

Rehabilitation Services Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions related to the Brain and Spinal Cord Injury Fund and Advisory Committee.

Highlighted Provisions:

This bill:

- defines terms;
- allows money in the Brain and Spinal Cord Injury Fund to be used for nervous system research under certain circumstances;
- modifies the membership of the Brain and Spinal Cord Injury Advisory Committee (committee);
- requires the committee to meet quarterly;
- creates a reporting requirement; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-1-318, as last amended by Laws of Utah 2024, Chapter 289

26B-1-417, as repealed and reenacted by Laws of Utah 2024, Chapter 289

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

Section 1. Section **26B-1-318** is amended to read:

26B-1-318 . Brain and Spinal Cord Injury Fund.

(1) As used in this section:

(a) "Advisory committee" means the Brain and Spinal Cord Injury Advisory Committee created in Section [26B-1-418] 26B-1-417.

(b) "Nervous system research" means research conducted by a qualified charitable clinic that is:

(i) designed to improve, enhance, accelerate, or advance the clinical outcomes of:

(A) an individual affected by a spinal cord injury, a brain injury, or a stroke; or

(B) a child with a neurological condition or syndrome;

(ii) approved by an institutional review board; and

(iii) designed to be completed in a 12-month period.

~~[(b)]~~ (c) "Qualified charitable clinic" means a professional medical clinic that:

(i) provides therapeutic services;

(ii) employs licensed therapy clinicians;

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

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

(d) "Research grant" means a grant that can only be used for nervous system research.

~~[(e)]~~ (e)(i) "Therapeutic services" means:

(A) rehabilitation services to individuals who have a spinal cord or brain injury that tends to be non-progressive or non-deteriorating and require post-acute care; or

(B) rehabilitation services for children with neurological conditions and who require post-acute care.

(ii) "Therapeutic services" include:

(A) physical, occupational, and speech therapy; and

(B) other services as determined by the department, in consultation with the advisory committee, through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

(3) The fund shall consist of:

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

- 62 fund from private sources; and
- 63 (b) additional amounts as appropriated by the Legislature;
- 64 (c) a portion of the impound fee as designated in Section 41-6a-1406; and
- 65 (d) the fees collected by the Motor Vehicle Division under Subsections 41-1a-1201(8)
- 66 and 41-22-8(3).
- 67 (4) The fund shall be administered by the executive director, in consultation with the
- 68 advisory committee.
- 69 (5) Fund money may be used to:
- 70 (a) educate the general public and professionals regarding understanding, treatment, and
- 71 prevention of brain injury;
- 72 (b) provide access to evaluations and coordinate short-term care to assist an individual in
- 73 identifying services or support needs, resources, and benefits for which the individual
- 74 may be eligible;
- 75 (c) develop and support an information and referral system for persons with a brain
- 76 injury and their families;
- 77 (d) provide grants to persons or organizations to provide the services described in
- 78 Subsections (5)(a), (b), and (c);
- 79 (e) assist one or more qualified charitable clinics to provide therapeutic services; ~~and~~
- 80 (f) purchase equipment for use in the qualified charitable clinic~~[-]~~ ; and
- 81 (g) provide research grants to qualified charitable clinics in accordance with Subsection
- 82 (7).
- 83 (6) Each year, approximately no less than:
- 84 (a) 40% of the fund shall be used for programs and services described in Subsections
- 85 (5)(a) through (d);
- 86 (b) 25% of the fund shall be used to assist adults with brain or spinal cord injuries under
- 87 Subsections (5)(e) and (f); and
- 88 (c) 10 % of the fund shall be used to assist children with neurological conditions under
- 89 Subsections (5)(e) and (f).
- 90 (7)(a) Each year, if money remains in the fund after the money has been allocated in
- 91 accordance with Subsection (6), the advisory committee may award up to \$100,000
- 92 in research grants divided among one or more qualified charitable clinics.
- 93 (b) A qualified charitable clinic that accepts a research grant shall agree to the
- 94 requirements in Subsection (7)(c) before receiving the grant.
- 95 (c) A qualified charitable clinic that accepts a research grant:

(i) shall report the results of the nervous system research to the advisory committee;

(ii) shall provide the committee an itemized list of expenditures for research grant money;

(iii) shall return any unspent research grant money to the fund;

(iv) subject to Subsection (7)(c)(v), may collaborate with another entity for performing the nervous system research;

(v) may not use research grant money to pay another entity to conduct the project; and

(vi) may not use research grant money to pay for administrative costs not directly associated with the research project.

[~~(7)~~] (8) 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 brain injury, spinal cord injury, or other neurological condition which results in impairment of cognitive or physical function; and

(c) have a need that can be met within the requirements of this section.

[~~(8)~~] (9) The fund may not duplicate any services or support mechanisms being provided to an individual by any other government or private agency.

[~~(9)~~] (10) All actual and necessary operating expenses for the Brain and Spinal Cord Injury Advisory Committee created in Section 26B-1-417 and staff shall be paid by the fund.

Section 2. Section **26B-1-417** is amended to read:

26B-1-417 . Brain and Spinal Cord Injury Advisory Committee -- Membership --

Duties.

(1) There is created the Brain and Spinal Cord Injury Advisory Committee within the department.

(2)(a) The advisory committee shall be composed of the following members:

(i) an individual employed with the Department of Health and Human Services;

(ii) an individual who has experienced a neurological condition;

(iii) an individual who has experienced a brain injury;

(iv) an individual who has experienced a spinal cord injury;

(v) a parent of a child who has a neurological condition;

(vi) a parent or caretaker of an individual who has experienced a brain or spinal cord injury;

(vii) a professional who:

- 130 (A) provides services to adults who have experienced brain or spinal cord injuries;
131 and
132 (B) does not receive a financial benefit from the fund described in Section
133 26B-1-318;
- 134 (viii) a professional who:
135 (A) provides services to children who have a neurological condition; and
136 (B) does not receive a financial benefit from the fund described in Section
137 26B-1-318;
- 138 (ix) an individual licensed as a speech-language pathologist under Title 58, Chapter
139 41, Speech[-] Language Pathology and Audiology Licensing Act, who works with
140 individuals who have experienced a brain injury;
- 141 (x) a representative of an association that advocates for individuals with brain injuries;
- 142 (xi) an individual who conducts research or is familiar with or possesses knowledge
143 of research on neurological conditions, brain injuries, or spinal cord injuries;
144 ~~[(xi)]~~ (xii) a member of the House of Representatives appointed by the speaker of the
145 House of Representatives; and
146 ~~[(xii)]~~ (xiii) a member of the Senate appointed by the president of the Senate.
- 147 (b) Except for members described in ~~[Subsection (xi) and (xii)]~~ Subsections (2)(a)(xii)
148 through (xiii), the executive director shall appoint members of the advisory
149 committee.
- 150 (3)(a) ~~[The]~~ Except as provided in Subsection (3)(f), the term of advisory committee
151 members shall be four years.
- 152 (b) If a vacancy occurs in the committee membership for any reason, a replacement shall
153 be appointed for the unexpired term in the same manner as the original appointment.
- 154 ~~[(b)]~~ (c) The committee shall elect a chairperson from the membership.
- 155 ~~[(e)]~~ (d) A majority of the committee constitutes a quorum at any meeting, and, if a
156 quorum is present at an open meeting, the action of the majority of members shall be
157 the action of the advisory committee.
- 158 ~~[(d)]~~ (e) The terms of the advisory committee shall be staggered so that approximately
159 half of the committee members appointed under Subsections ~~[(2)(b), (d), and (f)]~~ shall
160 ~~serve an initial two-year term and members appointed under Subsections (2)(c), (e),~~
161 ~~and (g) shall serve four-year terms. Thereafter, members appointed to the advisory~~
162 ~~committee shall serve four-year terms.]~~ (2)(a)(i) through (xi) are appointed every two
163 years.

(f) The executive director may shorten an appointment to comply with Subsection (3)(e).

(4) The advisory 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.

(5)(a) A member who is not a legislator 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 as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

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

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

(6) The advisory committee shall:

(a) establish priorities and criteria for the advisory committee to follow in recommending distribution of money from the Brain and Spinal Cord Injury Fund created in Section 26B-1-318;

(b) identify, evaluate, and review the quality of care:

(i) available to:

(A) individuals with spinal cord and brain injuries; or

(B) children with non-progressive neurological conditions; and

(ii) that is provided through qualified charitable clinics, as defined in Section 26B-1-318; ~~and~~

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

(d) on or before each July 1, provide a report to the Health and Human Services Interim Committee describing how money in the fund described in Section 26B-1-318 was used the previous year; and

(e) meet at least once each quarter.

(7) Operating expenses for the advisory committee, including the committee's staff, shall be paid for only with money from the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

198 Section 3. **Effective Date.**
199 This bill takes effect on May 7, 2025.