

Regular Session, 2012

ACT No. 269

HOUSE BILL NO. 591

BY REPRESENTATIVE SIMON

1 AN ACT

2 To amend and reenact R.S. 36:259(T), 802(introductory paragraph), and 901(A), R.S.
3 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and 2635(A), (B), and (C)
4 and to enact R.S. 46:2633(F), relative to administration of the Traumatic Head and
5 Spinal Cord Injury Trust Fund; to provide for certain duties of the Department of
6 Health and Hospitals, office of aging and adult services, relative to the Traumatic
7 Head and Spinal Cord Injury Trust Fund; to provide for composition and certain
8 duties of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board;
9 to provide for the advisory capacity of the Traumatic Head and Spinal Cord Injury
10 Trust Fund Advisory Board within the Department of Health and Hospitals; and to
11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 36:259(T), 802(introductory paragraph), and 901(A) are hereby
14 amended and reenacted to read as follows:

15 §259. Transfer of agencies and functions to Department of Health and Hospitals

16 * * *

17 T. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board
18 (R.S. 46:2631 through 2635) is hereby placed within the Department of Health and
19 Hospitals and shall exercise and perform its powers, duties, functions, and
20 responsibilities in the manner provided for agencies transferred in accordance with
21 the provisions of ~~R.S. 36:802~~ R.S. 36:901 et seq.

22 * * *

23 §802. Transfer; retention of policymaking and rulemaking functions

24 The agencies transferred by the provisions of R.S. 36:209(Q), 239(E),
25 259(B), ~~259(T)~~, 309(B), 359(B), 409(C), 459(B), 509(B), 610(B), 629(I), and 769(C)

1 shall continue to be composed and selected as provided by law, and each shall
2 continue to exercise all of the powers, duties, functions, and responsibilities provided
3 or authorized for each by the constitution or laws which are in the nature of
4 policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and
5 also shall continue to exercise all advisory powers, duties, functions, and
6 responsibilities provided by law. Such powers, duties, functions, and responsibilities
7 shall be exercised independently of the secretary and any assistant secretary, except
8 that:

9 * * *

10 §901. Transfer; merger and consolidation of functions; advisory agency

11 A. The functions, powers, duties, responsibilities, programs, and operations
12 of each of the agencies transferred by the provisions of R.S. 36:109(D), R.S.
13 36:209(C), R.S. 36:209(M)(2), R.S. 36:259(D), R.S. 36:259(T), R.S. 36:309(C), R.S.
14 36:359(C), R.S. 36:409(E), R.S. 36:509(E) and (N), R.S. 36:559(D), R.S. 36:629(Q),
15 R.S. 36:651(G), and R.S. 36:744(D) on the date of each such transfer shall vest in
16 and thereafter be the responsibility of the secretary of the department to which the
17 transfer is made and shall be administered by the secretary in accordance with the
18 powers vested in him by this Title and the applicable laws pertaining to each agency,
19 except for those functions of each which are required to be performed and
20 administered by the undersecretary of the department as heretofore provided for each
21 by this Title. Each agency thus transferred shall continue in existence, the members
22 thereof shall continue in office and hereafter shall be selected in the manner provided
23 by law for each, and each agency hereafter shall serve solely in an advisory capacity
24 to the secretary with respect to policies concerning matters within the purview of
25 each as originally created.

26 * * *

27 Section 2. R.S. 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and
28 2635(A), (B), and (C) are hereby amended and reenacted and R.S. 46:2633(F) is hereby
29 enacted to read as follows:

§2633. Traumatic Head and Spinal Cord Injury Trust Fund

* * *

D.(1) The monies in the fund shall be used solely for programs designed to provide services to Louisiana citizens disabled by traumatic head and spinal cord injuries, for the administrative costs of the programs, reimbursement of travel expenses of members of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board which are incurred in the discharge of their duties, and as provided in Paragraph (2) of this Subsection. Disbursement of the amount appropriated to the department each year shall be made as determined by the ~~board~~ department. In determining disbursement of monies in the fund, the department shall take into account any recommendations of the board.

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

(3) Money in the fund may be used to match available federal funding in order to provide enhanced or expanded services to persons eligible for benefits pursuant to the provisions of this Chapter. However, sufficient money shall be retained in the fund to provide payment for services for persons who are not eligible for services through federally funded sources.

E. The ~~board~~ department shall:

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

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

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

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

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

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

~~E. and the administration~~ Administration of the fund shall be exercised by the Department of Health and Hospitals, office of aging and adult services, in accordance with the provisions of this Chapter.

§2634. Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board; creation; membership

* * *

B. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board shall be composed of thirteen members as follows:

* * *

(2) ~~The executive director of the Louisiana Head Injury Foundation or his designee~~ A representative of an organization recognized for its work in advocacy programs for persons with traumatic head injury, appointed by the governor from a list of names submitted by such organization.

(3) ~~The executive director of the Louisiana Spinal Cord Injury Association or his designee~~ A representative of an organization recognized for its work in advocacy programs for persons with spinal cord injury, appointed by the governor from a list of names submitted by such organization.

* * *

(13) ~~The president of the Louisiana Dental Association or his designee~~ director of Louisiana Rehabilitation Services within the Louisiana Workforce Commission.

* * *

D.~~(1)~~ The board shall meet and organize immediately after appointment of its members and shall elect a chairman ~~and a treasurer~~ from its membership and

1 other officers it might deem appropriate. The board shall adopt rules for the orderly
2 transaction of business and shall keep a record of its resolutions, transactions,
3 findings, and determinations. ~~A majority of the individuals appointed to the board~~
4 ~~shall constitute a quorum.~~ Members shall serve without compensation but shall be
5 reimbursed for travel expenses necessarily incurred in the discharge of their duties
6 at the rate provided state employees.

7 ~~(2) The treasurer shall arrange for full and accurate financial records to be~~
8 ~~maintained in compliance with law and shall make a full and complete report to the~~
9 ~~board annually. The board is specifically prohibited from publishing newsletters or~~
10 ~~other publications typically used in mass mailings.~~

11 * * *

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

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

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

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

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

25 §2635. Expenditures

26 A. Except as provided in R.S. 46:2633(D)(2), money in the trust fund shall
27 be distributed for the sole purpose of funding the cost of care or supportive services
28 for traumatic head and spinal cord injury, including the administrative costs
29 attributable to services provided by the trust fund program. The fund shall be

considered as a source of last resort after private and governmental sources have been expended for Louisiana citizens.

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

C. Expenditures may include but are not limited to post-acute medical care rehabilitation, therapies, medication, attendant care, home or vehicle accessibility modifications, and equipment necessary for activities of daily living; provided that such expenses are related to the spinal cord injury or traumatic head injury.

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____