

SENATE BILL NO. 11

BY SENATOR FOIL

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AN ACT

To amend and reenact R.S. 36:258(F) and 259(F)(1), R.S. 36:258(F) as amended and reenacted by Section 3 of Act No. 384 of the 2013 Regular Session of the Legislature, and R.S. 46:2631, 2632(1), (3), and (5), 2633(A), (C), (D)(1), and (E)(4), 2634(A), the introductory paragraph of 2634(B), 2634(B)(2), (5), and (7), and (H), and 2635(A) through (D), relative to the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund; to rename the fund; to provide for purposes and uses of the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:258(F) and 259(F)(1) are hereby amended and reenacted to read as follows:

§258. Offices; purposes and functions

* * *

F. The office of aging and adult services shall be responsible for the programs and functions of the Louisiana Department of Health related to the long-term care of the elderly and the protection and long-term care of persons with adult onset disabilities. It shall administer the residential state-operated nursing homes, the Villa Feliciana Medical Complex, the protection services program of adults from ages eighteen to fifty-nine, the department's long-term support and services programs, the State Personal Assistance Services program, the Community and Family Support Program, the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund, as well as other related programs within the department.

* * *

§259. Transfer of agencies and functions to Louisiana Department of Health

* * *

F. The following agencies are hereby placed within the Louisiana Department

1 of Health and shall exercise and perform their powers, duties, functions, and
2 responsibilities in accordance with the provisions of R.S. 36:901 et seq.:

3 (1) Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund Advisory
4 Board (R.S. 46:2631 et seq.).

5 * * *

6 Section 2. R.S. 46:2631, 2632(1), (3), and (5), 2633(A), (C), (D)(1), and (E)(4),
7 2634(A), the introductory paragraph of 2634(B), 2634(B)(2), (5), and (7), and (H), and
8 2635(A) through (D) are hereby amended and reenacted to read as follows:

9 CHAPTER 48. LOUISIANA TRAUMATIC ~~HEAD~~ **BRAIN** AND
10 SPINAL CORD INJURY TRUST FUND

11 §2631. Purpose

12 The purpose of this Chapter is to provide for the development of a
13 rehabilitation program for persons disabled by traumatic ~~head~~ **brain** and spinal cord
14 injuries through the establishment of a trust fund in the state treasury to be funded
15 by additional fees imposed on motor vehicle violations in this state for the offenses
16 of driving under the influence, reckless operation, and speeding. The purpose of the
17 Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund is to provide Louisiana
18 citizens who survive traumatic ~~head~~ **brain** or spinal cord injuries a source of funds
19 for services enabling them with assistance to return to a reasonable level of
20 functioning and independent living in their communities.

21 §2632. Definitions

22 As used in this Chapter, the following terms shall have the following
23 meanings:

24 (1) "Board" means the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust
25 Fund Advisory Board.

26 * * *

27 (3) "Fund" means the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust
28 Fund.

29 * * *

30 (5) "Traumatic ~~head~~ **brain** injury" means an insult to the head, affecting the

1 brain, not of a degenerative or congenital nature, but caused by an external physical
 2 force that may produce a diminished or altered state of consciousness which results
 3 in an impairment of cognitive abilities or physical functioning. These impairments
 4 may be either temporary or permanent and cause partial or total functional disability
 5 or psychological maladjustment.

6 §2633. Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund

7 A. There is hereby established a special fund in the state treasury to be known
 8 as the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund which shall consist
 9 of monies collected from an additional fee imposed on all motor vehicle violations
 10 for driving under the influence, reckless operation, and speeding in this state. In
 11 addition, the legislature may make annual appropriations to the trust fund for the
 12 purpose set forth in this Chapter to the extent that state general funds are available.

13 * * *

14 C. All monies collected under this Chapter shall be forwarded by the officer
 15 of the court who collects the same to the state treasurer within thirty days after the
 16 penalty or forfeiture is collected. After deposit in the Bond Security and Redemption
 17 Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, an
 18 amount equal to that deposited as required by Subsection A of this Section shall be
 19 credited to the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund account
 20 under the Louisiana Department of Health, office of aging and adult services. All
 21 unexpended and unencumbered monies in the fund at the end of the fiscal year shall
 22 remain in the fund. The monies in this fund shall be invested by the state treasurer
 23 in the same manner as monies in the state general fund, and interest earned on the
 24 investment of these monies shall be credited to the fund, following compliance with
 25 the requirement of Article VII, Section 9(B) relative to the Bond Security and
 26 Redemption Fund.

27 D.(1) The monies in the fund shall be used solely for programs designed to
 28 provide services to Louisiana citizens disabled by traumatic ~~head~~ **brain** and spinal
 29 cord injuries, for the administrative costs of the programs, reimbursement of travel
 30 expenses of members of the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust

1 Fund Advisory Board which are incurred in the discharge of their duties, and as
 2 provided in Paragraph (2) of this Subsection. Disbursement of the amount
 3 appropriated to the department each year shall be made as determined by the
 4 department. In determining disbursement of monies in the fund, the department shall
 5 take into account any recommendations of the board.

6 * * *

7 E. The department shall:

8 * * *

9 (4) Investigate the needs of the ~~head-injured~~ **brain-injured** and spinal
 10 cord-injured, identify any gaps in services, and prepare and submit an annual report
 11 with recommendations to the legislature and the governor sixty days prior to each
 12 regular session of the legislature.

13 * * *

14 §2634. Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund Advisory Board;
 15 creation; membership

16 A. There is hereby created the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury
 17 Trust Fund Advisory Board within the Louisiana Department of Health, office of
 18 aging and adult services.

19 B. The Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund Advisory
 20 Board shall be composed of thirteen members as follows:

21 * * *

22 (2) A representative of an organization recognized for its work in advocacy
 23 programs for persons with traumatic ~~head~~ **brain** injury, appointed by the governor
 24 from a list of names submitted by such organization.

25 * * *

26 (5) A survivor of a traumatic ~~head~~ **brain** injury appointed by the governor.

27 * * *

28 (7) A family member of a survivor of a traumatic ~~head~~ **brain** injury
 29 appointed by the governor.

30 * * *

1 H. The board shall serve in an advisory capacity to the office of aging and
2 adult services of the department in all phases of administration by the department of
3 the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund.

4 §2635. Expenditures

5 A. Except as provided in R.S. 46:2633(D)(2), money in the trust fund shall
6 be distributed for the sole purpose of funding the cost of care or supportive services
7 for traumatic ~~head~~ **brain** and spinal cord injury, including the administrative costs
8 attributable to services provided by the trust fund program. The fund shall be
9 considered as a source of last resort after Medicare and Medicaid sources have been
10 expended for Louisiana citizens.

11 B. Authorization of expenditures for spinal cord injury care and ~~head~~ **brain**
12 injury care shall be made by the office of aging and adult services, within the
13 Louisiana Department of Health, according to criteria established by the department
14 through administrative rule.

15 C. Expenditures may include but are not limited to post-acute medical care
16 rehabilitation, therapies, medication, attendant care, home or vehicle accessibility
17 modifications, and equipment necessary for activities of daily living, provided that
18 such expenses are related to the spinal cord injury or traumatic ~~head~~ **brain** injury.

19 D.(1) Except as provided in Paragraph (2) of this Subsection, expenditures
20 on behalf of any one traumatic ~~head~~ **brain** or spinal cord injury survivor shall not
21 exceed fifteen thousand dollars for any twelve-month period nor fifty thousand
22 dollars in total expenditures.

23 (2) If the total expenditures on behalf of any one traumatic ~~head~~ **brain** or
24 spinal cord injury survivor exceed fifty thousand dollars, the survivor may be eligible
25 for additional expenditures on behalf of the survivor if funds are appropriated
26 specifically for that purpose in addition to the funds collected pursuant to R.S.
27 46:2633(B), provided that the total amount of expenditures on behalf of any one
28 traumatic ~~head~~ **brain** or spinal cord injury survivor shall not exceed fifteen thousand
29 dollars per year nor one hundred thousand dollars in total expenditures.

30 * * *

1 Section 3. R.S. 36:258(F) as amended and reenacted by Section 3 of Act No. 384 of
2 the 2013 Regular Session of the Legislature is hereby amended and reenacted to read as
3 follows:

4 F. The office of aging and adult services shall be responsible for the programs
5 and functions of the Louisiana Department of Health related to the long-term care
6 of the elderly and the protection and long-term care of persons with adult onset
7 disabilities. It shall administer the residential state-operated nursing homes, the Villa
8 Feliciana Medical Complex, the protection services program of adults from ages
9 eighteen to fifty-nine, the department's long-term support and services programs, the
10 State Personal Assistance Services program, the Community and Family Support
11 Program, the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund, as well as
12 other related programs within the department. The office shall have no responsibility
13 or authority for any programs or functions assigned by the Louisiana Revised
14 Statutes of 1950 to the Department of Elderly Affairs.

15 Section 4.(A) This Section and Sections 1 and 2 of this Act shall become effective
16 on February 1, 2025.

17 (B) Section 3 of this Act shall become effective upon the effective date of the
18 abolition of one or more of the twenty departments in the executive branch of state
19 government or upon the effective date of a constitutional amendment that authorizes creation
20 of an executive branch department in addition to the twenty departments authorized by
21 Constitution Article IV, Section 1(B), whichever such effective date is earlier.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____