LEGISLATIVE BILL 227

Introduced by Wishart, 27.

Read first time January 10, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to brain injury; to define terms; to create a
2 council and a fund; and to provide powers and duties.
3 Be it enacted by the people of the State of Nebraska,
Section 1. For purposes of this act:

(1) Brain injury has the definition found in section 81-654;

(2) Council means the Brain Injury Council;

(3) Department means the State Department of Education; and

(4) Division means the Division of Rehabilitation Services of the department.

Sec. 2. (1) The Brain Injury Council is created. The council shall consist of at least thirteen public members and the following directors, or their designees, as nonvoting, ex officio members: The director of the division; the Commissioner of Education; the Director of Behavioral Health of the Department of Health and Human Services; the Director of Public Health of the Department of Health and Human Services; and the Director of Veterans' Affairs. The Governor shall appoint the thirteen public members to include six members who are individuals with brain injury or family members of individuals with a brain injury, one member who is a veteran, a family member of a veteran, or a representative of a group representing veterans, and six members who are representatives of the following groups: Public or private health-related organizations; developmental disability advisory or planning groups within Nebraska; service providers for individuals with brain injury; and the general public.

(2) The Governor shall appoint the public members within ninety days after the effective date of this act. The Governor shall designate the initial terms so that three members serve one-year terms, three members serve two-year terms, three members serve three-year terms, and four members serve four-year terms. Their successors shall be appointed for four-year terms. Any vacancy shall be filled from the same category for the remainder of the unexpired term. Any member of the council shall be eligible for reappointment.

(3) The council shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish rules
and regulations to govern its procedures. The council shall meet at least
four times annually and at any other time as the business of the council
requires and at such place as may be established by its chairperson. The
public members of the council shall be reimbursed for their actual and
necessary expenses pursuant to sections 81-1174 to 81-1177.

Sec. 3. (1) The council shall provide financial oversight and
technical assistance to the department in the management of the Brain
Injury Trust Fund.

(2) The council shall:

(a) Represent the interests of individuals with a brain injury and
their families through advocacy, education, training, rehabilitation,
research, and prevention;

(b) Assess and study the needs of individuals with a brain injury
and their families through the development of a state plan every four
years;

(c) Advise and make recommendations to the Governor, the department,
and other related state agencies on ways to improve and develop services
regarding brain injury, including the coordination of such services
between public and private entities;

(d) Encourage participation by the public through the establishment
of public hearings and other types of community outreach and prevention
activities;

(e) Encourage and stimulate research, public awareness, education,
and prevention activities;

(f) Participate in developing and disseminating criteria and
standards which may be required for future funding or licensing of
facilities and other specialized services, such as neurobehavioral
services for individuals with a brain injury and their families;

(g) Oversee any programs created under the federal Traumatic Brain
Injury Act of 1996, as the act existed on January 1, 2017, and report to
the federal government regarding such programs; and
(h) Provide fiscal oversight and develop criteria for expenditures from the Brain Injury Trust Fund.

Sec. 4. (1) The expenditures from the Brain Injury Trust Fund shall be limited to meeting the needs of individuals with brain injury in Nebraska and providing for the expenses of the council and division staff for support of the council.

(2) Expenditures from the fund may include, but shall not be limited to:

(a) Resource facilitation. Resource facilitation shall be given priority and made available to provide ongoing support for individuals with brain injury and their families for coping with brain injury. Resource facilitation shall provide a linkage to existing services and increase the capacity of the state’s providers of services to individuals with brain injury by providing brain-injury-specific information, support, and resources and enhancing the usage of support commonly available in a community. Any agency selected to provide resource facilitation shall specialize in brain injury;

(b) Training for service providers in the appropriate provision of services to individuals with brain injury;

(c) Followup contact and information on brain injury for individuals on the brain injury registry established in the Brain Injury Registry Act;

(d) Activities to promote public awareness of brain injury and prevention methods;

(e) Research in the field of traumatic brain injury;

(f) Provision of and monitoring for a quality improvement process with standards of care among brain injury services and providers; and

(g) Collection of data and evaluation of how brain injury needs are being met in the state.

(3) The Legislature hereby designates the division as the lead agency for brain injury. The division shall be responsible for program
coordination, related management functions, and submission of an annual report of the activities of the council to the Governor and the Health and Human Services Committee of the Legislature. The report shall be submitted electronically to the committee.

Sec. 5. The Brain Injury Trust Fund is created. The fund shall include appropriations from the Legislature, transfers authorized by the Legislature, grants, private contributions, and money from any other source for brain injury prevention and awareness. The fund shall be used as provided in this act. Any money in the fund unexpended at the close of a fiscal year shall not lapse but carry over to the next fiscal year. Any interest accruing to the fund from invested fund balances shall become part of the fund and not lapse to the General Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.