

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:



- 28 **26-54-101**, as last amended by Laws of Utah 2017, Chapter 261
- 29 **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 ~~that is~~ **necessary for daily living** **for use in the qualified charitable**
81a **clinic** ~~that is~~ **used**; and

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

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

85 Section 3. Section [26-54-102.5](#) is enacted to read:

86 **26-54-102.5. Pediatric Neuro-Rehabilitation Fund -- Creation -- Administration --**
87 **Uses.**

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

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

91 (i) with neurological conditions, including:

92 (A) cerebral palsy; and

93 (B) spina bifida; and

94 (ii) who require post-acute-care;

95 (b) employs licensed therapy clinicians;

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

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

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

102 (3) The fund shall consist of:

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

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

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

108 (5) Fund money shall be used to:

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

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

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

114 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric**
115 **Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms --**
116 **Duties.**

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

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

120 (a) the executive director [~~of the Department of Health~~], or the executive director's

121 designee;

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

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

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

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

131 (f) ~~Ŝ~~ (i) ~~←Ŝ~~ a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy
131a Practice

132 Act, ~~Ĥ~~ ~~→~~ with experience treating brain and spinal cord injuries, ~~←Ĥ~~ appointed by the
132a governor; or

133 ~~Ŝ~~ ~~→~~ ~~(g)~~ (ii) ~~←Ŝ~~ an occupational therapist licensed under Title 58, Chapter 42a,
133a Occupational

134 Therapy Practice Act, ~~Ĥ~~ ~~→~~ with experience treating brain and spinal cord injuries, ~~←Ĥ~~
134a appointed by the governor;

135 ~~(e)~~ ~~Ŝ~~ ~~→~~ ~~(h)~~ (g) ~~←Ŝ~~ a member of the House of Representatives appointed by the speaker
135a of the

136 House of Representatives; and

137 ~~(f)~~ ~~Ŝ~~ ~~→~~ ~~(i)~~ (h) ~~←Ŝ~~ a member of the Senate appointed by the president of the Senate.

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

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

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

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

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

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

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

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

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

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

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

158 (iii) rules adopted by the Division of Finance according to Sections [63A-3-106](#) and
159 [63A-3-107](#).

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

162 (6) The advisory committee shall:

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

167 (b) identify, evaluate, and review the quality of care available to ~~[people]~~;

168 (i) individuals with spinal cord and brain injuries through qualified IRC 501(c)(3)
169 charitable clinics, as defined in Section [26-54-102](#); or

170 (ii) children with nonprogressive neurological conditions through qualified IRC
171 501(c)(3) charitable clinics, as defined in Section [26-54-102.5](#);

172 (c) explore, evaluate, and review other possible funding sources and make a
173 recommendation to the Legislature regarding sources that would provide adequate funding for
174 the advisory committee to accomplish its responsibilities under this section; and

175 (d) submit an annual report, not later than November 30 of each year, summarizing the
176 activities of the advisory committee and making recommendations regarding the ongoing needs
177 of ~~[people]~~ individuals with spinal cord or brain injuries and children with nonprogressive
178 neurological conditions to:

179 (i) the governor;

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

181 (iii) the ~~[Health and Human]~~ Social Services Appropriations Subcommittee.

182 (7) Operating expenses for the advisory committee, including the committee's staff,

183 shall be paid for only with money from:

184 (a) the Spinal Cord and Brain Injury Rehabilitation Fund;

185 (b) the Pediatric Neuro-Rehabilitation Fund; or

186 (c) both funds.

187 Section 5. Section **63I-2-226** is amended to read:

188 **63I-2-226. Repeal dates -- Title 26.**

189 (1) Subsection 26-7-8(3) is repealed January 1, 2027.

190 [~~(2) Subsection 26-7-9(5) is repealed January 1, 2019.~~]

191 [~~(3)~~] (2) Section 26-8a-107 is repealed July 1, 2019.

192 [~~(4)~~] (3) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.

193 [~~(5)~~] (4) Subsection 26-18-2.3(5) is repealed January 1, 2020.

194 [~~(6)~~] (5) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

195 [~~(7) Subsection 26-18-408(6) is repealed January 2, 2019.~~]

196 [~~(8)~~] (6) Subsection 26-18-410(5) is repealed January 1, 2026.

197 [~~(9)~~] (7) Subsection 26-18-411(5) is repealed January 1, 2023.

198 [~~(10)~~] (8) Subsection 26-18-604(2) is repealed January 1, 2020.

199 [~~(11)~~] (9) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

200 [~~(12)~~] (10) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

201 [~~(13)~~] (11) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

202 [~~(14)~~] (12) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance

203 Program, is repealed July 1, 2027.

204 [~~(15)~~] (13) Subsection 26-50-202(7)(b) is repealed January 1, 2020.

205 [~~(16)~~] (14) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed [~~January 1, 2020~~] July
206 1, 2024.

207 [~~(17)~~] (15) Subsection 26-55-107(8) is repealed January 1, 2021.

208 [~~(18)~~] (16) Subsection 26-56-103(9)(d) is repealed January 1, 2020.

209 [~~(19)~~] (17) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

210 [~~(20)~~] (18) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

211 [~~(21)~~] (19) Subsection 26-61-202(5) is repealed January 1, 2022.