

HOUSE BILL 61

J1, R4

3lr1170
CF SB 632

By: ~~Delegates McConkey and Waldstreicher~~, Waldstreicher, Barve, Hammen, Pendergrass, Bromwell, Cullison, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Ready, Reznik, Tarrant, and V. Turner

Introduced and read first time: January 10, 2013

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 2, 2013

CHAPTER _____

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;
12 requiring the Department of Health and Mental Hygiene to report to the
13 General Assembly on or before a certain date on certain issues related to the
14 implementation of this Act; authorizing the Department to contract with a
15 certain entity for a certain purpose; declaring the intent of the General
16 Assembly regarding implementation of administration of the Fund; and
17 generally relating to the establishment of the State Brain Injury Trust Fund.

18 BY adding to

19 Article – Health – General

20 Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle

21 21A. State Brain Injury Trust Fund”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2012 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Finance and Procurement
5 Section 6–226(a)(2)(i)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2012 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 6–226(a)(2)(ii)69. and 70.
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

13 BY adding to
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(ii)71.
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article – Transportation~~
20 ~~Section 13–954~~
21 ~~Annotated Code of Maryland~~
22 ~~(2012 Replacement Volume)~~

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

25 **Article – Health – General**

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

27 **13–21A–01.**

28 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

30 **(B) “SECRETARY” MEANS THE SECRETARY OF HEALTH AND MENTAL**
31 **HYGIENE.**

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

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

4 **13-21A-02.**

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

6 **(B) (1) THE PURPOSE OF THE FUND IS TO ASSIST IN THE PROVISION**
7 **OF THE FOLLOWING SERVICES TO ELIGIBLE INDIVIDUALS WHO HAVE**
8 **SUSTAINED BRAIN INJURIES:**

9 **(I) INDIVIDUAL CASE MANAGEMENT SERVICES; AND**

10 **(II) NEUROPSYCHOLOGICAL EVALUATION.**

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

12 **(I) PREVENTION, EDUCATION, AND AWARENESS**
13 **PROGRAMS;**

14 **(II) REHABILITATION SERVICES;**

15 **(III) MEDICAL SERVICES;**

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

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

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

20 **(VII) EVALUATION AND TRAINING RELATED TO THE BRAIN**
21 **INJURY;**

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

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

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

25 **(XI) EDUCATIONAL NEEDS;**

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

1 (XIII) TRANSPORTATION SERVICES.

2 (C) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL
3 ADMINISTER THE FUND.

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

6 (2) THE STATE TREASURER SHALL HOLD THE FUND
7 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

8 (E) THE FUND CONSISTS OF:

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

12 ~~(2)~~ MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

13 ~~(3)~~ (2) INVESTMENT EARNINGS OF THE FUND; AND

14 ~~(4)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE
15 ACCEPTED FOR THE BENEFIT OF THE FUND.

16 (F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE
17 PURPOSE 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 BRAIN INJURIES IS SUPPLEMENTAL TO AND IS NOT
24 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 SECRETARY OR
27 THE SECRETARY'S DESIGNEE SHALL SUBMIT A REPORT TO THE GOVERNOR
28 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
29 THE GENERAL ASSEMBLY ON THE NUMBER OF INDIVIDUALS SERVED AND THE
30 SERVICES PROVIDED IN THE PRECEDING FISCAL YEAR USING THE FUND.

1 **13-21A-03.**

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

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

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

8 **(3) HAVE INCOME AT OR BELOW 300% OF THE FEDERAL POVERTY**
9 **LEVEL; AND**

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

13 **(B) AN INDIVIDUAL MAY NOT RECEIVE SERVICES FROM THE FUND**
14 **COSTING MORE THAN:**

15 **(1) THE ANNUAL AMOUNT ESTABLISHED BY POLICIES AND**
16 **PROCEDURES ADOPTED BY THE SECRETARY OR THE SECRETARY'S DESIGNEE;**
17 **AND**

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

21 **Article – State Finance and Procurement**

22 **6-226.**

23 **(a) (2) (i) Notwithstanding any other provision of law, and unless**
24 **inconsistent with a federal law, grant agreement, or other federal requirement or with**
25 **the terms of a gift or settlement agreement, net interest on all State money allocated**
26 **by the State Treasurer under this section to special funds or accounts, and otherwise**
27 **entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue**
28 **to the General Fund of the State.**

29 **(ii) The provisions of subparagraph (i) of this paragraph do not**
30 **apply to the following funds:**

31 **69. the Maryland Legal Services Corporation Fund; [and]**

1 70. Mortgage Loan Servicing Practices Settlement Fund;
2 AND

3 71. STATE BRAIN INJURY TRUST FUND.

4 ~~Article Transportation~~

5 ~~13-954.~~

6 (a) ~~In this section, "motor vehicle" means a:~~

7 (1) ~~Class A (passenger) vehicle;~~

8 (2) ~~Class B (for hire) vehicle;~~

9 (3) ~~Class C (funeral and ambulance) vehicle;~~

10 (4) ~~Class D (motorcycle) vehicle;~~

11 (5) ~~Class E (truck) vehicle;~~

12 (6) ~~Class F (tractor) vehicle;~~

13 (7) ~~Class H (school) vehicle;~~

14 (8) ~~Class J (vanpool) vehicle;~~

15 (9) ~~Class M (multipurpose) vehicle;~~

16 (10) ~~Class P (passenger bus) vehicle;~~

17 (11) ~~Class Q (limousine) vehicle;~~

18 (12) ~~Class R (low speed) vehicle; or~~

19 (13) ~~Vehicle within any other class designated by the Administrator.~~

20 (b) (1) ~~In addition to the registration fee otherwise required by this title,~~
21 ~~the owner of any motor vehicle registered under this title shall pay a surcharge of~~
22 ~~\$13.50 per year for each motor vehicle registered.~~

23 (2) ~~\$2.50 of the surcharge collected under paragraph (1) of this~~
24 ~~subsection shall be paid into the Maryland Trauma Physician Services Fund~~
25 ~~established under § 19-130 of the Health General Article.~~

26 (3) ~~\$2.00 OF THE SURCHARGE COLLECTED UNDER PARAGRAPH~~
27 ~~(1) OF THIS SUBSECTION SHALL BE PAID INTO THE STATE BRAIN INJURY TRUST~~

1 ~~FUND ESTABLISHED UNDER § 13-21A-02 OF THE HEALTH — GENERAL~~
 2 ~~ARTICLE.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
 4 2014, the Department of Health and Mental Hygiene shall report to the General
 5 Assembly, in accordance with § 2-1246 of the State Government Article, on:

6 (1) the expected date of implementation of Section 1 of this Act;

7 (2) the status of adoption of any rules or procedures relating to the
 8 administration of the Fund established under Section 1 of this Act; and

9 (3) any recommendations for legislation needed to allow for more
 10 efficient administration of the Fund established under Section 1 of this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
 12 Health and Mental Hygiene may contract with an outside entity to develop the rules
 13 and procedures relating to the administration of the Fund established under Section 1
 14 of this Act.

15 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
 16 General Assembly that implementation of administration of the Fund begin on or after
 17 July 1, 2014.

18 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
 19 effect October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.