

LEGISLATIVE BILL 971

Approved by the Governor April 18, 2022

Introduced by McDonnell, 5; Wayne, 13.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-3701, 71-3702, 71-3704, 71-3705, and 71-3706, Revised Statutes Cumulative Supplement, 2020; to change the name of the Brain Injury Trust Fund Act to the Brain Injury Assistance Act; to change provisions relating to the Brain Injury Trust Fund and to change the name of the Brain Injury Trust Fund to the Brain Injury Assistance Program; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-3701, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3701 Sections 71-3701 to 71-3706 shall be known and may be cited as the Brain Injury Assistance ~~Trust Fund~~ Act.

Sec. 2. Section 71-3702, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3702 For purposes of the Brain Injury Assistance ~~Trust Fund~~ Act:

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

(2) Committee means the Brain Injury Oversight Committee created in section 71-3703.

Sec. 3. Section 71-3704, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3704 The committee shall:

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

(2) Develop criteria for expenditures from the Brain Injury Assistance ~~Program Trust Fund~~; and

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

Sec. 4. Section 71-3705, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3705 (1) ~~The Brain Injury Assistance ~~Program Trust Fund~~ is created. The program shall be administered by the Department of Health and Human Services fund shall consist of appropriations from the Legislature, transfers authorized by the Legislature, grants, and any contributions designated for the purpose of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. (2)(a) The fund shall be administered through a contract with the University of Nebraska Medical Center. The program shall provide for administration, accounting, and budgeting purposes and used to pay for contracts for assistance for individuals with a brain injury by paying for contracts with outside sources that specialize in the area of brain injury. Such outside sources shall operate, at a minimum, statewide, and also in targeted areas as defined and determined in the contract, with individuals with a brain injury; work to secure and develop community-based services for individuals with a brain injury; provide support groups and access to pertinent information, medical resources, and service referrals for individuals with a brain injury; and educate professionals who work with individuals with a brain injury.~~

~~(2) The program may provide assistance with the following activities, including (b) Expenditures from the fund may also include, but not be limited to:~~

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

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

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

~~(d) (iv) Activities to promote public awareness of brain injury and prevention methods;~~

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

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

~~(g) (vii) Collecting data and evaluating how the needs of individuals with~~

a brain injury and their families are being met in this state.

~~(3) Administration costs of the program shall not be more than ten percent of the total expenditures of the program.~~

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

~~(4) (d)~~ Data collection and evaluation conducted pursuant to this section shall not be a burden or unnecessary hardship to individuals with a brain injury or service providers.

~~(5) (e)~~ Nothing in this section shall require a professional, provider, caregiver, or individual to receive training as a condition of receiving or providing nonmedical services to individuals with a brain injury.

Sec. 5. Section 71-3706, Revised Statutes Cumulative Supplement, 2020, is amended to read:

71-3706 It is the intent of the Legislature to appropriate five hundred thousand dollars from the Nebraska Health Care Cash Fund annually beginning in fiscal year 2020-21 to the Brain Injury Assistance Program Trust Fund for purposes of carrying out the Brain Injury Assistance Trust Fund Act.

Sec. 6. Original sections 71-3701, 71-3702, 71-3704, 71-3705, and 71-3706, Revised Statutes Cumulative Supplement, 2020, are repealed.