DESIGNED UNDER § 1-605(D)(8) OF THIS SUBTITLE SHALL  
11 INCLUDE A LINE ON WHICH TO ADD THE \$10 SURCHARGE ASSESSED UNDER § 27-101.2  
12 OF THE TRANSPORTATION ARTICLE.

13 7-301.

14 (G) (1) ON AND AFTER OCTOBER 1, 2001, IN ANY TRAFFIC CASE IN WHICH  
15 POINTS MAY BE ASSESSED UNDER § 16-402 OF THE TRANSPORTATION ARTICLE  
16 AFTER CONVICTION, THE COURT SHALL ADD TO ANY FINE IMPOSED BY THE COURT A  
17 \$10 SURCHARGE.

18 (2) THE COURT SHALL INFORM THE INDIVIDUAL FINED THAT THE  
19 COMPTROLLER OF THE TREASURY WILL TRANSFER MONEYS RECEIVED FROM THE  
20 SURCHARGE PORTION OF THE FINE TO THE TRAUMATIC BRAIN INJURY  
21 REHABILITATION FUND ESTABLISHED UNDER § 10-927 OF THE HEALTH - GENERAL  
22 ARTICLE.

23 (3) (I) ON JULY 15, 2002, AND ON THE SAME DATE OF EACH YEAR  
24 THEREAFTER, THE COMPTROLLER OF THE TREASURY SHALL FORWARD \$2 MILLION  
25 OF THE SURCHARGE MONEYS COLLECTED IN THE PREVIOUS FISCAL YEAR UNDER  
26 THIS SECTION AND § 27-101.2(A) OF THE TRANSPORTATION ARTICLE TO THE  
27 TRAUMATIC BRAIN INJURY REHABILITATION FUND.

28 (II) ANY MONEYS COLLECTED FROM THE SURCHARGES THAT ARE  
29 NOT FORWARDED TO THE FUND UNDER THIS SECTION OR § 27-101.2(A) OF THE  
30 TRANSPORTATION ARTICLE SHALL REMAIN IN AND BE CREDITED TO THE GENERAL  
31 FUND OF THE STATE.

32 (4) BEGINNING JULY 1, 2002 AND ON THE SAME DATE EVERY 3 YEARS  
33 THEREAFTER, THE DISTRICT COURT SHALL REPORT TO THE APPROPRIATE  
34 COMMITTEES OF THE GENERAL ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE  
35 GOVERNMENT ARTICLE, THE NUMBER OF SURCHARGES AND THE MONETARY  
36 AMOUNT OF THOSE SURCHARGES ASSESSED UNDER THIS SECTION IN THE PREVIOUS  
37 3 FISCAL YEARS.

**Article - Health - General**

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## 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, FOR A PERIOD OF  
12 NOT LESS THAN 6 MONTHS, A DIMINISHED OR ALTERED STATE OF CONSCIOUSNESS  
13 THAT IMPAIRS OR DISTURBS COGNITIVE, PHYSICAL, BEHAVIORAL, OR EMOTIONAL  
14 FUNCTIONING.

15 (2) "TRAUMATIC BRAIN INJURY" DOES NOT INCLUDE AN INSULT TO THE  
16 BRAIN THAT IS CAUSED BY A CONGENITAL OR DEGENERATIVE DISORDER.

17 10-928.

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

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

21 (3) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER  
22 SHALL ACCOUNT FOR THE FUND.

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

25 (5) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED  
26 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND  
27 TO BE USED FOR THE PURPOSES SPECIFIED IN §§ 10-929 AND 10-930 OF THIS  
28 SUBTITLE.

29 (B) THE FUND CONSISTS OF:

30 (1) MONEYS TRANSFERRED TO THE FUND UNDER § 7-301(G)(3) OF THE  
31 COURTS ARTICLE AND § 27-101.2(B) OF THE TRANSPORTATION ARTICLE;

32 (2) MONEYS RECEIVED FROM ANY OTHER SOURCE;

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

1 (4) ANY FEDERAL MATCHING FUNDS RECEIVED BY THE STATE FOR  
2 TRAUMATIC BRAIN INJURY TREATMENT OR ASSISTANCE.

3 (C) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF  
4 LEGISLATIVE AUDITS AS PROVIDED UNDER § 2-1220 OF THE STATE GOVERNMENT  
5 ARTICLE.

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

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

10 10-929.

11 (A) THE PURPOSE OF THE FUND IS TO ASSIST INDIVIDUALS, ON AND AFTER  
12 OCTOBER 1, 2002, WHO HAVE SUFFERED TRAUMATIC BRAIN INJURIES AFTER THE  
13 AGE OF 21, AND THEIR FAMILIES, IN PAYING FOR SERVICES AND PRODUCTS THAT:

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

16 (2) WILL INCREASE THE INDIVIDUAL'S OPPORTUNITY FOR AN OPTIMAL  
17 QUALITY OF LIFE.

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

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

21 10-930.

22 (A) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

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

24 (1) PAY FOR SERVICES AND PRODUCTS RECEIVED FROM APPROVED  
25 PROVIDERS, INCLUDING:

26 (I) CASE MANAGEMENT SERVICES;

27 (II) REHABILITATIVE THERAPIES AND SERVICES;

28 (III) ATTENDANT CARE;

29 (IV) HOME ACCESSIBILITY MODIFICATIONS;

30 (V) EQUIPMENT NECESSARY FOR ACTIVITIES; AND

31 (VI) RESPITE CARE;

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

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

4 (C) THE ADMINISTRATION SHALL DEVELOP A LIST OF APPROVED PROVIDERS  
5 AND MAKE THIS LIST AVAILABLE TO INDIVIDUALS WITH TRAUMATIC BRAIN  
6 INJURIES.

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

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

9 (2) APPLICATION PROCEDURES FOR INDIVIDUALS SEEKING PAYMENTS  
10 FROM THE FUND; AND

11 (3) ELIGIBILITY CRITERIA FOR INDIVIDUALS SEEKING PAYMENTS FROM  
12 THE FUND, INCLUDING:

13 (I) INCOME CRITERIA THAT AUTHORIZE PAYMENTS BASED ON A  
14 SLIDING SCALE; AND

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

17 (E) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE ADMINISTRATION SHALL  
18 REPORT ON THE LEVEL OF MONEYS IN THE FUND TO THE GOVERNOR AND, SUBJECT  
19 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

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#### **Article - Transportation**

21 27-101.2.

22 (A) (1) ON AND AFTER OCTOBER 1, 2001, AFTER COMPUTING THE FINE TO  
23 BE ASSESSED UNDER THE DISTRICT COURT'S SCHEDULE OF PRESET FINES AND/OR  
24 PENALTY DEPOSITS, A POLICE OFFICER ISSUING A TRAFFIC CITATION FOR ANY  
25 VIOLATION FOR WHICH POINTS MAY BE ASSESSED UNDER § 16-402 OF THIS ARTICLE  
26 SHALL ADD A \$10 SURCHARGE TO THE AMOUNT OF THE TOTAL FINE BEFORE  
27 PRESENTING THE CITATION TO THE DRIVER BEING CHARGED.

28 (2) THE POLICE OFFICER ISSUING THE CITATION SHALL INFORM THE  
29 INDIVIDUAL FINED THAT THE COMPTROLLER OF THE TREASURY WILL TRANSFER  
30 MONEYS RECEIVED FROM THE SURCHARGE PORTION OF THE FINE TO THE  
31 TRAUMATIC BRAIN INJURY REHABILITATION FUND ESTABLISHED UNDER § 10-927 OF  
32 THE HEALTH - GENERAL ARTICLE.

33 (B) (1) ON JULY 15, 2002, AND ON THE SAME DATE OF EACH YEAR  
34 THEREAFTER, THE COMPTROLLER OF THE TREASURY SHALL FORWARD \$2 MILLION  
35 OF THE SURCHARGE MONEYS COLLECTED IN THE PREVIOUS FISCAL YEAR UNDER

1 THIS SECTION AND § 7-301(G)(1) OF THE COURTS ARTICLE TO THE TRAUMATIC BRAIN  
2 INJURY REHABILITATION FUND.

3 (2) ANY MONEYS COLLECTED FROM THE SURCHARGES THAT ARE NOT  
4 FORWARDED TO THE FUND UNDER THIS SECTION OR § 7-301(G)(1) OF THE COURTS  
5 ARTICLE SHALL REMAIN IN AND BE CREDITED TO THE GENERAL FUND OF THE  
6 STATE.

7 (C) BEGINNING JULY 1, 2002 AND ON THE SAME DATE EVERY 3 YEARS  
8 THEREAFTER, THE DISTRICT COURT SHALL REPORT TO THE APPROPRIATE  
9 COMMITTEES OF THE GENERAL ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE  
10 GOVERNMENT ARTICLE, THE NUMBER OF SURCHARGES AND THE MONETARY  
11 AMOUNT OF THOSE SURCHARGES ASSESSED UNDER THIS SECTION IN THE PREVIOUS  
12 3 FISCAL YEARS.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2001.