

# SENATE BILL No. 166

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-42.2.

**Synopsis:** Spinal cord and brain injury fund. Allows the spinal cord and brain injury fund to be used to fund facilities, treatment, and services for spinal cord and brain injuries. Requires the spinal cord and brain injury research board to consider applications and make grants to nonprofit health care clinics that employ physical therapists and provide activity-based therapy services to individuals with traumatic spinal cord and brain injuries that require extended post acute care.

**Effective:** July 1, 2015.

---

---

**Miller Patricia**

---

---

January 6, 2015, read first time and referred to Committee on Health & Provider Services.

---

---



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 166

---

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-41-42.2-0.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. As used in this chapter,**  
4 **"activity-based therapy services" refers to specialized**  
5 **interventions that activate the neuromuscular system below the**  
6 **level of the lesion, involving intense, repetitive physical activity**  
7 **performed with the goal of retraining the nervous system to**  
8 **recover specific motor tasks.**
- 9 SECTION 2. IC 16-41-42.2-3, AS ADDED BY P.L.97-2008,  
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 3. (a) The spinal cord and brain injury fund is  
12 established to fund research on spinal cord and brain injuries.  
13 (b) The fund shall be administered by the state department.  
14 (c) The fund consists of:  
15 (1) appropriations;  
16 (2) gifts and bequests;



- 1 (3) fees deposited in the fund by law; and  
 2 (4) grants received from the federal government or private  
 3 sources.  
 4 (d) The expenses of administering the fund shall be paid from  
 5 money in the fund.  
 6 (e) The treasurer of state shall invest the money in the fund not  
 7 currently needed to meet the obligations of the fund in the same  
 8 manner as other public money may be invested.  
 9 (f) Money in the fund at the end of a state fiscal year does not revert  
 10 to the state general fund.  
 11 (g) The money in the fund is continually appropriated to the state  
 12 department to fund ~~spinal cord and brain injury research programs; the~~  
 13 **purposes specified in section 4 of this chapter.**  
 14 SECTION 3. IC 16-41-42.2-4, AS AMENDED BY P.L.141-2014,  
 15 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 4. The fund is to be used for the following  
 17 purposes:  
 18 (1) Establishing and maintaining a state medical surveillance  
 19 registry for traumatic spinal cord and brain injuries.  
 20 (2) Fulfilling the duties of the board established by section 5 of  
 21 this chapter.  
 22 (3) Funding research related to the treatment and cure of spinal  
 23 cord and brain injuries, including acute management, medical  
 24 complications, rehabilitative techniques, and neuronal recovery.  
 25 Research must be conducted in compliance with all state and  
 26 federal laws.  
 27 **(4) Funding:**  
 28 **(A) post acute extended treatment and services for**  
 29 **individuals with spinal cord and brain injuries; and**  
 30 **(B) facilities that offer long term activity-based therapy**  
 31 **services at affordable rates to individuals with traumatic**  
 32 **spinal cord and brain injuries that require extended post**  
 33 **acute care.**  
 34 ~~(4)~~ **(5)** Develop a statewide trauma system.  
 35 However, not more than fifty percent (50%) of money in the fund may  
 36 be used for purposes of developing a statewide trauma system.  
 37 SECTION 4. IC 16-41-42.2-5, AS ADDED BY P.L.3-2008,  
 38 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The spinal cord and brain  
 40 injury research board is established for the purpose of administering  
 41 the fund. The board is composed of nine (9) members.  
 42 (b) The following four (4) members of the board shall be appointed



- 1 by the governor:
- 2 (1) One (1) member who has a spinal cord or head injury or who
- 3 has a family member with a spinal cord or head injury.
- 4 (2) One (1) member who is a physician licensed under IC 25-22.5
- 5 who has specialty training in neuroscience and surgery.
- 6 (3) One (1) member who is a physiatrist holding a board
- 7 certification from the American Board of Physical Medicine and
- 8 Rehabilitation.
- 9 (4) One (1) member representing the technical life sciences
- 10 industry.
- 11 (c) Five (5) members of the board shall be appointed as follows:
- 12 (1) One (1) member representing Indiana University to be
- 13 appointed by Indiana University.
- 14 (2) One (1) member representing Purdue University to be
- 15 appointed by Purdue University.
- 16 (3) One (1) member representing the National Spinal Cord Injury
- 17 Association to be appointed by the National Spinal Cord Injury
- 18 Association.
- 19 (4) One (1) member representing the largest freestanding
- 20 rehabilitation hospital for brain and spinal cord injuries in Indiana
- 21 to be appointed by the Rehabilitation Hospital of Indiana located
- 22 in Indianapolis.
- 23 (5) One (1) member representing the American Brain Injury
- 24 Association to be appointed by the Brain Injury Association of
- 25 Indiana.
- 26 (d) The term of a member is four (4) years. A member serves until
- 27 a successor is appointed and qualified. If a vacancy occurs on the board
- 28 before the end of a member's term, the appointing authority appointing
- 29 the vacating member shall appoint an individual to serve the remainder
- 30 of the vacating member's term.
- 31 (e) A majority of the members appointed to the board constitutes a
- 32 quorum. The affirmative votes of a majority of the members are
- 33 required for the board to take action on any measure.
- 34 (f) Each member of the board is entitled to the minimum salary per
- 35 diem provided by IC 4-10-11-2.1(b). The member is also entitled to
- 36 reimbursement for traveling expenses as provided under IC 4-13-1-4
- 37 and other expenses actually incurred in connection with the member's
- 38 duties as provided in the state policies and procedures established by
- 39 the Indiana department of administration and approved by the budget
- 40 agency.
- 41 (g) The board shall annually elect a chairperson who shall be the
- 42 presiding officer of the board. The board may establish other officers



1 and procedures as the board determines necessary.

2 (h) The board shall meet at least two (2) times each year. The  
3 chairperson may call additional meetings.

4 (i) The state department shall provide staff for the board. The state  
5 department shall maintain a registry of the members of the board. An  
6 appointing authority shall provide written confirmation of an  
7 appointment to the board to the state department in the form and  
8 manner specified by the state department.

9 (j) The board shall do the following:

10 (1) Consider policy matters relating to spinal cord and brain  
11 injury research projects and programs under this chapter.

12 (2) Consider research applications and make grants for approved  
13 research projects under this chapter.

14 **(3) Consider applications and make grants to health care  
15 clinics that:**

16 **(A) are exempt from federal income taxation under Section  
17 501 of the Internal Revenue Code;**

18 **(B) employ physical therapists licensed under IC 25-27;  
19 and**

20 **(C) provide long term activity-based therapy services at  
21 affordable rates to individuals with traumatic spinal cord  
22 and brain injuries that require extended post acute care.**

23 ~~(3)~~ **(4)** Formulate policies and procedures concerning the  
24 operation of the board.

25 ~~(4)~~ **(5)** Review and authorize spinal cord and brain injury research  
26 projects and programs to be financed under this chapter. For  
27 purposes of this subdivision, the board may establish an  
28 independent scientific advisory panel composed of scientists and  
29 clinicians who are not members of the board to review proposals  
30 submitted to the board and make recommendations to the board.  
31 Collaborations are encouraged with other Indiana-based  
32 researchers as well as researchers located outside Indiana,  
33 including researchers in other countries.

34 ~~(5)~~ **(6)** Review and approve progress and final research reports on  
35 projects authorized under this chapter.

36 ~~(6)~~ **(7)** Review and make recommendations concerning the  
37 expenditure of money from the fund.

38 ~~(7)~~ **(8)** Take other action necessary for the purpose stated in  
39 subsection (a).

40 ~~(8)~~ **(9)** Provide to the governor, the general assembly, and the  
41 legislative council an annual report not later than January 30 of  
42 each year showing the status of funds appropriated under this



1           chapter. The report to the general assembly and the legislative  
2           council must be in an electronic format under IC 5-14-6.  
3           (k) A member of the board is exempt from civil liability arising or  
4           thought to arise from an action taken in good faith as a member of the  
5           board.  
6

