



March 31, 2015

ENGROSSED SENATE BILL No. 166

DIGEST OF SB 166 (Updated March 30, 2015 12:51 pm - DI 77)

Citations Affected: IC 16-41.

Synopsis: Spinal cord and brain injury fund. Allows the spinal cord and brain injury fund (fund) to be used to provide funding for facilities, treatment, and services for spinal cord and brain injuries. Provides that a certain percent of funds must be used for treatments and services grants. Adds two members to the spinal cord and brain injury research board (board). Requires the board to consider: (1) applications and make grants to nonprofit health care clinics that employ physical therapists and provide activity-based therapy services in Indiana to individuals with traumatic spinal cord and brain injuries that require extended post acute care; and (2) the applicant's efficacy in providing significant and sustained improvement. Requires the state department of health to provide the board with certain financial information.

Effective: July 1, 2015.

**Miller Patricia, Kenley, Stoops,
Randolph**

(HOUSE SPONSORS — FRIZZELL, KIRCHHOFER, BACON, BROWN C)

January 6, 2015, read first time and referred to Committee on Health & Provider Services.
January 22, 2015, reported favorably — Do Pass.
January 26, 2015, read second time, amended, ordered engrossed.
January 27, 2015, engrossed.
January 29, 2015, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Public Health.
March 30, 2015, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

ES 166—LS 6424/DI 104



March 31, 2015

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.

ENGROSSED 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 interventions**
5 **that activate the neuromuscular system below the level of the**
6 **lesion, involving intense, repetitive physical activity performed**
7 **with the goal of retraining the nervous system to recover specific**
8 **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;

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- 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. However, not more than fifteen percent (15%)**
 34 **but not less than ten percent (10%) of the money in the**
 35 **fund may be used for the purposes under this subdivision.**
 36 ~~(4)~~ **(5)** Develop a statewide trauma system. However, not more
 37 than fifty percent (50%) of money in the fund may be used for
 38 purposes of developing a statewide trauma system.
 39 SECTION 4. IC 16-41-42.2-5, AS ADDED BY P.L.3-2008,
 40 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The spinal cord and brain
 42 injury research board is established for the purpose of administering



- 1 the fund. The board is composed of ~~nine (9)~~ **eleven (11)** members.
- 2 (b) The following ~~four (4)~~ **six (6)** members of the board shall be
- 3 appointed by the governor:
- 4 (1) One (1) member who has a spinal cord or head injury or who
- 5 has a family member with a spinal cord or head injury.
- 6 (2) One (1) member who is a physician licensed under IC 25-22.5
- 7 who has specialty training in neuroscience and surgery.
- 8 (3) One (1) member who is a physiatrist holding a board
- 9 certification from the American Board of Physical Medicine and
- 10 Rehabilitation.
- 11 (4) One (1) member representing the technical life sciences
- 12 industry.
- 13 **(5) One (1) member who is a physical therapist licensed under**
- 14 **IC 25-27 who treats individuals with traumatic spinal cord or**
- 15 **brain injuries.**
- 16 **(6) One (1) member who owns or operates a facility that**
- 17 **provides long term activity based therapy services at**
- 18 **affordable rates to individuals with traumatic spinal cord or**
- 19 **brain injuries.**
- 20 (c) Five (5) members of the board shall be appointed as follows:
- 21 (1) One (1) member representing Indiana University to be
- 22 appointed by Indiana University.
- 23 (2) One (1) member representing Purdue University to be
- 24 appointed by Purdue University.
- 25 (3) One (1) member representing the National Spinal Cord Injury
- 26 Association to be appointed by the National Spinal Cord Injury
- 27 Association.
- 28 (4) One (1) member representing the largest freestanding
- 29 rehabilitation hospital for brain and spinal cord injuries in Indiana
- 30 to be appointed by the Rehabilitation Hospital of Indiana located
- 31 in Indianapolis.
- 32 (5) One (1) member representing the American Brain Injury
- 33 Association to be appointed by the Brain Injury Association of
- 34 Indiana.
- 35 (d) The term of a member is four (4) years. A member serves until
- 36 a successor is appointed and qualified. If a vacancy occurs on the board
- 37 before the end of a member's term, the appointing authority appointing
- 38 the vacating member shall appoint an individual to serve the remainder
- 39 of the vacating member's term.
- 40 (e) A majority of the members appointed to the board constitutes a
- 41 quorum. The affirmative votes of a majority of the members are
- 42 required for the board to take action on any measure.



1 (f) Each member of the board is entitled to the minimum salary per
 2 diem provided by IC 4-10-11-2.1(b). The member is also entitled to
 3 reimbursement for traveling expenses as provided under IC 4-13-1-4
 4 and other expenses actually incurred in connection with the member's
 5 duties as provided in the state policies and procedures established by
 6 the Indiana department of administration and approved by the budget
 7 agency.

8 (g) The board shall annually elect a chairperson who shall be the
 9 presiding officer of the board. The board may establish other officers
 10 and procedures as the board determines necessary.

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

13 (i) The state department shall provide staff for the board. The state
 14 department shall maintain a registry of the members of the board. An
 15 appointing authority shall provide written confirmation of an
 16 appointment to the board to the state department in the form and
 17 manner specified by the state department.

18 (j) The board shall do the following:

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

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

23 **(3) Consider applications and make grants to health care
 24 clinics that:**

25 **(A) are exempt from federal income taxation under Section
 26 501 of the Internal Revenue Code;**

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

29 **(C) provide in Indiana long term activity based therapy
 30 services at affordable rates to individuals with traumatic
 31 spinal cord and brain injuries that require extended post
 32 acute care.**

33 **(4) Consider the application's efficacy in providing significant
 34 and sustained improvement to individuals with traumatic
 35 spinal cord or brain injuries.**

36 ~~(3)~~ **(5)** Formulate policies and procedures concerning the
 37 operation of the board.

38 ~~(4)~~ **(6)** Review and authorize spinal cord and brain injury research
 39 projects and programs to be financed under this chapter. For
 40 purposes of this subdivision, the board may establish an
 41 independent scientific advisory panel composed of scientists and
 42 clinicians who are not members of the board to review proposals



- 1 submitted to the board and make recommendations to the board.
2 Collaborations are encouraged with other Indiana-based
3 researchers as well as researchers located outside Indiana,
4 including researchers in other countries.
- 5 ~~(5)~~ (7) Review and approve progress and final research reports on
6 projects authorized under this chapter, **including any other**
7 **information the board has required to be submitted as a**
8 **condition of receiving a grant.**
- 9 ~~(6)~~ (8) Review and make recommendations concerning the
10 expenditure of money from the fund.
- 11 ~~(7)~~ (9) Take other action necessary for the purpose stated in
12 subsection (a).
- 13 ~~(8)~~ (10) Provide to the governor, the general assembly, and the
14 legislative council an annual report not later than January 30 of
15 each year showing the status of funds appropriated under this
16 chapter. The report to the general assembly and the legislative
17 council must be in an electronic format under IC 5-14-6.
- 18 (k) A member of the board is exempt from civil liability arising or
19 thought to arise from an action taken in good faith as a member of the
20 board.
- 21 (l) **The department shall annually present to the board a**
22 **financial statement that includes the following information for the**
23 **current and previous fiscal year:**
- 24 (1) **The amount of money deposited into the fund.**
25 (2) **The amount of money expended from the fund.**
26 (3) **The amount of money, including any reserves, available**
27 **for grants from the fund.**



COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill No. 166, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 166 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 166 be amended to read as follows:

Page 4, line 20, after "provide" insert "**in Indiana**".

(Reference is to SB 166 as printed January 23, 2015.)

MILLER PATRICIA

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "'activity-based'" and insert "'**activity based**'".

Page 2, line 30, delete "activity-based" and insert "**activity based**".

Page 2, line 33, after "care." insert "**However, not more than fifteen percent (15%) but not less than ten percent (10%) of the money in the fund may be used for the purposes under this subdivision.**".

Page 2, run in lines 34 and 35.

Page 2, line 41, strike "nine (9)" and insert "**eleven (11)**".

Page 2, line 42, strike "four (4)" and insert "**six (6)**".

Page 3, between lines 10 and 11, begin a new line block indented and insert:

"(5) One (1) member who is a physical therapist licensed under IC 25-27 who treats individuals with traumatic spinal



cord or brain injuries.

(6) One (1) member who owns or operates a facility that provides long term activity based therapy services at affordable rates to individuals with traumatic spinal cord or brain injuries."

Page 4, line 20, delete "activity-based" and insert "**activity based**".

Page 4, between lines 23 and 24, begin a new line block indented and insert:

"(4) Consider the application's efficacy in providing significant and sustained improvement to individuals with traumatic spinal cord or brain injuries."

Page 4, line 24, delete "(4)" and insert "**(5)**".

Page 4, line 26, delete "(5)" and insert "**(6)**".

Page 4, line 35, delete "(6)" and insert "**(7)**".

Page 4, line 36, delete "." and insert ", **including any other information the board has required to be submitted as a condition of receiving a grant.**".

Page 4, line 37, delete "(7)" and insert "**(8)**".

Page 4, line 39, delete "(8)" and insert "**(9)**".

Page 4, line 41, delete "(9)" and insert "**(10)**".

Page 5, after line 6, begin a new paragraph and insert:

"(1) The department shall annually present to the board a financial statement that includes the following information for the current and previous fiscal year:

(1) The amount of money deposited into the fund.

(2) The amount of money expended from the fund.

(3) The amount of money, including any reserves, available for grants from the fund."

and when so amended that said bill do pass.

(Reference is to SB 166 as reprinted January 27, 2015.)

CLERE

Committee Vote: yeas 12, nays 0.

