

Regular Session, 2012

HOUSE BILL NO. 591

BY REPRESENTATIVE SIMON

HEALTH/HEAD INJURIES: Transitions certain functions of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board to DHH

1 AN ACT

2 To amend and reenact R.S. 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and
3 2635(A), (B), and (C) and to enact R.S. 46:2633(F), relative to administration of the
4 Traumatic Head and Spinal Cord Injury Trust Fund; to provide for certain duties of
5 the Department of Health and Hospitals, office of aging and adult services relative
6 to the Traumatic Head and Spinal Cord Injury Trust Fund; to provide for
7 composition and certain duties of the Traumatic Head and Spinal Cord Injury Trust
8 Fund Advisory Board; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and
11 2635(A), (B), and (C) are hereby amended and reenacted and R.S. 46:2633(F) is hereby
12 enacted to read as follows:

13 §2633. Traumatic Head and Spinal Cord Injury Trust Fund

14 * * *

15 D.(1) The monies in the fund shall be used solely for programs designed to
16 provide services to Louisiana citizens disabled by traumatic head and spinal cord
17 injuries, for the administrative costs of the programs, reimbursement of travel
18 expenses of members of the Traumatic Head and Spinal Cord Injury Trust Fund
19 Advisory Board which are incurred in the discharge of their duties, and as provided
20 in Paragraph (2) of this Subsection. Disbursement of the amount appropriated to the

1 department each year shall be made as determined by the ~~board~~ department. In
2 determining disbursement of monies in the fund, the department may take into
3 account any recommendations of the board.

4 (2) The ~~board~~ department may authorize disbursement of an amount not to
5 exceed fifty thousand dollars per year for the establishment and operation of an
6 information resource center.

7 (3) Money in the fund may be used to match available federal funding in
8 order to provide enhanced or expanded services to persons eligible for benefits
9 pursuant to the provisions of this Chapter; provided, however, that money be retained
10 in the fund to provide payment for services for persons who are not eligible for
11 services through federally funded sources.

12 E. The ~~board~~ department shall:

13 (1) ~~determine~~ Determine the eligibility of programs to receive funding;.

14 (2) Promulgate the rules and regulations necessary to implement the
15 provisions of this Chapter.

16 (3) Establish priorities and criteria for disbursement of the fund and act to
17 obtain maximum benefits available.

18 (4) Investigate the needs of the head-injured and spinal cord-injured, identify
19 any gaps in services, and prepare and submit an annual report with recommendations
20 to the legislature and the governor sixty days prior to each regular session of the
21 legislature.

22 (5) Monitor, evaluate, and review the development and quality of services
23 and programs funded through the fund.

24 (6) Arrange for full and accurate financial records to be maintained in
25 compliance with law and shall make a full and complete report to the board annually.
26 The department is specifically prohibited from publishing newsletters or other
27 publications typically used in mass mailings.

1 board annually. The board is specifically prohibited from publishing newsletters or
2 other publications typically used in mass mailings.

3 * * *

4 H. The board shall: serve in an advisory capacity to the office of aging and
5 adult services of the department in all phases of administration by the department of
6 the Traumatic Head and Spinal Cord Injury Trust Fund.

7 (1) ~~Promulgate the rules and regulations necessary to implement the~~
8 ~~provisions of this Chapter.~~

9 (2) ~~Establish priorities and criteria for disbursement of the fund and act to~~
10 ~~obtain maximum benefits available.~~

11 (3) ~~Investigate the needs of the head-injured and spinal cord-injured, identify~~
12 ~~any gaps in services, and prepare and submit an annual report with recommendations~~
13 ~~to the legislature and the governor sixty days prior to each regular session of the~~
14 ~~legislature.~~

15 (4) ~~Monitor, evaluate, and review the development and quality of services~~
16 ~~and programs funded through the fund.~~

17 * * *

18 §2635. Expenditures

19 A. Except as provided in R.S. 46:2633(D)(2), money in the trust fund shall
20 be distributed for the sole purpose of funding the cost of care or supportive services
21 for traumatic head and spinal cord injury, including the administrative costs. The
22 fund shall be considered as a source of last resort after private and governmental
23 sources have been expended for Louisiana citizens.

24 B. Authorization of expenditures for spinal cord injury care and head injury
25 care shall be made by the office of aging and adult services, within the Department
26 of Health and Hospitals, according to criteria established by the ~~board~~ department
27 through administrative rule.

28 C. Expenditures may include but are not limited to post-acute medical care
29 rehabilitation, therapies, medication, attendant care, home or vehicle accessibility

1 modifications, and equipment necessary for activities of daily living~~;~~ provided that
2 such expenses are related to the spinal cord injury or traumatic head injury.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon

HB No. 591

Abstract: Transitions certain functions of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board to DHH

Present law creates a special fund in the state treasury known as the Traumatic Head and Spinal Cord Injury Trust Fund, and provides for an account for the monies of such fund within the DHH office of aging and adult services.

Present law creates and provides for the composition and duties of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (board) within the DHH office of aging and adult services.

Present law provides that disbursement of monies from the fund shall be made as determined by the board. Proposed law revises present law to provide that such disbursement of monies be made as determined by DHH, taking into account any recommendations by the board.

Proposed law provides that money in the Traumatic Head and Spinal Cord Injury Trust Fund may be used to match available federal funding in order to provide enhanced or expanded services to eligible persons; provided, however, that money be retained in the fund to provide payment for services for persons who are not eligible for services through federally funded sources.

Proposed law removes authority for the following duties from the board and provides such authority to DHH:

- (1) Determining eligibility of programs to receive funding.
- (2) Promulgating rules and regulations necessary to implement the provisions of present law and proposed law.
- (3) Establishing priorities and criteria for disbursement of the fund and acting to obtain maximum benefits available.

- (4) Investigating the needs of the head-injured and spinal cord-injured, identifying any gaps in services, and preparing and submitting an annual report with recommendations to the legislature and the governor sixty days prior to each regular session of the legislature.
- (5) Monitoring, evaluating, and reviewing the development and quality of services and programs funded through the fund.
- (6) Arranging for full and accurate financial records to be maintained in compliance with law and making a full and complete report to the board annually.

Present law provides for composition of the thirteen-member board.

Proposed law removes the following members from the board:

- (1) The executive director of the La. Head Injury Foundation or his designee.
- (2) The executive director of the La. Spinal Cord Injury Association or his designee.
- (3) The president of the La. Dental Association or his designee.

Proposed law adds the following members to the board:

- (1) The president of the La. Physical Therapy Association or his designee.
- (2) The president of the La. Occupational Therapy Association or his designee.
- (3) The director of La. Rehabilitation Services within the La. Workforce Commission.

Proposed law deletes requirement of present law that the board elect a treasurer from its membership.

Proposed law provides that the board shall serve in an advisory capacity to DHH in all phases of administration by the department of the Traumatic Head and Spinal Cord Injury Trust Fund.

Present law provides that authorized expenditures for spinal cord injury care and head injury care may include but are not limited to post-acute medical care rehabilitation, therapies, medication, attendant care, and equipment necessary for activities of daily living. Proposed law retains present law and provides that authorized expenditures may also include home or vehicle accessibility modifications.

Proposed law provides that equipment necessary for activities of daily living must be related to the spinal cord injury or traumatic head injury in order to qualify as an authorized expenditure from the fund.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and 2635(A), (B), and (C); Adds R.S. 46:2633(F))