

# HOUSE BILL 61

J1, R4

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By: **Delegates McConkey and Waldstreicher**

Introduced and read first time: January 10, 2013

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Brain Injury Trust Fund**

3 FOR the purpose of establishing the State Brain Injury Trust Fund as a special fund  
4 to be used to support certain services for certain individuals with brain injuries;  
5 requiring the Secretary of Health and Mental Hygiene or the Secretary's  
6 designee to administer the Fund; requiring the Secretary or the Secretary's  
7 designee to report to the Governor and the General Assembly on or before a  
8 certain date each year; establishing eligibility for individuals to receive  
9 assistance from the Fund; requiring that certain investment earnings be  
10 credited to the Fund; requiring that a certain amount of the motor vehicle  
11 registration fee surcharge be paid into the Fund; defining certain terms; and  
12 generally relating to the establishment of the State Brain Injury Trust Fund.

13 BY adding to

14 Article – Health – General  
15 Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle  
16 21A. State Brain Injury Trust Fund”  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – State Finance and Procurement  
21 Section 6–226(a)(2)(i)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – State Finance and Procurement  
26 Section 6–226(a)(2)(ii)69. and 70.  
27 Annotated Code of Maryland  
28 (2009 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – State Finance and Procurement  
3 Section 6–226(a)(2)(ii)71.  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2012 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Transportation  
8 Section 13–954  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume)

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

13 **Article – Health – General**

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

15 **13–21A–01.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (B) “SECRETARY” MEANS THE SECRETARY OF HEALTH AND MENTAL  
19 HYGIENE.

20 (C) “FUND” MEANS THE STATE BRAIN INJURY TRUST FUND.

21 (D) “TRAUMATIC BRAIN INJURY” HAS THE MEANING ESTABLISHED IN  
22 THE POLICIES AND PROCEDURES ADOPTED BY THE STATE TRAUMATIC BRAIN  
23 INJURY ADVISORY BOARD UNDER § 13–2105 OF THIS TITLE.

24 **13–21A–02.**

25 (A) THERE IS A STATE BRAIN INJURY TRUST FUND.

26 (B) (1) THE PURPOSE OF THE FUND IS TO ASSIST IN THE PROVISION  
27 OF THE FOLLOWING SERVICES TO ELIGIBLE INDIVIDUALS WHO HAVE  
28 SUSTAINED BRAIN INJURIES:

29 (I) INDIVIDUAL CASE MANAGEMENT SERVICES; AND

30 (II) NEUROPSYCHOLOGICAL EVALUATION.

1           **(2) THE FUND MAY BE USED TO SUPPORT:**

2                   **(I) PREVENTION, EDUCATION, AND AWARENESS**  
3 **PROGRAMS;**

4                   **(II) REHABILITATION SERVICES;**

5                   **(III) MEDICAL SERVICES;**

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

7                   **(V) ASSISTIVE TECHNOLOGY ASSESSMENT AND**  
8 **EQUIPMENT;**

9                   **(VI) SERVICES TO ASSIST IN THE RETURN TO DRIVING;**

10                   **(VII) EVALUATION AND TRAINING RELATED TO THE BRAIN**  
11 **INJURY;**

12                   **(VIII) NEUROBEHAVIORAL HEALTH SERVICES;**

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

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

15                   **(XI) EDUCATIONAL NEEDS;**

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

17                   **(XIII) TRANSPORTATION SERVICES.**

18           **(C) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL**  
19 **ADMINISTER THE FUND.**

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

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

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

1           **(1) MOTOR VEHICLE REGISTRATION SURCHARGES PAID INTO THE**  
2 **FUND IN ACCORDANCE WITH § 13-954(B)(3) OF THE TRANSPORTATION**  
3 **ARTICLE;**

4           **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

5           **(3) INVESTMENT EARNINGS OF THE FUND; AND**

6           **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
7 **FOR THE BENEFIT OF THE FUND.**

8           **(F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE**  
9 **PURPOSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

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

12           **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**  
13 **CREDITED TO THE FUND.**

14           **(H) MONEY EXPENDED FROM THE FUND TO SUPPORT SERVICES TO**  
15 **INDIVIDUALS WITH BRAIN INJURIES IS SUPPLEMENTAL TO AND IS NOT**  
16 **INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE**  
17 **APPROPRIATED FOR THOSE SERVICES.**

18           **(I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY OR**  
19 **THE SECRETARY'S DESIGNEE SHALL SUBMIT A REPORT TO THE GOVERNOR**  
20 **AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**  
21 **THE GENERAL ASSEMBLY ON THE NUMBER OF INDIVIDUALS SERVED AND THE**  
22 **SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR USING THE FUND.**

23 **13-21A-03.**

24           **(A) TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN INDIVIDUAL**  
25 **SHALL:**

26           **(1) BE A UNITED STATES CITIZEN AND A RESIDENT OF THE**  
27 **STATE AT THE TIME OF THE BRAIN INJURY;**

28           **(2) HAVE A BRAIN INJURY THAT HAS BEEN DOCUMENTED IN THE**  
29 **MEDICAL RECORDS OF THE INDIVIDUAL;**



- 1 (2) Class B (for hire) vehicle;
- 2 (3) Class C (funeral and ambulance) vehicle;
- 3 (4) Class D (motorcycle) vehicle;
- 4 (5) Class E (truck) vehicle;
- 5 (6) Class F (tractor) vehicle;
- 6 (7) Class H (school) vehicle;
- 7 (8) Class J (vanpool) vehicle;
- 8 (9) Class M (multipurpose) vehicle;
- 9 (10) Class P (passenger bus) vehicle;
- 10 (11) Class Q (limousine) vehicle;
- 11 (12) Class R (low speed) vehicle; or
- 12 (13) Vehicle within any other class designated by the Administrator.

13 (b) (1) In addition to the registration fee otherwise required by this title,  
14 the owner of any motor vehicle registered under this title shall pay a surcharge of  
15 \$13.50 per year for each motor vehicle registered.

16 (2) \$2.50 of the surcharge collected under paragraph (1) of this  
17 subsection shall be paid into the Maryland Trauma Physician Services Fund  
18 established under § 19–130 of the Health – General Article.

19 (3) **\$2.00 OF THE SURCHARGE COLLECTED UNDER PARAGRAPH**  
20 **(1) OF THIS SUBSECTION SHALL BE PAID INTO THE STATE BRAIN INJURY TRUST**  
21 **FUND ESTABLISHED UNDER § 13–21A–02 OF THE HEALTH – GENERAL**  
22 **ARTICLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2013.