

**TRAUMATIC BRAIN INJURY FUND**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James R. Gowans**

Senate Sponsor: Mike Dmitrich

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**LONG TITLE**

**General Description:**

This bill creates the Traumatic Brain Injury Fund within the Department of Health.

**Highlighted Provisions:**

This bill:

- ▶ creates the Traumatic Brain Injury Fund within the Department of Health to be administered by the executive director;

- ▶ directs the executive director to create an advisory committee to make recommendations for expenditures from the fund;

- ▶ specifies duties and responsibilities for the Traumatic Brain Injury Advisory Committee; and

- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**26-49-101**, Utah Code Annotated 1953

**26-49-102**, Utah Code Annotated 1953

**26-49-201**, Utah Code Annotated 1953

**26-49-202**, Utah Code Annotated 1953

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

31 Section 1. Section **26-49-101** is enacted to read:

32 **CHAPTER 49. TRAUMATIC BRAIN INJURY FUND**

33 **Part 1. General Provisions**

34 **26-49-101. Title.**

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

36 Section 2. Section **26-49-102** is enacted to read:

37 **26-49-102. Definitions.**

38 As used in this chapter:

39 (1) "Committee" means the advisory committee created by the executive director  
40 pursuant to Section 26-49-202.

41 (2) "Fund" means the Traumatic Brain Injury Fund created in Section 26-49-201.

42 Section 3. Section **26-49-201** is enacted to read:

43 **Part 2. Traumatic Brain Injury Fund**

44 **26-49-201. Traumatic Brain Injury Fund.**

45 (1) There is created a restricted special revenue fund entitled the Traumatic Brain Injury  
46 Fund.

47 (2) The fund shall consist of:

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

50 (b) additional amounts as appropriated by the Legislature.

51 (3) The fund shall be administered by the executive director.

52 (4) Fund monies may be used to:

53 (a) educate the general public and professionals regarding understanding, treatment, and  
54 prevention of traumatic brain injury;

55 (b) provide access to evaluations and coordinate short-term care to assist an individual  
56 in identifying services or support needs, resources, and benefits for which the individual may be  
57 eligible;

58 (c) develop and support an information and referral system for persons with a traumatic  
59 brain injury and their families; and

60 (d) provide grants to persons or organizations to provide the services described in  
61 Subsections (4)(a), (b), and (c).

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

64 (6) An individual who receives services either paid for from the fund, or through an  
65 organization under contract with the fund, shall:

66 (a) be a resident of Utah;

67 (b) have been diagnosed by a qualified professional as having a traumatic brain injury  
68 which results in impairment of cognitive or physical function; and

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

70 (7) The fund may not duplicate any services or support mechanisms being provided to  
71 an individual by any other government or private agency.

72 (8) All actual and necessary operating expenses for the committee and staff shall be paid  
73 by the fund.

74 (9) The fund may not be used for medical treatment, long-term care, or acute care.

75 Section 4. Section **26-49-202** is enacted to read:

76 **26-49-202. Traumatic Brain Injury Advisory Committee -- Membership -- Time**  
77 **limit.**

78 (1) On or after July 1 of each year, the executive director may create a Traumatic Brain  
79 Injury Advisory Committee of not more than nine members.

80 (2) The committee shall be composed of members of the community who are familiar  
81 with traumatic brain injury, its causes, diagnosis, treatment, rehabilitation, and support services,  
82 including:

83 (a) persons with a traumatic brain injury;

84 (b) family members of a person with a traumatic brain injury;

85 (c) representatives of an association which advocates for persons with traumatic brain

86 injuries;

87 (d) specialists in a profession that works with brain injury patients; and

88 (e) department representatives.

89 (3) The department shall provide staff support to the committee.

90 (4) (a) If a vacancy occurs in the committee membership for any reason, a replacement  
91 may be appointed for the unexpired term.

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

93 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum  
94 exists, the action of the majority of members present shall be the action of the committee.

95 (d) The committee may adopt bylaws governing the committee's activities.

96 (e) A committee member may be removed by the executive director:

97 (i) if the member is unable or unwilling to carry out the member's assigned  
98 responsibilities; or

99 (ii) for good cause.

100 (5) The committee shall comply with the procedures and requirements of:

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

102 (b) Title 63, Chapter 2, Government Records Access and Management Act.

103 (6) (a) Members shall receive no compensation or benefits for their services, but may  
104 receive per diem and expenses incurred in the performance of the members' official duties at the  
105 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

106 (b) Members may decline to receive per diem and expenses for their service.

107 (7) Not later than November 30 of each year the committee shall provide a written  
108 report summarizing the activities of the committee to:

109 (a) the executive director of the department;

110 (b) the Health and Human Services Interim Committee; and

111 (c) the Health and Human Services Appropriations Subcommittee.

112 (8) The committee shall cease to exist on December 31 of each year, unless the  
113 executive director determines it necessary to continue.

