

1 **SPINAL CORD AND TRAUMATIC BRAIN INJURY FUND**

2 **AMENDMENTS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Raymond P. Ward**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill combines the Traumatic Brain Injury Fund with the Spinal Cord and Brain
11 Injury Rehabilitation Fund.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ moves existing funds in the Traumatic Brain Injury Fund into the Spinal Cord and
15 Brain Injury Rehabilitation Fund;
- 16 ▶ broadens the uses of the Spinal Cord and Brain Injury Rehabilitation Fund to
17 include the uses of the Traumatic Brain Injury Fund; and
- 18 ▶ repeals the Traumatic Brain Injury Fund.

19 **Money Appropriated in this Bill:**

20 This bill appropriates in fiscal year 2022:

- 21 ▶ to the Traumatic Brain Injury Fund, as an ongoing appropriation:
 - 22 • from the General Fund, Ongoing, (\$200,000);
- 23 ▶ to the Spinal Cord and Brain Injury Rehabilitation Fund, as an ongoing
24 appropriation:
 - 25 • from the General Fund, Ongoing, \$200,000; and
 - 26 ▶ to the Spinal Cord and Brain Injury Rehabilitation Fund, as a one-time
27 appropriation:



- from the Traumatic Brain Injury Fund, One-time, \$166,200.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26-54-102, as last amended by Laws of Utah 2019, Chapter 405

REPEALS:

26-50-101, as enacted by Laws of Utah 2008, Chapter 325

26-50-102, as enacted by Laws of Utah 2008, Chapter 325

26-50-201, as last amended by Laws of Utah 2013, Chapter 400

26-50-202, as last amended by Laws of Utah 2016, Chapter 168

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

Section 1. Section **26-54-102** is amended to read:

26-54-102. Spinal Cord and Brain Injury Rehabilitation Fund -- Creation --

Administration -- Uses.

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

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

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

(ii) who require post-acute care;

(b) employs licensed therapy clinicians;

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

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

(2) There is created an expendable special revenue fund known as the "Spinal Cord and Brain Injury Rehabilitation Fund."

(3) The fund shall consist of:

(a) gifts, grants, donations, or any other conveyance of money that may be made to the

59 fund from private sources;

60 (b) a portion of the impound fee as designated in Section 41-6a-1406;

61 (c) the fees collected by the Motor Vehicle Division under Subsections 41-1a-1201(9)
62 and 41-22-8(3); and

63 (d) amounts appropriated by the Legislature.

64 (4) The fund shall be administered by the executive director of the department, in
65 consultation with the advisory committee created in Section 26-54-103.

66 (5) Fund money shall be used to:

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

70 (i) physical, occupational, and speech therapy; and

71 (ii) equipment for use in the qualified charitable clinic; [~~and~~]

72 (b) pay for operating expenses of the advisory committee created by Section
73 26-54-103, including the advisory committee's staff[-];

74 (c) educate the general public and professionals regarding understanding, treatment,
75 and prevention of traumatic ~~H~~→ **spinal cord or** ←~~H~~ brain injury;

76 (d) provide access to evaluations and coordinate short-term care to assist an individual
77 in identifying services or support needs, resources, and benefits for which the individual may
78 be eligible;

79 (e) develop and support an information and referral system for persons with a traumatic
80 ~~H~~→ **spinal cord or** ←~~H~~ brain injury and their families; and

81 (f) provide grants to persons or organizations to provide the services described in
82 Subsections (5)(c), (d), and (e).

83 (6) Not less than 50% of the fund shall be used each fiscal year to directly assist
84 individuals who meet the qualifications described in Subsection (7).

85 (7) An individual who receives services either paid for from the fund, or through an
86 organization under contract with the fund, shall:

87 (a) be a resident of Utah;

88 (b) have been diagnosed by a qualified professional as having a traumatic brain injury

89 ~~H~~→ **or traumatic spinal cord injury** ←~~H~~ which results in impairment of cognitive or physical
89a function; and

- 90 (c) have a need that can be met within the requirements of this chapter.
- 91 (8) Fund money distributed in accordance with Subsections (5)(c), (d), and (e) may not:
- 92 (a) duplicate any services or support mechanisms being provided to an individual by
- 93 any other government or private agency; or
- 94 (b) be used for medical treatment, long-term care, or acute care.

Section 2. **Repealer.**

This bill repeals:

Section **26-50-101**, **Title.**

Section **26-50-102**, **Definitions.**

Section **26-50-201**, **Traumatic Brain Injury Fund.**

Section **26-50-202**, **Traumatic Brain Injury Advisory Committee -- Membership --**

Time limit.

Section 3. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To the Department of Health and Human Services - Traumatic Brain Injury Fund

From General Fund (\$200,000)

Schedule of Programs:

Traumatic Brain Injury Fund (\$200,000)

ITEM 2

To the Department of Health and Human Services - Spinal Cord and Brain Injury

Rehabilitation Fund

From General Fund \$200,000

Schedule of Programs:

Spinal Cord and Brain Injury Rehabilitation Fund \$200,000

ITEM 3

To the Department of Health and Human Services - Spinal Cord and Brain Injury

121 Rehabilitation Fund

122 From Traumatic Brain Injury Fund, One-time \$166,200

123 Schedule of Programs:

124 Spinal Cord and Brain Injury Rehabilitation Fund \$166,200

125 The Legislature intends that the Division of Finance close the Traumatic Brain Injury

126 Fund and transfer any remaining fiscal year 2022 fund balances into the Spinal Cord and Brain

127 Injury Rehabilitation Fund.

128 Section 4. **Effective date.**

129 This bill takes effect on July 1, 2022.