

Chapter 50 Traumatic Brain Injury Fund

Part 1 General Provisions

26-50-101 Title.

This chapter is known as the "Traumatic Brain Injury Fund."

Enacted by Chapter 325, 2008 General Session

26-50-102 Definitions.

As used in this chapter:

- (1) "Committee" means the advisory committee created by the executive director pursuant to Section 26-50-202.
- (2) "Fund" means the Traumatic Brain Injury Fund created in Section 26-50-201.

Enacted by Chapter 325, 2008 General Session

Part 2 Traumatic Brain Injury Fund

26-50-201 Traumatic Brain Injury Fund.

- (1) There is created an expendable special revenue fund entitled the Traumatic Brain Injury Fund.
- (2) The fund shall consist of:
 - (a) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources; and
 - (b) additional amounts as appropriated by the Legislature.
- (3) The fund shall be administered by the executive director.
- (4) Fund money may be used to:
 - (a) educate the general public and professionals regarding understanding, treatment, and prevention of traumatic brain injury;
 - (b) provide access to evaluations and coordinate short-term care to assist an individual in identifying services or support needs, resources, and benefits for which the individual may be eligible;
 - (c) develop and support an information and referral system for persons with a traumatic brain injury and their families; and
 - (d) provide grants to persons or organizations to provide the services described in Subsections (4)(a), (b), and (c).
- (5) Not less than 50% of the fund shall be used each fiscal year to directly assist individuals who meet the qualifications described in Subsection (6).
- (6) An individual who receives services either paid for from the fund, or through an organization under contract with the fund, shall:
 - (a) be a resident of Utah;
 - (b) have been diagnosed by a qualified professional as having a traumatic brain injury which results in impairment of cognitive or physical function; and

- (c) have a need that can be met within the requirements of this chapter.
- (7) The fund may not duplicate any services or support mechanisms being provided to an individual by any other government or private agency.
- (8) All actual and necessary operating expenses for the committee and staff shall be paid by the fund.
- (9) The fund may not be used for medical treatment, long-term care, or acute care.

Amended by Chapter 400, 2013 General Session

26-50-202 Traumatic Brain Injury Advisory Committee -- Membership -- Time limit.

- (1) On or after July 1 of each year, the executive director may create a Traumatic Brain Injury Advisory Committee of not more than nine members.
- (2) The committee shall be composed of members of the community who are familiar with traumatic brain injury, its causes, diagnosis, treatment, rehabilitation, and support services, including:
 - (a) persons with a traumatic brain injury;
 - (b) family members of a person with a traumatic brain injury;
 - (c) representatives of an association which advocates for persons with traumatic brain injuries;
 - (d) specialists in a profession that works with brain injury patients; and
 - (e) department representatives.
- (3) The department shall provide staff support to the committee.
- (4)
 - (a) If a vacancy occurs in the committee membership for any reason, a replacement may be appointed for the unexpired term.
 - (b) The committee shall elect a chairperson from the membership.
 - (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the committee.
 - (d) The committee may adopt bylaws governing the committee's activities.
 - (e) A committee member may be removed by the executive director:
 - (i) if the member is unable or unwilling to carry out the member's assigned responsibilities; or
 - (ii) for good cause.
- (5) The committee shall comply with the procedures and requirements of:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- (6) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) Not later than November 30 of each year the committee shall provide a written report summarizing the activities of the committee to:
 - (a) the executive director of the department; and
 - (b) the Social Services Appropriations Subcommittee.
- (8) The committee shall cease to exist on December 31 of each year, unless the executive director determines it necessary to continue.

Amended by Chapter 168, 2016 General Session

