

SB0267S02 compared with SB0267S01

~~text~~ shows text that was in SB0267S01 but was deleted in SB0267S02.

text shows text that was not in SB0267S01 but was inserted into SB0267S02.

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Senator Curtis S. Bramble proposes the following substitute bill:

~~TRAUMATIC~~ BRAIN INJURY ~~FUND AMENDMENTS~~ AND
NEURO-REHABILITATION FUNDS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill ~~renames~~ amends provisions related to the Traumatic Brain Injury Fund, the Spinal Cord and Brain Injury Rehabilitation Fund, and related advisory committees.

Highlighted Provisions:

This bill:

- ▶ renames the Traumatic Brain Injury Fund as the "Brain Injury Fund"~~and~~ and amends fund provisions;
- ▶ renames the Traumatic Brain Injury Advisory Committee as the "Brain Injury Advisory Committee" and amends committee membership requirements;
- ▶ renames the Spinal Cord and Brain Injury Rehabilitation Fund as the

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"Neuro-Rehabilitation Fund" and amends fund provisions:

- ▶ renames the Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee as the "Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee" and amends committee provisions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

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

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

26-54-103, as last amended by Laws of Utah 2022, Chapter 255

41-1a-1201, as last amended by Laws of Utah 2022, Chapter 259

41-22-8, as last amended by Laws of Utah 2022, Chapter 68

63I-1-226, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255, 347, and 451

63I-1-241, as last amended by Laws of Utah 2022, Chapters 68, 92, 104, and 110

REPEALS:

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

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

Section 1. Section **26-50-102** is amended to read:

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.

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(2) "Fund" means the [~~Traumatic~~] Brain Injury Fund created in Section 26-50-201.

Section 2. Section **26-50-201** is amended to read:

26-50-201. Brain Injury Fund.

(1) There is created an expendable special revenue fund [~~entitled the Traumatic~~]
known as the 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

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paid by the fund.

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

Section 3. Section **26-50-202** is amended to read:

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

(1) On or after July 1 of each year, the executive director may create a [~~T~~raumatic] 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 [~~t~~raumatic] brain injury, its causes, diagnosis, treatment, rehabilitation, and support services, including:

(a) persons with a [~~t~~raumatic] brain injury;

(b) family members of a person with a [~~t~~raumatic] brain injury;

(c) representatives of an association which advocates for persons with [~~t~~raumatic] 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

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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 the executive director ~~[of the department]~~.

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

Section 4. Section 26-54-102 is amended to read:

26-54-102. ~~{Spinal Cord and Brain Injury}~~ Neuro-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]~~ non-progressive or non-deteriorating; and

(ii) who require post-acute care;

(b) employs licensed therapy clinicians;

(c) has at least five ~~[years]~~ 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]~~ Neuro-Rehabilitation Fund."

(3) 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;

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

(c) the fees collected by the Motor Vehicle Division under Subsections 41-1a-1201(9)

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and 41-22-8(3); and

(d) amounts appropriated by the Legislature.

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

(5) Fund money shall be used to:

(a) assist one or more qualified IRC 501(c)(3) charitable clinics to provide rehabilitation services to individuals who have a ~~[traumatic]~~ spinal cord or brain injury that tends to be ~~[nonprogressive or nondeteriorating]~~ non-progressive or non-deteriorating, including:

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

(B) other services as determined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by the advisory committee created by Section 26-54-103; and

(ii) equipment for use in the qualified charitable clinic; and

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

Section 5. Section 26-54-103 is amended to read:

26-54-103. ~~{Spinal Cord and Brain Injury}~~Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms -- Duties.

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

(2) The advisory committee shall be composed of 11 members as follows:

(a) the executive director, or the executive director's designee;

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

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

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

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(e) two parents of a child with a ~~nonprogressive~~ non-progressive neurological condition appointed by the governor;

(f) (i) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor; or

(ii) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor;

(g) a member of the House of Representatives appointed by the speaker of the House of Representatives; and

(h) a member of the Senate appointed by the president of the Senate.

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

(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 is present at an open meeting, the action of the majority of members shall be the action of the advisory committee.

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

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

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

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

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

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(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) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee to follow in recommending distribution of money from the ~~[fund]~~ Neuro-Rehabilitation Fund created by Section 26-54-102 and the Pediatric Neuro-Rehabilitation Fund created by Section 26-54-102.5 to assist qualified IRC 501(c)(3) charitable clinics, as defined in Sections 26-54-102 and 26-54-102.5;

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

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

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

(7) Operating expenses for the advisory committee, including the committee's staff, shall be paid for only with money from:

(a) the ~~[Spinal Cord and Brain Injury Rehabilitation]~~ Neuro-Rehabilitation Fund;

(b) the Pediatric Neuro-Rehabilitation Fund; or

(c) both funds.

Section 6. Section 41-1a-1201 is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited into the Transportation Fund.

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(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.

(c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for each vintage vehicle that has a model year of 1981 or newer may be used by the commission to cover the costs incurred in enforcing and administering this part.

(6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of 2005 created under Section 72-2-124:

(i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7);

(ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);

(iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

(v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

(ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

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(7) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(8) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the ~~[Spinal Cord and Brain Injury Rehabilitation]~~ Neuro-Rehabilitation Fund created in Section 26-54-102.

Section 7. Section 41-22-8 is amended to read:

41-22-8. Registration fees.

(1) The division, after notifying the commission, shall establish the fees that shall be paid in accordance with this chapter, subject to the following:

(a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway vehicle registration may not exceed \$35.

(ii) The fee for each snowmobile registration may not exceed \$26.

(iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

(b) The fee for each duplicate registration card may not exceed \$3.

(c) The fee for each duplicate registration sticker may not exceed \$5.

(2) A fee may not be charged for an off-highway vehicle that is owned and operated by the United States Government, this state, or its political subdivisions.

(3) (a) In addition to the fees under this section, Section 41-22-33, and Section 41-22-34, the Motor Vehicle Division shall require a person to pay one dollar to register an

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off-highway vehicle under Section 41-22-3.

(b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division collects under Subsection (3)(a) into the ~~[Spinal Cord and Brain Injury Rehabilitation]~~ Neuro-Rehabilitation Fund described in Section 26-54-102.

Section ~~{4}~~8. Section **63I-1-226** is amended to read:

63I-1-226. Repeal dates: Titles 26 through 26B.

(1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July 1, 2025.

~~[(2) Section 26-1-40 is repealed July 1, 2022.]~~

~~[(3) (2) Section 26-1-41 is repealed July 1, 2026.~~

~~[(4) (3) Section 26-1-43 is repealed December 31, 2025.~~

~~[(5) (4) Section 26-7-10 is repealed July 1, 2025.~~

~~[(6) (5) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1, 2028.~~

~~[(7) (6) Section 26-7-14 is repealed December 31, 2027.~~

~~[(8) (7) Section 26-8a-603 is repealed July 1, 2027.~~

~~[(9) (8) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.~~

~~[(10) (9) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee, is repealed July 1, 2026.~~

~~[(11) (10) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed July 1, 2025.~~

~~[(12) Subsection 26-15c-104(3), relating to a limitation on the number of microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.]~~

~~[(13) (11) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is repealed July 1, 2028.~~

~~[(14) (12) Section 26-18-27 is repealed July 1, 2025.~~

~~[(15) (13) Section 26-18-28 is repealed June 30, 2027.~~

~~[(16) (14) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, 2027.~~

~~[(17) (15) Subsection 26-18-418(2), the language that states "and the Behavioral~~

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Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

[(18)] (16) Section 26-33a-117 is repealed December 31, 2023.

[(19)] (17) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

[(20)] (18) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

[(21)] (19) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.

[(22)] (20) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

[(23)] (21) Section 26-39-201, which creates the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.

[(24)] (22) Section 26-39-405, Drinking water quality in child care centers, is repealed July 1, 2027.

[(25)] (23) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.

[(26)] (24) Section 26-50-202, which creates the [Traumatic] Brain Injury Advisory Committee, is repealed July 1, 2025.

[(27)] (25) [~~Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund~~] Title 26, Chapter 54, Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

[(28)] (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1, 2026.

[(29)] (27) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1, 2024.

[(30)] (28) Section 26-69-406 is repealed July 1, 2025.

[(31)] (29) Subsection 26B-1-204(2)(i), related to the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.

[(32)] (30) Subsection 26B-1-204(2)(k), related to the Primary Care Grant Committee, is repealed July 1, 2025.

Section 9. Section 63I-1-241 is amended to read:

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63I-1-241. Repeal dates: Title 41.

(1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2025.

(2) Section 41-3-106, which creates an advisory board related to motor vehicle business regulation, is repealed July 1, 2024.

(3) The following subsections addressing lane filtering are repealed on July 1, 2027:

(a) Subsection 41-6a-102(31) that defines "lane filtering";

(b) Subsection 41-6a-704(5); and

(c) Subsection 41-6a-710(1)(c).

(4) Subsection 41-6a-1406(6)(c)(iii), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2025.

(5) Subsections 41-22-2(1) and 41-22-10(1)(a), which authorize an advisory council that includes in the advisory council's duties addressing off-highway vehicle issues, are repealed July 1, 2027.

(6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation Fund, is repealed January 1, 2025.

Section ~~{5}~~10. **Repealer.**

This bill repeals:

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

Section ~~{6}~~11. **Revisor instructions.**

The Legislature intends **that** the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace references added during the 2023 General Session as follows:

(1) replace "Traumatic Brain Injury Fund" with "Brain Injury Fund"; ~~{and}~~

(2) replace "Traumatic Brain Injury Advisory Committee" with "Brain Injury Advisory Committee" ~~{.}~~;

(3) replace "Spinal Cord and Brain Injury Rehabilitation Fund" with "Neuro-Rehabilitation Fund"; and

(4) replace "Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee" with "Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee".

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