

TRAUMATIC HEAD AND SPINAL CORD INJURY REHABILITATION ~~H~~ [TRUST] ~~H~~ FUND

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates the Traumatic Spinal Cord and Brain Injury Rehabilitation

~~H~~ [Trust] ~~H~~ Fund

and an advisory committee to administer ~~H~~ [the fund] ~~H~~ .

Highlighted Provisions:

This bill:

- creates and authorizes the Traumatic Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee to disburse funds received through appropriations from the Legislature ~~H~~ and charitable gifts ~~H~~ to assist charitable clinics providing rehabilitation services for the post-acute-care of people with traumatic spinal cord and brain injuries.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-54-101, Utah Code Annotated 1953

26-54-102, Utah Code Annotated 1953

26-54-103, Utah Code Annotated 1953

H.B. 400



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 26-54-101 is enacted to read:

30 **CHAPTER 54. TRAUMATIC SPINAL CORD AND BRAIN INJURY**
31 **REHABILITATION ~~H~~→ [~~T~~RUST] ←~~H~~ FUND**

32 **26-54-101. Title.**

33 This chapter is known as the "Traumatic Spinal Cord and Brain Injury Rehabilitation
34 ~~H~~→ [~~T~~RUST] ←~~H~~ Fund."

35 Section 2. Section 26-54-102 is enacted to read:

36 **26-54-102. Creation -- Traumatic Spinal Cord and Brain Injury Rehabilitation**
37 **~~H~~→ [~~T~~RUST] ←~~H~~ Fund.**

38 (1) There is created a restricted special revenue fund entitled the Traumatic Spinal
39 Cord and Brain Injury Rehabilitation ~~H~~→ [~~T~~RUST] ←~~H~~ Fund.

40 (2) The fund shall consist of:

41 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
42 fund from private sources; ~~H~~→ and ←~~H~~

43 (b) amounts as appropriated by the Legislature ~~H~~→ [~~;~~and

44 — ~~(c) a surcharge imposed on all motor vehicle violations of Title 41, Chapter 6a, Part 5,~~
45 ~~Driving Under the Influence and Reckless Driving, Part 18, Motor Vehicles Safety Belt Usage~~
46 ~~Act, and Part 6, Speed Restrictions] ←~~H~~ .~~

47 (3) The fund shall be administered by the executive director of the Department of
48 Health in consultation with the advisory committee created in Section 26-54-103.

49 (4) A "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic
50 that:

51 (a) provides services for people in this state with traumatic spinal cord and brain
52 injuries who require post-acute-care;

53 (b) employs licensed therapy clinicians; and

54 (c) has no less than five years experience operating a post-acute-care rehabilitation
55 clinic in the state.

56 (5) Fund money shall be used to assist qualified IRC 501(c)(3) charitable clinics to
57 provide:

58 (a) physical, occupational, and speech therapy; ~~H~~→ and ←~~H~~

59 **(b) equipment** ~~H→~~ ~~[and supplies]~~ ~~←H~~ necessary for daily living activities for people
 59a with spinal

60 cord and brain injuries ~~H→~~ ~~[:and~~

61 ~~—— (c) prevention, research, and public education regarding spinal cord and brain injuries]~~ ~~←H~~ .

62 (6) All actual and necessary operating expenses for the advisory committee and staff
 63 shall be paid by the fund.

64 Section 3. Section **26-54-103** is enacted to read:

65 **26-54-103. Traumatic Spinal Cord and Brain Injury Rehabilitation Advisory**

66 **Committee -- Creation -- Membership -- Terms -- Duties.**

67 (1) There is created a Traumatic Spinal Cord and Brain Injury Rehabilitation Fund
 68 Advisory Committee.

69 (2) The advisory committee shall be composed of five members as follows:

70 (a) the executive director of the Utah Department of Health, or the executive director's
 71 designee;

72 (b) a survivor, or a family member of a survivor of a traumatic brain injury, appointed
 73 by the governor;

74 (c) a survivor, or a family member of a survivor of a traumatic spinal cord injury,
 75 appointed by the governor;

76 (d) a member of the House of Representatives appointed by the speaker of the House of
 77 Representatives; and

78 (e) a member of the Senate appointed by the president of the Senate.

79 (4) (a) The term of advisory committee members shall be four years. If a vacancy
 80 occurs in the committee membership for any reason, a replacement shall be appointed for the
 81 unexpired term in the same manner as the original appointment.

82 (b) The committee shall elect a chairperson from the membership.

83 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
 84 is present at an open meeting, the action of the majority of members shall be the action of the
 85 advisory committee.

86 (d) The terms of the advisory committee shall be staggered so that members appointed
 87 under Subsections (2)(b) and (d) shall serve an initial two-year term and members appointed
 88 under Subsections (2)(c) and (e) shall serve four-year terms. Thereafter, members appointed to
 89 the advisory committee shall serve four-year terms.

90 (5) The advisory committee shall comply with the procedures and requirements of:

91 (a) Title 52, Chapter 4, Open and Public Meetings Act;

92 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

93 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

94 (6) A member may not receive compensation or benefits for the member's service, but,
 95 at the executive director's discretion, may receive per diem and travel expenses in accordance
 96 with:

97 (a) Section 63A-3-106;

98 (b) Section 63A-3-107; and

99 (c) rules adopted by the Division of Finance pursuant to Sections 63A-3-106 and
 100 63A-3-107.

101 (7) The advisory committee shall:

102 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah
 103 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee
 104 to follow in recommending distribution of money from the fund to assist qualified IRC
 105 501(c)(3) charitable clinics;

106 (b) ~~H~~→ ~~[investigate,]~~ ←~~H~~ identify, evaluate, and review the quality of care available to
 106a people
 107 with traumatic spinal cord and brain injuries ~~H~~→ ~~through qualified IRC 501(c)(3) charitable~~
 107a ~~clinics~~ ←~~H~~ ;

108 (c) ~~H~~→ ~~explore, evaluate, and~~ ←~~H~~ review ~~H~~→ ~~[the bail schedule for offenses]~~ possible
 108a ~~funding sources~~ ←~~H~~ and make a recommendation to the Legislature

109 ~~H~~→ ~~[and the Judicial Council concerning an appropriate surcharge]~~ regarding sources ←~~H~~ that
 109a would provide adequate

110 funding for the advisory committee to accomplish its responsibilities under this section; and

111 (d) submit an annual report, not later than November 30 of each year, summarizing the
 112 activities of the advisory committee and making recommendations regarding the ongoing needs
 113 of people with spinal cord or brain injuries to:

114 (i) the governor;

115 (ii) the Health and Human Services Interim Committee; and

116 (iii) the Health and Human Services Appropriations Subcommittee.

Legislative Review Note
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Office of Legislative Research and General Counsel