

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 642**

Introduced by McDonnell, 5; Cavanaugh, 6; Wishart, 27.

Read first time January 23, 2019

Committee:

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend section
- 2 71-7611, Reissue Revised Statutes of Nebraska; to adopt the Brain
- 3 Injury Trust Fund Act; to create a fund; to change provisions
- 4 relating to the Nebraska Health Care Cash Fund; to provide an
- 5 operative date; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 6 of this act shall be known and may be  
2 cited as the Brain Injury Trust Fund Act.

3           Sec. 2. For purposes of the Brain Injury Trust Fund Act:

4           (1) Brain injury has the definition found in section 81-654; and

5           (2) Committee means the Brain Injury Oversight Committee created in  
6 section 3 of this act.

7           Sec. 3.   (1) The Brain Injury Oversight Committee is created. The  
8 committee shall consist of nine public members and the following  
9 directors, or their designees: The Commissioner of Education; the  
10 Director of Behavioral Health of the Department of Health and Human  
11 Services; and the Director of Public Health of the Department of Health  
12 and Human Services. The Governor shall appoint the nine public members  
13 which shall include individuals with a brain injury or family members of  
14 individuals with a brain injury, a representative of a public or private  
15 health-related organization, a representative of a developmental  
16 disability advisory or planning group within Nebraska, a representative  
17 of service providers for individuals with a brain injury, and a  
18 representative of a nonprofit brain injury advocacy organization.

19           (2) The Governor shall appoint the public members within ninety days  
20 after the operative date of this act. The Governor shall designate the  
21 initial terms so that three members serve one-year terms, three members  
22 serve two-year terms, and three members serve three-year terms. Their  
23 successors shall be appointed for four-year terms. Any vacancy shall be  
24 filled from the same category for the remainder of the unexpired term.  
25 Any member of the committee shall be eligible for reappointment. At least  
26 one member of the committee shall be appointed from each congressional  
27 district.

28           (3) The committee shall select a chairperson and such other officers  
29 as it deems necessary to perform its functions and shall establish  
30 policies to govern its procedures. The committee shall meet at least four  
31 times annually and at any other time as the business of the committee

1 requires, and shall meet at such place as may be established by its  
2 chairperson. The public members of the committee shall be reimbursed for  
3 their actual and necessary expenses as provided in sections 81-1174 to  
4 81-1177.

5 Sec. 4. The committee shall:

6 (1) Provide financial oversight and direction to the University of  
7 Nebraska Medical Center in the management of the Brain Injury Trust Fund;

8 (2) Develop criteria for expenditures from the Brain Injury Trust  
9 Fund: and

10 (3) Represent the interests of individuals with a brain injury and  
11 their families through advocacy, education, training, rehabilitation,  
12 research, and prevention.

13 Sec. 5. (1) The Brain Injury Trust Fund is created. The fund shall  
14 consist of appropriations from the Legislature, transfers authorized by  
15 the Legislature, grants, and any contributions designated for the purpose  
16 of the fund. Any money in the fund available for investment shall be  
17 invested by the state investment officer pursuant to the Nebraska Capital  
18 Expansion Act and the Nebraska State Funds Investment Act.

19 (2)(a) The fund shall be administered through a contract with the  
20 University of Nebraska Medical Center for administration, accounting, and  
21 budgeting purposes and used to pay for contracts for assistance for  
22 individuals with a brain injury with outside sources that specialize in  
23 the area of brain injury. Such outside sources shall operate, at a  
24 minimum, statewide, and also in targeted areas as defined and determined  
25 in the contract, with individuals with a brain injury; work to secure and  
26 develop community-based services for individuals with a brain injury;  
27 provide support groups and access to pertinent information, medical  
28 resources, and service referrals for individuals with a brain injury; and  
29 educate professionals who work with individuals with a brain injury.

30 (b) Expenditures from the fund may also include, but not be limited  
31 to:

1       (i) Resource facilitation. Resource facilitation shall be given  
2 priority and made available to provide ongoing support for individuals  
3 with a brain injury and their families for coping with brain injuries.  
4 Resource facilitation may provide a linkage to existing services and  
5 increase the capacity of the state's providers of services to individuals  
6 with a brain injury by providing brain-injury-specific information,  
7 support, and resources and enhancing the usage of support commonly  
8 available in a community. Agencies providing resource facilitation shall  
9 specialize in providing services to individuals with a brain injury and  
10 their families;

11       (ii) Voluntary training for service providers in the appropriate  
12 provision of services to individuals with a brain injury;

13       (iii) Followup contact to provide information on brain injuries for  
14 individuals on the brain injury registry established in the Brain Injury  
15 Registry Act;

16       (iv) Activities to promote public awareness of brain injury and  
17 prevention methods;

18       (v) Supporting research in the field of brain injury;

19       (vi) Providing and monitoring quality improvement processes with  
20 standards of care among brain injury service providers; and

21       (vii) Collecting data and evaluating how the needs of individuals  
22 with a brain injury and their families are being met in this state.

23       (c) No more than ten percent of the fund shall be used for  
24 administration of the fund.

25       (d) Data collection and evaluation pursuant to this section shall  
26 not be a burden or unnecessary hardship to individuals with a brain  
27 injury or service providers.

28       (e) Nothing in this section shall require a professional, provider,  
29 caregiver, or individual to receive training as a condition of receiving  
30 or providing nonmedical services to individuals with a brain injury.

31       Sec. 6. It is the intent of the Legislature to appropriate one

1 million dollars from the Nebraska Health Care Cash Fund annually  
2 beginning in fiscal year 2020-21 to the Brain Injury Trust Fund for  
3 purposes of carrying out the Brain Injury Trust Fund Act.

4       Sec. 7. Section 71-7611, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6       71-7611 (1) The Nebraska Health Care Cash Fund is created. The State  
7 Treasurer shall transfer (a) sixty million three hundred thousand dollars  
8 on or before July 15, 2014, (b) sixty million three hundred fifty  
9 thousand dollars on or before July 15, 2015, (c) sixty million three  
10 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty  
11 million seven hundred thousand dollars on or before July 15, 2017, (e)  
12 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one  
13 million six hundred thousand dollars on or before July 15, 2018, (g)  
14 sixty-one million three hundred fifty thousand dollars on or before July  
15 15, 2019, and (h) sixty-one ~~sixty~~ million four hundred fifty thousand  
16 dollars on or before every July 15 thereafter from the Nebraska Medicaid  
17 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust  
18 Fund to the Nebraska Health Care Cash Fund, except that such amount shall  
19 be reduced by the amount of the unobligated balance in the Nebraska  
20 Health Care Cash Fund at the time the transfer is made. The state  
21 investment officer shall advise the State Treasurer on the amounts to be  
22 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund  
23 until the fund balance is depleted and from the Nebraska Tobacco  
24 Settlement Trust Fund thereafter in order to sustain such transfers in  
25 perpetuity. The state investment officer shall report electronically to  
26 the Legislature on or before October 1 of every even-numbered year on the  
27 sustainability of such transfers. The Nebraska Health Care Cash Fund  
28 shall also include money received pursuant to section 77-2602. Except as  
29 otherwise provided by law, no more than the amounts specified in this  
30 subsection may be appropriated or transferred from the Nebraska Health  
31 Care Cash Fund in any fiscal year.

1           The State Treasurer shall transfer ten million dollars from the  
2 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on  
3 June 28, 2018, and June 28, 2019.

4           It is the intent of the Legislature that no additional programs are  
5 funded through the Nebraska Health Care Cash Fund until funding for all  
6 programs with an appropriation from the fund during FY2012-13 are  
7 restored to their FY2012-13 levels.

8           (2) Any money in the Nebraska Health Care Cash Fund available for  
9 investment shall be invested by the state investment officer pursuant to  
10 the Nebraska Capital Expansion Act and the Nebraska State Funds  
11 Investment Act.

12           (3) The University of Nebraska and postsecondary educational  
13 institutions having colleges of medicine in Nebraska and their affiliated  
14 research hospitals in Nebraska, as a condition of receiving any funds  
15 appropriated or transferred from the Nebraska Health Care Cash Fund,  
16 shall not discriminate against any person on the basis of sexual  
17 orientation.

18           (4) The State Treasurer shall transfer fifty thousand dollars on or  
19 before July 15, 2016, from the Nebraska Health Care Cash Fund to the  
20 Board of Regents of the University of Nebraska for the University of  
21 Nebraska Medical Center. It is the intent of the Legislature that these  
22 funds be used by the College of Public Health for workforce training.

23           (5) It is the intent of the Legislature that the cost of the staff  
24 and operating costs necessary to carry out the changes made by Laws 2018,  
25 LB439, and not covered by fees or federal funds shall be funded from the  
26 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

27           Sec. 8. This act becomes operative on July 15, 2020.

28           Sec. 9. Original section 71-7611, Reissue Revised Statutes of  
29 Nebraska, is repealed.