

# SENATE BILL 632

J1, R4

3lr2327  
CF HB 61

---

By: **Senator King**

Introduced and read first time: February 1, 2013

Assigned to: Finance and Budget and Taxation

---

## 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; altering the amount of a certain motor vehicle registration  
11 fee surcharge; requiring that a certain amount of the motor vehicle registration  
12 fee surcharge be paid into the Fund; defining certain terms; and generally  
13 relating to the establishment of the State Brain Injury Trust Fund.

14 BY adding to

15 Article – Health – General  
16 Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle  
17 21A. State Brain Injury Trust Fund”  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – State Finance and Procurement  
22 Section 6–226(a)(2)(i)  
23 Annotated Code of Maryland  
24 (2009 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, with amendments,

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2012 Supplement)

2 BY adding to

3 Article – State Finance and Procurement

4 Section 6–226(a)(2)(ii)71.

5 Annotated Code of Maryland

6 (2009 Replacement Volume and 2012 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Transportation

9 Section 13–954

10 Annotated Code of Maryland

11 (2012 Replacement Volume)

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

14 **Article – Health – General**

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

16 **13–21A–01.**

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

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

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

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

25 **13–21A–02.**

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

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

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

1 (II) NEUROPSYCHOLOGICAL EVALUATION.

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

3 (I) PREVENTION, EDUCATION, AND AWARENESS  
4 PROGRAMS;

5 (II) REHABILITATION SERVICES;

6 (III) MEDICAL SERVICES;

7 (IV) DURABLE MEDICAL EQUIPMENT;

8 (V) ASSISTIVE TECHNOLOGY ASSESSMENT AND  
9 EQUIPMENT;

10 (VI) SERVICES TO ASSIST IN THE RETURN TO DRIVING;

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

13 (VIII) NEUROBEHAVIORAL HEALTH SERVICES;

14 (IX) NURSING HOME TRANSITION SERVICES;

15 (X) COMMUNITY REENTRY SERVICES;

16 (XI) EDUCATIONAL NEEDS;

17 (XII) HOUSING AND RESIDENTIAL SERVICES; AND

18 (XIII) TRANSPORTATION SERVICES.

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

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

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

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

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

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

8           **(1) THE ANNUAL AMOUNT ESTABLISHED BY POLICIES AND**  
 9 **PROCEDURES ADOPTED BY THE SECRETARY OR THE SECRETARY'S DESIGNEE;**  
 10 **AND**

11           **(2) THE LIFETIME OF THE INDIVIDUAL AMOUNT ESTABLISHED BY**  
 12 **POLICIES AND PROCEDURES ADOPTED BY THE SECRETARY OR THE**  
 13 **SECRETARY'S DESIGNEE.**

14                                   **Article – State Finance and Procurement**

15 6–226.

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

22                                   (ii) The provisions of subparagraph (i) of this paragraph do not  
 23 apply to the following funds:

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

25                                   70. Mortgage Loan Servicing Practices Settlement Fund;

26 **AND**

27                                   71. **STATE BRAIN INJURY TRUST FUND.**

28                                   **Article – Transportation**

29 13–954.

30           (a) In this section, “motor vehicle” means a:

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

14 (b) (1) In addition to the registration fee otherwise required by this title,  
15 the owner of any motor vehicle registered under this title shall pay a surcharge of  
16 ~~[\$13.50]~~**\$15.50** per year for each motor vehicle registered.

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

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

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