

LEGISLATIVE BILL 481

Approved by the Governor May 30, 2019

Introduced by Bolz, 29; McDonnell, 5.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7611, Reissue Revised Statutes of Nebraska; to adopt the Brain Injury Trust Fund Act; to create a fund; to change provisions relating to the Nebraska Health Care Cash Fund; to provide an operative date; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Brain Injury Trust Fund Act.

Sec. 2. For purposes of the Brain Injury Trust Fund Act:

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

(2) Committee means the Brain Injury Oversight Committee created in section 3 of this act.

Sec. 3. (1) The Brain Injury Oversight Committee is created. The committee shall consist of nine public members and the following directors, or their designees: The Commissioner of Education; the Director of Behavioral Health of the Department of Health and Human Services; and the Director of Public Health of the Department of Health and Human Services. The Governor shall appoint the nine public members which shall include individuals with a brain injury or family members of individuals with a brain injury, a representative of a public or private health-related organization, a representative of a developmental disability advisory or planning group within Nebraska, a representative of service providers for individuals with a brain injury, and a representative of a nonprofit brain injury advocacy organization.

(2) The Governor shall appoint the public members within ninety days after the operative 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, and three members serve three-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 committee shall be eligible for reappointment. At least one member of the committee shall be appointed from each congressional district.

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

Sec. 4. The committee shall:

(1) Provide financial oversight and direction to the University of Nebraska Medical Center in the management of the Brain Injury Trust Fund;

(2) Develop criteria for expenditures from the Brain Injury Trust Fund;
and

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

Sec. 5. (1) The Brain Injury Trust Fund is created. The fund shall consist of appropriations from the Legislature, transfers authorized by the Legislature, grants, and any contributions designated for the purpose of the 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.

(2)(a) The fund shall be administered through a contract with the University of Nebraska Medical Center for administration, accounting, and budgeting purposes and used to pay for contracts for assistance for individuals with a brain injury with outside sources that specialize in the area of brain injury. Such outside sources shall operate, at a minimum, statewide, and also in targeted areas as defined and determined in the contract, with individuals with a brain injury; work to secure and develop community-based services for individuals with a brain injury; provide support groups and access to pertinent information, medical resources, and service referrals for individuals with a brain injury; and educate professionals who work with individuals with a brain injury.

(b) Expenditures from the fund may also include, but not be limited to:

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

injury and their families;

(ii) Voluntary training for service providers in the appropriate provision of services to individuals with a brain injury;

(iii) Followup contact to provide information on brain injuries for individuals on the brain injury registry established in the Brain Injury Registry Act;

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

(v) Supporting research in the field of brain injury;

(vi) Providing and monitoring quality improvement processes with standards of care among brain injury service providers; and

(vii) Collecting data and evaluating how the needs of individuals with a brain injury and their families are being met in this state.

(c) No more than ten percent of the fund shall be used for administration of the fund.

(d) Data collection and evaluation pursuant to this section shall not be a burden or unnecessary hardship to individuals with a brain injury or service providers.

(e) Nothing in this section shall require a professional, provider, caregiver, or individual to receive training as a condition of receiving or providing nonmedical services to individuals with a brain injury.

Sec. 6. It is the intent of the Legislature to appropriate five hundred thousand dollars from the Nebraska Health Care Cash Fund annually beginning in fiscal year 2020-21 to the Brain Injury Trust Fund for purposes of carrying out the Brain Injury Trust Fund Act.

Sec. 7. Section 71-7611, Reissue Revised Statutes of Nebraska, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) sixty million three hundred thousand dollars on or before July 15, 2014, (b) sixty million three hundred fifty thousand dollars on or before July 15, 2015, (c) sixty million three hundred fifty thousand dollars on or before July 15, 2016, (d) sixty million seven hundred thousand dollars on or before July 15, 2017, (e) five hundred thousand dollars on or before May 15, 2018, (f) sixty-one million six hundred thousand dollars on or before July 15, 2018, (g) sixty-one million three hundred fifty thousand dollars on or before July 15, 2019, and (h) sixty million nine ~~four~~ hundred fifty thousand dollars on or before every July 15 thereafter from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer shall advise the State Treasurer on the amounts to be transferred first from the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance is depleted and from the Nebraska Tobacco Settlement Trust Fund thereafter in order to sustain such transfers in perpetuity. The state investment officer shall report electronically to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. The Nebraska Health Care Cash Fund shall also include money received pursuant to section 77-2602. Except as otherwise provided by law, no more than the amounts specified in this subsection may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

The State Treasurer shall transfer ten million dollars from the Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on June 28, 2018, and June 28, 2019.

It is the intent of the Legislature that no additional programs are funded through the Nebraska Health Care Cash Fund until funding for all programs with an appropriation from the fund during FY2012-13 are restored to their FY2012-13 levels.

(2) Any money in the Nebraska Health Care Cash 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.

(3) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(4) The State Treasurer shall transfer fifty thousand dollars on or before July 15, 2016, from the Nebraska Health Care Cash Fund to the Board of Regents of the University of Nebraska for the University of Nebraska Medical Center. It is the intent of the Legislature that these funds be used by the College of Public Health for workforce training.

(5) It is the intent of the Legislature that the cost of the staff and operating costs necessary to carry out the changes made by Laws 2018, LB439, and not covered by fees or federal funds shall be funded from the Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

Sec. 8. This act becomes operative on July 15, 2020.

Sec. 9. Original section 71-7611, Reissue Revised Statutes of Nebraska, is repealed.