

SENATE BILL 577

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2lr2965
CF HB 194

By: **Senator Reilly**

Introduced and read first time: February 3, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Traumatic Brain Injury Trust Fund**

3 FOR the purpose of establishing the State Traumatic Brain Injury Trust Fund as a
4 special fund to be used to support certain services for certain individuals with
5 traumatic brain injuries; requiring the Director of the Developmental
6 Disabilities Administration or the Director's designee to administer the Fund;
7 requiring the Director or the Director's designee to report to the Governor and
8 the General Assembly on or before a certain date each year; establishing
9 eligibility for individuals to receive assistance from the Fund; defining certain
10 terms; and generally relating to the establishment of the State Traumatic Brain
11 Injury Trust Fund.

12 BY adding to

13 Article – Health – General

14 Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle
15 21A. State Traumatic Brain Injury Trust Fund”

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2011 Supplement)

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

20 **Article – Health – General**

21 **SUBTITLE 21A. STATE TRAUMATIC BRAIN INJURY TRUST FUND.**

22 **13–21A–01.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “DIRECTOR” MEANS THE DIRECTOR OF THE DEVELOPMENTAL**
2 **DISABILITIES ADMINISTRATION.**

3 **(C) “FUND” MEANS THE STATE TRAUMATIC BRAIN INJURY TRUST**
4 **FUND.**

5 **(D) “TRAUMATIC BRAIN INJURY” HAS THE MEANING ESTABLISHED IN**
6 **THE POLICIES AND PROCEDURES ADOPTED BY THE STATE TRAUMATIC BRAIN**
7 **INJURY ADVISORY BOARD UNDER § 13-2105 OF THIS TITLE.**

8 **13-21A-02.**

9 **(A) THERE IS A STATE TRAUMATIC BRAIN INJURY TRUST FUND.**

10 **(B) (1) THE PURPOSE OF THE FUND IS TO ASSIST IN THE PROVISION**
11 **OF THE FOLLOWING SERVICES TO ELIGIBLE INDIVIDUALS WHO HAVE**
12 **SUSTAINED TRAUMATIC BRAIN INJURIES:**

13 **(I) MEDICAL SERVICES;**

14 **(II) INDIVIDUAL CASE MANAGEMENT SERVICES;**

15 **(III) REHABILITATION SERVICES;**

16 **(IV) DURABLE MEDICAL EQUIPMENT;**

17 **(V) ASSISTIVE TECHNOLOGY ASSESSMENT AND**
18 **EQUIPMENT;**

19 **(VI) SERVICES TO ASSIST IN A RETURN TO DRIVING AND**
20 **RELATED EVALUATION AND TRAINING;**

21 **(VII) NEUROBEHAVIORAL HEALTH SERVICES;**

22 **(VIII) NEUROPSYCHOLOGICAL EVALUATION;**

23 **(IX) NURSING HOME TRANSITION SERVICES;**

24 **(X) COMMUNITY REENTRY SERVICES;**

25 **(XI) EDUCATIONAL NEEDS;**

1 **(XII) HOUSING AND RESIDENTIAL SERVICES; AND**

2 **(XIII) TRANSPORTATION SERVICES.**

3 **(2) THE FUND MAY BE USED TO SUPPORT PREVENTION,**
4 **EDUCATION, AND AWARENESS PROGRAMS.**

5 **(C) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL ADMINISTER**
6 **THE FUND.**

7 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
8 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

9 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
10 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

11 **(E) THE FUND CONSISTS OF:**

12 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

13 **(2) INVESTMENT EARNINGS OF THE FUND; AND**

14 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
15 **FOR THE BENEFIT OF THE FUND.**

16 **(F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE**
17 **PURPOSES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

18 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
19 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

20 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
21 **CREDITED TO THE FUND.**

22 **(H) MONEY EXPENDED FROM THE FUND TO SUPPORT SERVICES TO**
23 **INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES IS SUPPLEMENTAL TO AND IS**
24 **NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE**
25 **APPROPRIATED FOR THOSE SERVICES.**

26 **(I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DIRECTOR OR**
27 **THE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT TO THE GOVERNOR AND,**
28 **SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**

1 ASSEMBLY ON THE NUMBER OF INDIVIDUALS SERVED AND THE SERVICES
2 PROVIDED IN THE PRECEDING FISCAL YEAR USING THE FUND.

3 13-21A-03.

4 (A) TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN INDIVIDUAL
5 SHALL:

6 (1) BE A UNITED STATES CITIZEN AND A RESIDENT OF THE
7 STATE AT THE TIME OF THE TRAUMATIC BRAIN INJURY;

8 (2) HAVE A TRAUMATIC BRAIN INJURY THAT HAS BEEN
9 DOCUMENTED IN THE MEDICAL RECORDS OF THE INDIVIDUAL;

10 (3) HAVE INCOME AT OR BELOW 300% OF THE FEDERAL POVERTY
11 LEVEL; AND

12 (4) HAVE EXHAUSTED ALL OTHER HEALTH, REHABILITATION,
13 AND DISABILITY BENEFIT FUNDING SOURCES THAT COVER THE SERVICES
14 PROVIDED BY THE FUND.

15 (B) AN INDIVIDUAL MAY NOT RECEIVE SERVICES FROM THE FUND
16 COSTING MORE THAN:

17 (1) THE ANNUAL AMOUNT ESTABLISHED BY POLICIES AND
18 PROCEDURES ADOPTED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE; AND

19 (2) THE LIFETIME OF THE INDIVIDUAL AMOUNT ESTABLISHED BY
20 POLICIES AND PROCEDURES ADOPTED BY THE DIRECTOR OR THE DIRECTOR'S
21 DESIGNEE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2012.