

PEDIATRIC NEURO-REHABILITATION FUND

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates the Pediatric Neuro-Rehabilitation Fund and specifies its uses.

Highlighted Provisions:

This bill:

- ▶ renames Title 26, Chapter 54 as "Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund";

- ▶ creates the Pediatric Neuro-Rehabilitation Fund;

- ▶ renames the Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee as the "Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee";

- ▶ amends the membership and duties of the advisory committee;

- ▶ allows advisory committee expenses to be paid for by the Spinal Cord and Brain Injury Rehabilitation Fund or the Pediatric Neuro-Rehabilitation Fund; and

- ▶ makes conforming and technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-54-101, as last amended by Laws of Utah 2017, Chapter 261

26-54-102, as last amended by Laws of Utah 2017, Chapter 261

30 **26-54-103**, as last amended by Laws of Utah 2017, Chapter 261

31 **63I-2-226**, as last amended by Laws of Utah 2018, Chapters 38 and 281

32 ENACTS:

33 **26-54-102.5**, Utah Code Annotated 1953



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

36 Section 1. Section **26-54-101** is amended to read:

37 **CHAPTER 54. SPINAL CORD AND BRAIN INJURY REHABILITATION**
38 **FUND AND PEDIATRIC NEURO-REHABILITATION FUND**

39 **26-54-101. Title.**

40 This chapter is known as the "Spinal Cord and Brain Injury Rehabilitation Fund and
41 Pediatric Neuro-Rehabilitation Fund."

42 Section 2. Section **26-54-102** is amended to read:

43 **26-54-102. Spinal Cord and Brain Injury Rehabilitation Fund -- Creation --**
44 **Administration -- Uses.**

45 (1) As used in this section, a "qualified IRC 501(c)(3) charitable clinic" means a
46 professional medical clinic that:

47 (a) provides rehabilitation services to individuals in the state:

48 (i) who have a traumatic spinal cord or brain injury that tends to be nonprogressive or
49 nondeteriorating; and

50 (ii) who require post-acute care;

51 (b) employs licensed therapy clinicians;

52 (c) has at least five years experience operating a post-acute care rehabilitation clinic in
53 the state; and

54 (d) has obtained tax-exempt status under Internal Revenue Code, 26 U.S.C. Sec.
55 501(c)(3).

56 ~~[(+)]~~ (2) There is created an expendable special revenue fund known as the "Spinal
57 Cord and Brain Injury Rehabilitation Fund."

58 ~~[(2)]~~ (3) The fund shall consist of:

59 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
60 fund from private sources;

61 (b) a portion of the impound fee as designated in Section [41-6a-1406](#);

62 (c) the fees collected by the Motor Vehicle Division under ~~[Subsection [41-22-8\(3\)](#) and~~
63 ~~Subsection [41-1a-1201\(9\)](#)]~~ Subsections [41-1a-1201\(9\)](#) and [41-22-8\(3\)](#); and

64 (d) amounts [as] appropriated by the Legislature.

65 ~~[(3)]~~ (4) The fund shall be administered by the executive director of the ~~[Department of~~
66 ~~Health]~~ department, in consultation with the advisory committee created in Section [26-54-103](#).

67 ~~[(4) A "qualified IRC 501(c)(3) charitable clinic" means a professional medical clinic~~
68 ~~that:]~~

69 ~~[(a) provides rehabilitation services to individuals in the state:]~~

70 ~~[(i) who have a traumatic spinal cord or brain injury that tends to be nonprogressive or~~
71 ~~nondeteriorating; and]~~

72 ~~[(ii) who require post-acute care;]~~

73 ~~[(b) employs licensed therapy clinicians; and]~~

74 ~~[(c) has no less than five years experience operating a post-acute-care rehabilitation~~
75 ~~clinic in the state.]~~

76 (5) Fund money shall be used to:

77 (a) assist one or more qualified IRC 501(c)(3) charitable clinics to provide
78 rehabilitation services to individuals who have a traumatic spinal cord or brain injury that tends
79 to be nonprogressive or nondeteriorating, including:

80 ~~[(a)]~~ (i) physical, occupational, and speech therapy; and

81 ~~[(b)]~~ (ii) equipment ~~[necessary for daily living.]~~ for use in the qualified charitable
82 clinic; and

83 ~~[(6) All actual and necessary]~~

84 (b) pay for operating expenses ~~[for]~~ of the advisory committee ~~[and staff shall be paid~~
85 ~~by the fund]~~ created by Section 26-54-103, including the advisory committee's staff.

86 Section 3. Section **26-54-102.5** is enacted to read:

87 **26-54-102.5. Pediatric Neuro-Rehabilitation Fund -- Creation -- Administration --**

88 **Uses.**

89 (1) As used in this section, a "qualified IRC 501(c)(3) charitable clinic" means a
90 professional medical clinic that:

91 (a) provides services for children in the state:

92 (i) with neurological conditions, including:

93 (A) cerebral palsy; and

94 (B) spina bifida; and

95 (ii) who require post-acute care;

96 (b) employs licensed therapy clinicians;

97 (c) has at least five years experience operating a post-acute care rehabilitation clinic in
98 the state; and

99 (d) has obtained tax-exempt status under Internal Revenue Code, 26 U.S.C. Sec.
100 501(c)(3).

101 (2) There is created an expendable special revenue fund known as the "Pediatric
102 Neuro-Rehabilitation Fund."

103 (3) The fund shall consist of:

104 (a) gifts, grants, donations, or any other conveyance of money that may be made to the
105 fund from private sources; and

106 (b) amounts appropriated to the fund by the Legislature.

107 (4) The fund shall be administered by the executive director of the department, in
108 consultation with the advisory committee created in Section [26-54-103](#).

109 (5) Fund money shall be used to:

110 (a) assist one or more qualified IRC 501(c)(3) charitable clinics to provide physical or
111 occupational therapy to children with neurological conditions; and

112 (b) pay for operating expenses of the advisory committee created by Section
113 [26-54-103](#), including the advisory committee's staff.

114 Section 4. Section **26-54-103** is amended to read:

115 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric**
116 **Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms --**
117 **Duties.**

118 (1) There is created a Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric
119 Neuro-Rehabilitation Fund Advisory Committee.

120 (2) The advisory committee shall be composed of [~~eight~~] 11 members as follows:

121 (a) the executive director [~~of the Department of Health~~], or the executive director's
122 designee;

123 (b) two survivors, or family members of a survivor, of a traumatic brain injury[;]
124 appointed by the governor;

125 (c) two survivors, or family members of a survivor, of a traumatic spinal cord injury[;]
126 appointed by the governor;

127 (d) one traumatic brain injury or spinal cord injury professional appointed by the
128 governor who, at the time of appointment and throughout the professional's term on the
129 committee, does not receive a financial benefit from the fund;

130 (e) two parents of a child with a nonprogressive neurological condition appointed by
131 the governor;

132 (f) (i) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy
133 Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor;
134 or

135 (ii) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
136 Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the
137 governor;

138 [~~(e)~~] (g) a member of the House of Representatives appointed by the speaker of the
139 House of Representatives; and

140 [~~(f)~~] (h) a member of the Senate appointed by the president of the Senate.

141 (3) (a) The term of advisory committee members shall be four years. If a vacancy

142 occurs in the committee membership for any reason, a replacement shall be appointed for the
143 unexpired term in the same manner as the original appointment.

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

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

148 (d) The terms of the advisory committee shall be staggered so that members appointed
149 under Subsections (2)(b) [~~and~~], (d), and (f) shall serve an initial two-year term and members
150 appointed under Subsections (2)(c) [~~and~~], (e), and (g) shall serve four-year terms. Thereafter,
151 members appointed to the advisory committee shall serve four-year terms.

152 (4) The advisory committee shall comply with the procedures and requirements of:

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

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

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

156 (5) (a) A member who is not a legislator may not receive compensation or benefits for
157 the member's service, but, at the executive director's discretion, may receive per diem and
158 travel expenses as allowed in:

159 (i) Section [63A-3-106](#);

160 (ii) Section [63A-3-107](#); and

161 (iii) rules adopted by the Division of Finance according to Sections [63A-3-106](#) and
162 [63A-3-107](#).

163 (b) Compensation and expenses of a member who is a legislator are governed by
164 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

165 (6) The advisory committee shall:

166 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah
167 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee
168 to follow in recommending distribution of money from the fund to assist qualified IRC
169 501(c)(3) charitable clinics, as defined in Sections [26-54-102](#) and [26-54-102.5](#);

170 (b) identify, evaluate, and review the quality of care available to [people];
171 (i) individuals with spinal cord and brain injuries through qualified IRC 501(c)(3)
172 charitable clinics, as defined in Section 26-54-102; or
173 (ii) children with nonprogressive neurological conditions through qualified IRC
174 501(c)(3) charitable clinics, as defined in Section 26-54-102.5;
175 (c) explore, evaluate, and review other possible funding sources and make a
176 recommendation to the Legislature regarding sources that would provide adequate funding for
177 the advisory committee to accomplish its responsibilities under this section; and
178 (d) submit an annual report, not later than November 30 of each year, summarizing the
179 activities of the advisory committee and making recommendations regarding the ongoing needs
180 of [people] individuals with spinal cord or brain injuries and children with nonprogressive
181 neurological conditions to:
182 (i) the governor;
183 (ii) the Health and Human Services Interim Committee; and
184 (iii) the ~~[Health and Human]~~ Social Services Appropriations Subcommittee.
185 (7) Operating expenses for the advisory committee, including the committee's staff,
186 shall be paid for only with money from:
187 (a) the Spinal Cord and Brain Injury Rehabilitation Fund;
188 (b) the Pediatric Neuro-Rehabilitation Fund; or
189 (c) both funds.
190 Section 5. Section **63I-2-226** is amended to read:
191 **63I-2-226. Repeal dates -- Title 26.**
192 (1) Subsection 26-7-8(3) is repealed January 1, 2027.
193 [~~(2) Subsection 26-7-9(5) is repealed January 1, 2019.~~]
194 [~~(3)~~] (2) Section 26-8a-107 is repealed July 1, 2019.
195 [~~(4)~~] (3) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
196 [~~(5)~~] (4) Subsection 26-18-2.3(5) is repealed January 1, 2020.
197 [~~(6)~~] (5) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

- 198 [~~(7)~~ Subsection ~~26-18-408~~(6) is repealed January 2, 2019.]
- 199 [~~(8)~~ (6) Subsection 26-18-410(5) is repealed January 1, 2026.
- 200 [~~(9)~~ (7) Subsection 26-18-411(5) is repealed January 1, 2023.
- 201 [~~(10)~~ (8) Subsection 26-18-604(2) is repealed January 1, 2020.
- 202 [~~(11)~~ (9) Subsection 26-21-28(2)(b) is repealed January 1, 2021.
- 203 [~~(12)~~ (10) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.
- 204 [~~(13)~~ (11) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.
- 205 [~~(14)~~ (12) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
- 206 Program, is repealed July 1, 2027.
- 207 [~~(15)~~ (13) Subsection 26-50-202(7)(b) is repealed January 1, 2020.
- 208 [~~(16)~~ (14) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed [~~January 1, 2020~~] July
- 209 1, 2024.
- 210 [~~(17)~~ (15) Subsection 26-55-107(8) is repealed January 1, 2021.
- 211 [~~(18)~~ (16) Subsection 26-56-103(9)(d) is repealed January 1, 2020.
- 212 [~~(19)~~ (17) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.
- 213 [~~(20)~~ (18) Subsection 26-61-202(4)(b) is repealed January 1, 2022.
- 214 [~~(21)~~ (19) Subsection 26-61-202(5) is repealed January 1, 2022.