

30:6F-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 332
NJSA: 30:6F-1 (NJ Advisory Council on Traumatic Brain Injury)
BILL NO: S1707 (Substituted for A2884)

SPONSOR(S): Kyrillos and Codey

DATE INTRODUCED: October 19, 2000

COMMITTEE: **ASSEMBLY:** ----

SENATE: Health; Budget

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 3, 2002
SENATE: December 17, 2001

DATE OF APPROVAL: January 5, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL 2nd reprint enacted
(Amendments during passage denoted by superscript numbers)

S1707

SPONSORS STATEMENT: (Begins on page 5 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes 1-22-2001(Health)
11-29-2001(Budget)

FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: Yes

A2884

SPONSORS STATEMENT: (Begins on page 5 of original bill) Yes
Bill and Sponsors Statement identical to S1707
COMMITTEE STATEMENT: **ASSEMBLY:** Yes 1-18-2001(Health)
6-4-2001(Appropr.)

Identical to Senate Statements to S1707
SENATE: No

FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government
Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: Yes

974.90 Deshpande, Sandy

H434 Traumatic brain injury in New Jersey, 1997.

2001 New Jersey Dept. of Health and Senior Services, February, 2001

HEARINGS: No

NEWSPAPER ARTICLES: No

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1707
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JANUARY 10, 2001

SUMMARY

Synopsis: Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

Type of Impact: Voluntary donation. Potential revenues for newly created Traumatic Brain Injury Fund.

Agencies Affected: Departments of Human Services (DHS) and Treasury.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None, see below	Indeterminate	Indeterminate
State Revenue	Indeterminate	Indeterminate	Indeterminate

- ! The program cannot be implemented until sufficient voluntary contributions are received.
- ! There is no net cost to the State as program costs will be offset by revenues to the Traumatic Brain Injury Fund.
- ! The number of people the fund will assist and the amount of monies that may be expended on such persons cannot be determined as the amount of revenues to the Traumatic Brain Injury Fund cannot be determined.

BILL DESCRIPTION

Senate Bill No. 1707 of 2000 establishes a 26-member New Jersey Advisory Council on Traumatic Brain Injury in the Department of Human Services with certain duties and requirements similar to those enumerated by Executive Order No. 84 (1998).

The bill establishes a Traumatic Brain Injury Fund in the Department of the Treasury. The fund would primarily consist of a voluntary \$1 increase to any motor vehicle registration fees a person is required to pay.

Persons eligible for assistance from the fund would be limited to \$15,000 in any 12-month period with a total expenditure cap of \$100,000.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

There is no net cost to the State as a result of this legislation as program expenditures on behalf of persons with traumatic brain injury will not exceed the amount of voluntary contributions to the Traumatic Brain Injury Fund.

As the amount of voluntary contributions to the fund cannot be determined, the amount available for expenditure cannot be determined.

Section: *Human Services*

Analyst: *Jay Hershberg*
Principal Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 1707

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 19, 2000

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.
District 13 (Middlesex and Monmouth)
Senator RICHARD J. CODEY
District 27 (Essex)

Co-Sponsored by:

Senator Bucco

SYNOPSIS

Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/23/2001)

S1707 KYRILLOS, CODEY

2

1 AN ACT concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25
26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31
32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

35 b. The council shall be composed of 26 members as follows: the
36 Commissioners of Human Services, Education, Health and Senior
37 Services, Community Affairs, Labor and Banking and Insurance, the
38 Attorney General and the State Treasurer, or their designees, who
39 shall serve ex officio and 18 public members, who shall be appointed
40 by the Governor, with the advice and consent of the Senate. Of the
41 public members, eight shall be survivors of traumatic brain injury or
42 the family members of these persons and at least five shall be
43 representatives of the following groups: public or private health-

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 related organizations, disability advisory or planning groups within the
2 State, the Brain Injury Association of New Jersey, injury control
3 programs at the State or local level, and the Center for Health
4 Statistics in the Department of Health and Senior services for data
5 research purposes.

6 c. Public members shall serve for a term of three years from the
7 date of their appointment and until their successors are appointed and
8 qualified; except that of the members first appointed, six shall serve for
9 a term of one year, six shall serve for a term of two years and six shall
10 serve for a term of three years. Vacancies shall be filled for the
11 balance of the unexpired term in the same manner as the original
12 appointments were made. A member of the council shall be eligible
13 for reappointment.

14 d. The public members who are serving on the New Jersey
15 Advisory Council on Traumatic Brain Injury established by Executive
16 Order No. 84 of 1998, on the effective date of this act may complete
17 the duration of their term as members of the council established
18 pursuant to this act and are eligible for appointment to the council
19 established pursuant to this act.

20 e. The members of the council shall meet quarterly and the
21 Commissioner of Human Services, or his designee, shall serve as chair
22 of the council.

23 f. The members of the council shall serve without compensation,
24 but shall be reimbursed for necessary and reasonable expenses actually
25 incurred in the performance of their duties, within the limits of funds
26 appropriated or otherwise made available to the council for this
27 purpose.

28

29 4. (New section) The council shall:

30 a. Advise and make recommendations to the Department of Human
31 Services and other related State agencies on ways to improve and
32 develop services regarding traumatic brain injury, including the
33 coordination of these services between public and private entities;

34 b. Encourage citizen participation through the establishment of
35 public hearings and other types of community outreach and prevention
36 activities;

37 c. Encourage and stimulate research, public awareness, education
38 and prevention activities;

39 d. Oversee any programs created under the federal law, Pub.
40 L.104-166, known as the Traumatic Brain Injury Act, and any
41 successive amendments to that act, and report to the federal
42 government regarding these programs; and

43 e. Advise the Commissioner of Human Services on the
44 administration of the Traumatic Brain Injury Fund established pursuant
45 to section 5 of this act.

1 5. (New Section) a. There is established in the Department of the
2 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
3 Brain Injury Fund." This fund shall be the repository for monies
4 provided pursuant to section 1 of P.L.1997, c.87 (C.39:3-8.2) and any
5 other funds approved by the Department of Human Services or the
6 council.

7 b. The State Treasurer is the custodian of the fund and all
8 disbursements from the fund shall be made by the treasurer upon
9 vouchers signed by the Commissioner of Human Services or his
10 designee. The monies in the fund shall be invested and reinvested by
11 the Director of the Division of Investment in the Department of the
12 Treasury as are other trust funds in the custody of the State Treasurer,
13 in the manner provided by law. Interest received on the monies in the
14 fund shall be credited to the fund.

15

16 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
17 shall be distributed by the Department of Human Services for the
18 following purposes:

19 (1) as the payer of last resort, for the costs of post-acute care,
20 services and financial assistance provided in this State to residents of
21 this State who have survived neuro-trauma with a traumatic brain
22 injury; and

23 (2) public information and prevention education coordinated by the
24 Brain Injury Association of New Jersey.

25 b. The department, in consultation with the council, shall establish
26 eligibility criteria for the post-acute care, services and financial
27 assistance provided pursuant to this section. Expenditures for
28 traumatic brain injury care shall be made by the department.

29 (1) Total expenditures on behalf of any one eligible person shall
30 not exceed \$100,000, with no more than \$15,000 to be expended for
31 any 12-month period; except that a person may apply to the
32 department for a waiver of these expenditure limits.

33 (2) Expenditures shall be made only if comparable resources are
34 not available or are not able to be delivered in a timely manner.

35 (3) To the extent of the assistance it has provided, the fund shall
36 have first claim to any future monies received by the person with
37 traumatic brain injury as the result of a settlement or other payment
38 made in connection with the traumatic brain injury.

39 (4) In the event the department is unable to provide funds to all
40 eligible persons, the department, in consultation with the council, may
41 establish an order of selection.

42 c. The department shall accept applications for disbursements of
43 available money from the fund and maintain records of all
44 disbursements made from the fund and monies received as gifts and
45 donations. The department shall utilize existing State resources and
46 staff of participating State agencies, businesses and nonprofit

1 organizations whenever practicable.

2

3 7. (New section) The Department of Human Services shall report
4 annually on the status of the fund to the Governor and to the Senate
5 and General Assembly committees with responsibility for issues
6 affecting health or human services. The report shall include
7 information about the number of beneficiaries of the fund, average
8 expenditures per beneficiary and the average income and expenditures
9 of persons or families who received financial assistance from the fund.
10 The department also may make recommendations for changes in the
11 law and any regulations governing the fund.

12

13 8. The Commissioner of Human Services, pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), may adopt rules and regulations necessary to effectuate the
16 purposes of this act.

17

18 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
19 follows:

20 1. a. In addition to the motor vehicle registration fees imposed
21 pursuant to the provisions of chapter 3 of Title 39 of the Revised
22 Statutes, the director shall impose and collect an additional fee of \$1
23 to be deposited in the New Jersey Emergency Medical Service
24 Helicopter Response Program Fund created pursuant to section 2 of
25 P.L.1992, c.87 (C.26:2K-36.1).

26 b. In addition to the motor vehicle registration fees imposed
27 pursuant to the provisions of chapter 3 of Title 39 of the Revised
28 Statutes, the registrant may choose to make an additional separately-
29 listed payment of \$1 to be deposited in the Traumatic Brain Injury
30 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
31 before the Legislature as this bill). The payment shall be included in
32 the total amount due if the registrant affirmatively indicates on the
33 registration form that he would like to contribute. The registration
34 form shall provide the registrant with the opportunity to contribute to
35 the fund by placing a mark in the appropriate box adjacent to the
36 words: "I elect to pay an additional \$1 to help people with traumatic
37 brain injury."

38 (cf: P.L.1992, c.87, s.1)

39

40 10. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill establishes, by statute, a 26-member New Jersey Advisory
46 Council on Traumatic Brain Injury in the Department of Human

1 Services. In 1998, by Executive Order No. 84, the Governor
2 established the New Jersey Advisory Council on Traumatic Brain
3 Injury. Under the provisions of this bill, members who are serving on
4 the council, established by executive order, on the effective date of this
5 bill shall be eligible to complete the duration of their term and may be
6 appointed to the council established by this bill.

7 Specifically, the bill provides that the council shall:

8 C Advise and make recommendations to the Department of
9 Human Services and other related State agencies on ways to
10 improve and develop services regarding traumatic brain injury,
11 including coordination of services between public and private
12 entities;

13 C Encourage citizen participation through the establishment of
14 public hearings and other types of community outreach and
15 prevention activities;

16 C Encourage and stimulate research, public awareness, education
17 and prevention activities;

18 C Oversee any programs created under the federal law known as
19 the Traumatic Brain Injury Act, and report to the federal
20 government regarding these programs; and

21 C Advise the Commissioner of Human Services on the
22 administration of the Traumatic Brain Injury Fund.

23 The bill also establishes the Traumatic Brain Injury Fund in the
24 Department of the Treasury. The fund shall be a nonlapsing, revolving
25 fund, which shall be for the repository of monies provided pursuant
26 N.J.S.A.39:3-8.2 (permitting motor vehicle registrants to make
27 monetary contributions to the Traumatic Brain Injury Fund) and any
28 other funds approved by the Department of Human Services or the
29 council. The State Treasurer is the custodian of the fund and interest
30 received shall be credited to the fund.

31 Under the provisions of the bill, monies in the Traumatic Brain
32 Injury Fund shall be distributed for the following purposes:

33 C as the payer of last resort, for the costs of post-acute care,
34 services and assistance provided in this State to residents of
35 this State who have survived neuro-trauma with a traumatic
36 brain injury; and

37 C public information and prevention education coordinated by the
38 Brain Injury Association of New Jersey.

39 The department, in consultation with the council, shall establish
40 eligibility criteria for the care, services and financial assistance to be
41 provided. Expenditures for traumatic brain injury care shall be made
42 by the department. Total expenditures on behalf of any one eligible
43 person shall not exceed \$100,000, with no more than \$15,000 to be
44 expended for any 12-month period. A person may apply to the
45 department for a waiver of these expenditure limits. In addition,
46 expenditures shall be made only if comparable resources are not

1 available or are not able to be delivered in a timely manner. To the
2 extent of the assistance it has provided, the fund shall have first claim
3 to any future monies received by the person with traumatic brain injury
4 as the result of a settlement or other payment made in connection with
5 the traumatic brain injury. If the department is unable to provide funds
6 to all eligible persons, the department, in consultation with the
7 council, may establish an order of selection.

8 The council shall be composed of 26 members as follows: the
9 Commissioners of Human Services, Education, Health and Senior
10 Services, Community Affairs, Labor and Banking and Insurance, the
11 Attorney General and the State Treasurer, or their designees, who
12 shall serve ex officio and 18 public members, who shall be appointed
13 by the Governor, with the advice and consent of the Senate. Of the
14 public members, eight shall be survivors of traumatic brain injury or
15 the family members of these persons and at least five shall be
16 representatives of the following groups: public or private health-
17 related organizations, disability advisory or planning groups within the
18 State, the Brain Injury Association of New Jersey, injury control
19 programs at the State or local levels, and the Center for Health
20 Statistics in the Department of Health and Senior services for data
21 research purposes.

22 The bill also requires the Department of Human Services to report
23 annually on the status of the fund to the Governor and the Senate and
24 General Assembly committees with responsibility for issues affecting
25 health or human services. The report shall include information about
26 the number of beneficiaries of the fund, average expenditures per
27 beneficiary and the average income and expenditures of persons or
28 families who received financial assistance from the fund.

29 Lastly, the bill amends N.J.S.A.39:3-8.2 to provide registrants with
30 the opportunity to make a contribution of \$1 to the Traumatic Brain
31 Injury Fund when registering motor vehicles.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1707

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 2001

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 1707.

As amended by committee, this bill establishes, by statute, a 26-member New Jersey Advisory Council on Traumatic Brain Injury in the Department of Human Services. In 1998, by Executive Order No. 84, the Governor established the New Jersey Advisory Council on Traumatic Brain Injury. Under the provisions of this bill, members who are serving on the Governor's council on the effective date of this bill shall be eligible to complete the duration of their term and may be appointed to the council established by this bill.

Specifically, the bill provides that the council shall:

- C Advise and make recommendations to the Department of Human Services and other related State agencies on ways to improve and develop services regarding traumatic brain injury, including coordination of services between public and private entities;
- C Encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;
- C Encourage and stimulate research, public awareness, education and prevention activities;
- C Oversee any programs created under the federal law known as the Traumatic Brain Injury Act, and report to the federal government regarding these programs; and
- C Advise the Commissioner of Human Services on the administration of the Traumatic Brain Injury Fund.

The bill also establishes the Traumatic Brain Injury Fund in the Department of the Treasury. The fund shall be a nonlapsing, revolving fund, which shall be for the repository of monies provided pursuant N.J.S.A.39:3-8.2 (permitting motor vehicle registrants to make monetary contributions to the Traumatic Brain Injury Fund) and any other funds approved by the Department of Human Services or the council. The State Treasurer is the custodian of the fund and interest received shall be credited to the fund.

Under the provisions of the bill, monies in the Traumatic Brain Injury Fund shall be distributed for the following purposes:

- C as the payer of last resort, for the costs of post-acute care, services and assistance provided in this State to residents of this State who have survived neuro-trauma with a traumatic brain injury; and
- C public information and prevention education coordinated by the Brain Injury Association of New Jersey.

The department, in consultation with the council, shall establish eligibility criteria for the care, services and financial assistance to be provided. Expenditures for traumatic brain injury care shall be made by the department. Total expenditures on behalf of any one eligible person shall not exceed \$100,000, with no more than \$15,000 to be expended for any 12-month period. A person may apply to the department for a waiver of these expenditure limits. In addition, expenditures shall be made only if comparable resources are not available or are not able to be delivered in a timely manner. To the extent of the assistance it has provided, the fund shall have first claim to any future monies received by the person with traumatic brain injury as the result of a settlement or other payment made in connection with the traumatic brain injury. If the department is unable to provide funds to all eligible persons, the department, in consultation with the council, may establish an order of selection.

The council shall be composed of 26 members as follows: the Commissioners of Human Services, Education, Health and Senior Services, Community Affairs, Labor and Banking and Insurance, the Attorney General and the State Treasurer, or their designees, who shall serve *ex officio* and 18 public members, who shall be appointed by the Governor, with the advice and consent of the Senate. Of the public members, eight shall be survivors of traumatic brain injury or the family members of these persons and at least five shall be representatives of the following groups: public or private health-related organizations, disability advisory or planning groups within the State, the Brain Injury Association of New Jersey, injury control programs at the State or local levels, and the Center for Health Statistics in the Department of Health and Senior Services for data research purposes.

The bill also requires the Department of Human Services to report annually on the status of the fund to the Governor and the Senate and General Assembly committees with responsibility for issues affecting health or human services. The report shall include information about the number of beneficiaries of the fund, average expenditures per beneficiary and the average income and expenditures of persons or families who received financial assistance from the fund.

Lastly, the bill amends N.J.S.A.39:3-8.2 to provide registrants with the opportunity to make a contribution of \$1 to the Traumatic Brain Injury Fund when registering motor vehicles.

The committee adopted a technical amendment to the bill to correct a statutory reference.

This bill is identical to Assembly Bill No. 2884 (1R) (Farragher), which is pending before the Assembly Appropriations Committee.

[First Reprint]

SENATE, No. 1707

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 19, 2000

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator RICHARD J. CODEY

District 27 (Essex)

Co-Sponsored by:

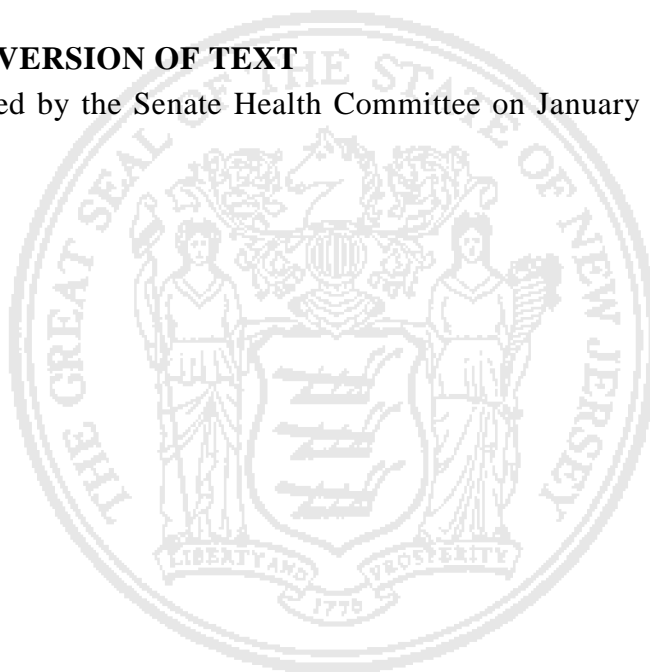
Senators Bucco and Vitale

SYNOPSIS

Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

CURRENT VERSION OF TEXT

As reported by the Senate Health Committee on January 22, 2001, with amendments.



(Sponsorship Updated As Of: 10/4/2001)

1 AN ACT concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25
26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31
32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

35 b. The council shall be composed of 26 members as follows: the
36 Commissioners of Human Services, Education, Health and Senior
37 Services, Community Affairs, Labor and Banking and Insurance, the
38 Attorney General and the State Treasurer, or their designees, who
39 shall serve ex officio and 18 public members, who shall be appointed
40 by the Governor, with the advice and consent of the Senate. Of the
41 public members, eight shall be survivors of traumatic brain injury or
42 the family members of these persons and at least five shall be

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted January 22, 2001.

1 representatives of the following groups: public or private health-
2 related organizations, disability advisory or planning groups within the
3 State, the Brain Injury Association of New Jersey, injury control
4 programs at the State or local level, and the Center for Health
5 Statistics in the Department of Health and Senior services for data
6 research purposes.

7 c. Public members shall serve for a term of three years from the
8 date of their appointment and until their successors are appointed and
9 qualified; except that of the members first appointed, six shall serve for
10 a term of one year, six shall serve for a term of two years and six shall
11 serve for a term of three years. Vacancies shall be filled for the
12 balance of the unexpired term in the same manner as the original
13 appointments were made. A member of the council shall be eligible
14 for reappointment.

15 d. The public members who are serving on the New Jersey
16 Advisory Council on Traumatic Brain Injury established by Executive
17 Order No. 84 of 1998, on the effective date of this act may complete
18 the duration of their term as members of the council established
19 pursuant to this act and are eligible for appointment to the council
20 established pursuant to this act.

21 e. The members of the council shall meet quarterly and the
22 Commissioner of Human Services, or his designee, shall serve as chair
23 of the council.

24 f. The members of the council shall serve without compensation,
25 but shall be reimbursed for necessary and reasonable expenses actually
26 incurred in the performance of their duties, within the limits of funds
27 appropriated or otherwise made available to the council for this
28 purpose.

29

30 4. (New section) The council shall:

31 a. Advise and make recommendations to the Department of Human
32 Services and other related State agencies on ways to improve and
33 develop services regarding traumatic brain injury, including the
34 coordination of these services between public and private entities;

35 b. Encourage citizen participation through the establishment of
36 public hearings and other types of community outreach and prevention
37 activities;

38 c. Encourage and stimulate research, public awareness, education
39 and prevention activities;

40 d. Oversee any programs created under the federal law, Pub.
41 L.104-166, known as the Traumatic Brain Injury Act, and any
42 successive amendments to that act, and report to the federal
43 government regarding these programs; and

44 e. Advise the Commissioner of Human Services on the
45 administration of the Traumatic Brain Injury Fund established pursuant
46 to section 5 of this act.

1 5. (New Section) a. There is established in the Department of the
2 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
3 Brain Injury Fund." This fund shall be the repository for monies
4 provided pursuant to section 1 of P.L.¹[1997] 1992¹, c.87 (C.39:3-
5 8.2) and any other funds approved by the Department of Human
6 Services or the council.

7 b. The State Treasurer is the custodian of the fund and all
8 disbursements from the fund shall be made by the ¹[treasurer] State
9 Treasurer¹ upon vouchers signed by the Commissioner of Human
10 Services or his designee. The monies in the fund shall be invested and
11 reinvested by the Director of the Division of Investment in the
12 Department of the Treasury as are other trust funds in the custody of
13 the State Treasurer, in the manner provided by law. Interest received
14 on the monies in the fund shall be credited to the fund.

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16 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
17 shall be distributed by the Department of Human Services for the
18 following purposes:

19 (1) as the payer of last resort, for the costs of post-acute care,
20 services and financial assistance provided in this State to residents of
21 this State who have survived neuro-trauma with a traumatic brain
22 injury; and

23 (2) public information and prevention education coordinated by the
24 Brain Injury Association of New Jersey.

25 b. The department, in consultation with the council, shall establish
26 eligibility criteria for the post-acute care, services and financial
27 assistance provided pursuant to this section. Expenditures for
28 traumatic brain injury care shall be made by the department.

29 (1) Total expenditures on behalf of any one eligible person shall
30 not exceed \$100,000, with no more than \$15,000 to be expended for
31 any 12-month period; except that a person may apply to the
32 department for a waiver of these expenditure limits.

33 (2) Expenditures shall be made only if comparable resources are
34 not available or are not able to be delivered in a timely manner.

35 (3) To the extent of the assistance it has provided, the fund shall
36 have first claim to any future monies received by the person with
37 traumatic brain injury as the result of a settlement or other payment
38 made in connection with the traumatic brain injury.

39 (4) In the event the department is unable to provide funds to all
40 eligible persons, the department, in consultation with the council, may
41 establish an order of selection.

42 c. The department shall accept applications for disbursements of
43 available money from the fund and maintain records of all
44 disbursements made from the fund and monies received as gifts and
45 donations. The department shall utilize existing State resources and
46 staff of participating State agencies, businesses and nonprofit

1 organizations whenever practicable.

2

3 7. (New section) The Department of Human Services shall report
4 annually on the status of the fund to the Governor and to the Senate
5 and General Assembly committees with responsibility for issues
6 affecting health or human services. The report shall include
7 information about the number of beneficiaries of the fund, average
8 expenditures per beneficiary and the average income and expenditures
9 of persons or families who received financial assistance from the fund.
10 The department also may make recommendations for changes in the
11 law and any regulations governing the fund.

12

13 8. The Commissioner of Human Services, pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), may adopt rules and regulations necessary to effectuate the
16 purposes of this act.

17

18 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
19 follows:

20 1. a. In addition to the motor vehicle registration fees imposed
21 pursuant to the provisions of chapter 3 of Title 39 of the Revised
22 Statutes, the director shall impose and collect an additional fee of \$1
23 to be deposited in the New Jersey Emergency Medical Service
24 Helicopter Response Program Fund created pursuant to section 2 of
25 P.L.1992, c.87 (C.26:2K-36.1).

26 b. In addition to the motor vehicle registration fees imposed
27 pursuant to the provisions of chapter 3 of Title 39 of the Revised
28 Statutes, the registrant may choose to make an additional separately-
29 listed payment of \$1 to be deposited in the Traumatic Brain Injury
30 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
31 before the Legislature as this bill). The payment shall be included in
32 the total amount due if the registrant affirmatively indicates on the
33 registration form that he would like to contribute. The registration
34 form shall provide the registrant with the opportunity to contribute to
35 the fund by placing a mark in the appropriate box adjacent to the
36 words: "I elect to pay an additional \$1 to help people with traumatic
37 brain injury."

38 (cf: P.L.1992, c.87, s.1)

39

40 10. This act shall take effect immediately.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1707

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2001

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1707 (1R).

This bill establishes in law a New Jersey Advisory Council on Traumatic Brain Injury in the Department of Human Services (DHS) and a Traumatic Brain Injury Fund in the Department of the Treasury.

The bill provides that the members (as of the bill's enactment) of the current New Jersey Advisory Council on Traumatic Brain Injury, established in 1998 by Executive Order No. 84, shall be eligible to complete their terms and may be appointed to the council established by the bill.

The council shall be composed of 26 members as follows: the Commissioners of Human Services, Education, Health and Senior Services, Community Affairs, Labor and Banking and Insurance, the Attorney General and the State Treasurer, or their designees, who shall serve ex officio and 18 public members, who shall be appointed by the Governor, with the advice and consent of the Senate. Of the public members, eight shall be survivors of traumatic brain injury or the family members of these persons and at least five shall be representatives of the following groups: public or private health-related organizations, disability advisory or planning groups within the State, the Brain Injury Association of New Jersey, injury control programs at the State or local levels, and the Center for Health Statistics in the Department of Health and Senior services for data research purposes.

The bill provides that the council shall:

- C advise and make recommendations to DHS and other related State agencies on ways to improve and develop services regarding traumatic brain injury, including coordination of services between public and private entities;
- C encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;

- C encourage and stimulate research, public awareness, education and prevention activities;
- C oversee any programs created under the federal law known as the Traumatic Brain Injury Act, and report to the federal government regarding these programs; and
- C advise the Commissioner of Human Services on the administration of the Traumatic Brain Injury Fund.

The bill establishes the Traumatic Brain Injury Fund. The State Treasurer is to be the custodian of the fund, and interest received shall be credited to the fund.

Under the bill, monies in the Traumatic Brain Injury Fund would be distributed for the following purposes:

- C as the payer of last resort, for the costs of post-acute care, services and assistance provided in this State to residents of this State who have survived neuro-trauma with a traumatic brain injury; and
- C public information and prevention education coordinated by the Brain Injury Association of New Jersey.

The bill directs DHS, in consultation with the council, to establish eligibility criteria for the care, services and financial assistance to be provided from monies in the fund, and make expenditures for traumatic brain injury care from those monies. Total expenditures on behalf of any one eligible person shall not exceed \$100,000, with no more than \$15,000 to be expended for any 12-month period; a person could, however, apply to DHS for a waiver of these expenditure limits.

In addition, expenditures shall be made only if comparable resources are not available or are not able to be delivered in a timely manner. To the extent of the assistance it has provided, the fund shall have first claim to any future monies received by the person with traumatic brain injury as the result of a settlement or other payment made in connection with the traumatic brain injury. If it is unable to provide funds to all eligible persons, DHS, in consultation with the council, may establish an order of selection.

The bill also requires DHS to report annually on the status of the fund to the Governor and the Senate and General Assembly committees with responsibility for issues affecting health or human services. The report shall include information about the number of beneficiaries of the fund, average expenditures per beneficiary and the average income and expenditures of persons or families who received financial assistance from the fund.

As amended, the provisions of this bill are identical to those of Assembly Bill No. 2884 (2R).

COMMITTEE AMENDMENTS:

Committee amendments (1) change the form of motor vehicle registrants' contribution to the Traumatic Brain Injury Fund from an optional contribution of \$1.00 to a mandatory fee of \$.50 for each

registration, (2) delay implementation of the fee to allow time for necessary administrative adjustments, and (3) clarify a legal reference.

FISCAL IMPACT:

Funding for the Traumatic Brain Injury Fund is to be provided by imposition of a \$0.50 fee on all registrations of motor vehicles and any other funds approved by DHS or the council. The Governor's Budget Recommendation for the State Fiscal Year 2002 estimates that there will be 6.8 million vehicle registrations in that fiscal year, so the fund will receive approximately \$3.4 million in a complete fiscal year.

[Second Reprint]

SENATE, No. 1707

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 19, 2000

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

Senator RICHARD J. CODEY

District 27 (Essex)

Co-Sponsored by:

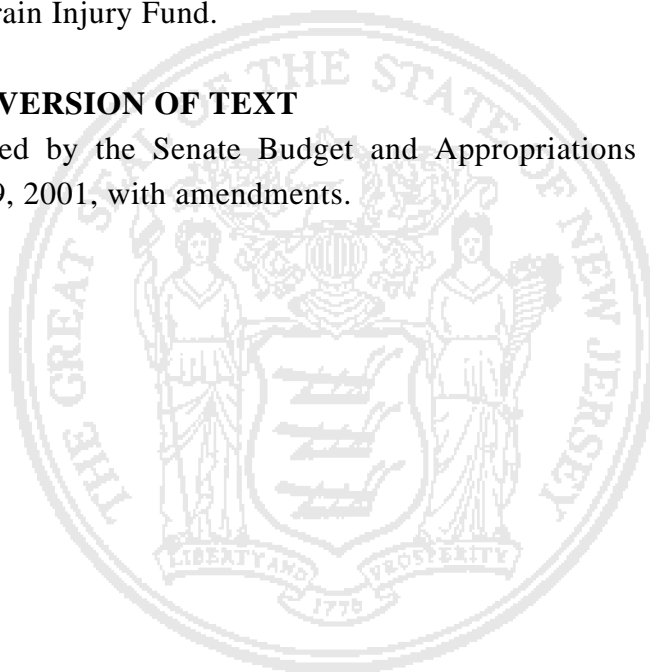
**Senators Bucco, Vitale, Assemblywomen Farragher, Greenstein,
Assemblymen Gusciora, B.Smith, Wisniewski and Assemblywoman Gill**

SYNOPSIS

Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on November 29, 2001, with amendments.



(Sponsorship Updated As Of: 1/4/2002)

1 AN ACT concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25
26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31
32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

35 b. The council shall be composed of 26 members as follows: the
36 Commissioners of Human Services, Education, Health and Senior
37 Services, Community Affairs, Labor and Banking and Insurance, the
38 Attorney General and the State Treasurer, or their designees, who
39 shall serve ex officio and 18 public members, who shall be appointed
40 by the Governor, with the advice and consent of the Senate. Of the
41 public members, eight shall be survivors of traumatic brain injury or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted January 22, 2001.

² Senate SBA committee amendments adopted November 29, 2001.

1 the family members of these persons and at least five shall be
2 representatives of the following groups: public or private health-
3 related organizations, disability advisory or planning groups within the
4 State, the Brain Injury Association of New Jersey, injury control
5 programs at the State or local level, and the Center for Health
6 Statistics in the Department of Health and Senior services for data
7 research purposes.

8 c. Public members shall serve for a term of three years from the
9 date of their appointment and until their successors are appointed and
10 qualified; except that of the members first appointed, six shall serve for
11 a term of one year, six shall serve for a term of two years and six shall
12 serve for a term of three years. Vacancies shall be filled for the
13 balance of the unexpired term in the same manner as the original
14 appointments were made. A member of the council shall be eligible
15 for reappointment.

16 d. The public members who are serving on the New Jersey
17 Advisory Council on Traumatic Brain Injury established by Executive
18 Order No. 84 of 1998, on the effective date of this act may complete
19 the duration of their term as members of the council established
20 pursuant to this act and are eligible for appointment to the council
21 established pursuant to this act.

22 e. The members of the council shall meet quarterly and the
23 Commissioner of Human Services, or his designee, shall serve as chair
24 of the council.

25 f. The members of the council shall serve without compensation,
26 but shall be reimbursed for necessary and reasonable expenses actually
27 incurred in the performance of their duties, within the limits of funds
28 appropriated or otherwise made available to the council for this
29 purpose.

30

31 4. (New section) The council shall:

32 a. Advise and make recommendations to the Department of Human
33 Services and other related State agencies on ways to improve and
34 develop services regarding traumatic brain injury, including the
35 coordination of these services between public and private entities;

36 b. Encourage citizen participation through the establishment of
37 public hearings and other types of community outreach and prevention
38 activities;

39 c. Encourage and stimulate research, public awareness, education
40 and prevention activities;

41 d. Oversee any programs created under the federal law, Pub.
42 L.104-166, known as the Traumatic Brain Injury Act, and any
43 successive amendments to that act, and report to the federal
44 government regarding these programs; and

45 e. Advise the Commissioner of Human Services on the
46 administration of the Traumatic Brain Injury Fund established pursuant
47 to section 5 of this act.

1 5. (New Section) a. There is established in the Department of the
2 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
3 Brain Injury Fund." This fund shall be the repository for monies
4 provided pursuant to ²subsection b. of² section 1 of P.L.¹[1997]
5 1992¹, c.87 (C.39:3-8.2) and any other funds approved by the
6 Department of Human Services or the council.

7 b. The State Treasurer is the custodian of the fund and all
8 disbursements from the fund shall be made by the ¹[treasurer] State
9 Treasurer¹ upon vouchers signed by the Commissioner of Human
10 Services or his designee. The monies in the fund shall be invested and
11 reinvested by the Director of the Division of Investment in the
12 Department of the Treasury as are other trust funds in the custody of
13 the State Treasurer, in the manner provided by law. Interest received
14 on the monies in the fund shall be credited to the fund.

15

16 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
17 shall be distributed by the Department of Human Services for the
18 following purposes:

19 (1) as the payer of last resort, for the costs of post-acute care,
20 services and financial assistance provided in this State to residents of
21 this State who have survived neuro-trauma with a traumatic brain
22 injury; and

23 (2) public information and prevention education coordinated by the
24 Brain Injury Association of New Jersey.

25 b. The department, in consultation with the council, shall establish
26 eligibility criteria for the post-acute care, services and financial
27 assistance provided pursuant to this section. Expenditures for
28 traumatic brain injury care shall be made by the department.

29 (1) Total expenditures on behalf of any one eligible person shall
30 not exceed \$100,000, with no more than \$15,000 to be expended for
31 any 12-month period; except that a person may apply to the
32 department for a waiver of these expenditure limits.

33 (2) Expenditures shall be made only if comparable resources are
34 not available or are not able to be delivered in a timely manner.

35 (3) To the extent of the assistance it has provided, the fund shall
36 have first claim to any future monies received by the person with
37 traumatic brain injury as the result of a settlement or other payment
38 made in connection with the traumatic brain injury.

39 (4) In the event the department is unable to provide funds to all
40 eligible persons, the department, in consultation with the council, may
41 establish an order of selection.

42 c. The department shall accept applications for disbursements of
43 available money from the fund and maintain records of all
44 disbursements made from the fund and monies received as gifts and
45 donations. The department shall utilize existing State resources and
46 staff of participating State agencies, businesses and nonprofit
47 organizations whenever practicable.

1 7. (New section) The Department of Human Services shall report
2 annually on the status of the fund to the Governor and to the Senate
3 and General Assembly committees with responsibility for issues
4 affecting health or human services. The report shall include
5 information about the number of beneficiaries of the fund, average
6 expenditures per beneficiary and the average income and expenditures
7 of persons or families who received financial assistance from the fund.
8 The department also may make recommendations for changes in the
9 law and any regulations governing the fund.

10
11 8. The Commissioner of Human Services, pursuant to the
12 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), may adopt rules and regulations necessary to effectuate the
14 purposes of this act.

15
16 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
17 follows:

18 1. a. In addition to the motor vehicle registration fees imposed
19 pursuant to the provisions of chapter 3 of Title 39 of the Revised
20 Statutes, the director shall impose and collect an additional fee of \$1
21 to be deposited in the New Jersey Emergency Medical Service
22 Helicopter Response Program Fund created pursuant to section 2 of
23 P.L.1992, c.87 (C.26:2K-36.1).

24 b. In addition to the motor vehicle registration fees imposed
25 pursuant to the provisions of chapter 3 of Title 39 of the Revised
26 Statutes, the ²[registrant may choose to make an additional
27 separately-listed payment of \$1] director shall impose and collect an
28 additional fee of \$.50² to be deposited in the Traumatic Brain Injury
29 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
30 before the Legislature as this bill). ²[The payment shall be included
31 in the total amount due if the registrant affirmatively indicates on the
32 registration form that he would like to contribute. The registration
33 form shall provide the registrant with the opportunity to contribute to
34 the fund by placing a mark in the appropriate box adjacent to the
35 words: "I elect to pay an additional \$1 to help people with traumatic
36 brain injury."]²

37 (cf: P.L.1992, c.87, s.1)

38
39 10. This act shall take effect immediately²; provided, however, that
40 section 9 shall remain inoperative until the first day of the sixth month
41 following enactment².

ASSEMBLY, No. 2884

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

Sponsored by:

**Assemblywoman CLARE M. FARRAGHER
District 12 (Monmouth)**

Co-Sponsored by:

Assemblywoman Greenstein and Assemblyman Gusciora

SYNOPSIS

Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/19/2001)

A2884 FARRAGHER

2

1 AN ACT concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25
26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31
32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

35 b. The council shall be composed of 26 members as follows: the
36 Commissioners of Human Services, Education, Health and Senior
37 Services, Community Affairs, Labor and Banking and Insurance, the
38 Attorney General and the State Treasurer, or their designees, who
39 shall serve ex officio and 18 public members, who shall be appointed
40 by the Governor, with the advice and consent of the Senate. Of the
41 public members, eight shall be survivors of traumatic brain injury or
42 the family members of these persons and at least five shall be
43 representatives of the following groups: public or private health-

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 related organizations, disability advisory or planning groups within the
2 State, the Brain Injury Association of New Jersey, injury control
3 programs at the State or local level, and the Center for Health
4 Statistics in the Department of Health and Senior services for data
5 research purposes.

6 c. Public members shall serve for a term of three years from the
7 date of their appointment and until their successors are appointed and
8 qualified; except that of the members first appointed, six shall serve for
9 a term of one year, six shall serve for a term of two years and six shall
10 serve for a term of three years. Vacancies shall be filled for the
11 balance of the unexpired term in the same manner as the original
12 appointments were made. A member of the council shall be eligible
13 for reappointment.

14 d. The public members who are serving on the New Jersey Advisory
15 Council on Traumatic Brain Injury established by Executive Order No.
16 84 of 1998, on the effective date of this act may complete the duration
17 of their term as members of the council established pursuant to this act
18 and are eligible for appointment to the council established pursuant to
19 this act.

20 e. The members of the council shall meet quarterly and the
21 Commissioner of Human Services, or his designee, shall serve as chair
22 of the council.

23 f. The members of the council shall serve without compensation,
24 but shall be reimbursed for necessary and reasonable expenses actually
25 incurred in the performance of their duties, within the limits of funds
26 appropriated or otherwise made available to the council for this
27 purpose.

28

29 4. (New section) The council shall:

30 a. Advise and make recommendations to the Department of Human
31 Services and other related State agencies on ways to improve and
32 develop services regarding traumatic brain injury, including the
33 coordination of these services between public and private entities;

34 b. Encourage citizen participation through the establishment of
35 public hearings and other types of community outreach and prevention
36 activities;

37 c. Encourage and stimulate research, public awareness, education
38 and prevention activities;

39 d. Oversee any programs created under the federal law, Pub.
40 L.104-166, known as the Traumatic Brain Injury Act, and any
41 successive amendments to that act, and report to the federal
42 government regarding these programs; and

43 e. Advise the Commissioner of Human Services on the
44 administration of the Traumatic Brain Injury Fund established pursuant
45 to section 5 of this act.

1 5. (New Section) a. There is established in the Department of the
2 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
3 Brain Injury Fund." This fund shall be the repository for monies
4 provided pursuant to section 1 of P.L.1997, c.87 (C.39:3-8.2) and any
5 other funds approved by the Department of Human Services or the
6 council.

7 b. The State Treasurer is the custodian of the fund and all
8 disbursements from the fund shall be made by the treasurer upon
9 vouchers signed by the Commissioner of Human Services or his
10 designee. The monies in the fund shall be invested and reinvested by
11 the Director of the Division of Investment in the Department of the
12 Treasury as are other trust funds in the custody of the State Treasurer,
13 in the manner provided by law. Interest received on the monies in the
14 fund shall be credited to the fund.

15

16 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
17 shall be distributed by the Department of Human Services for the
18 following purposes:

19 (1) as the payer of last resort, for the costs of post-acute care,
20 services and financial assistance provided in this State to residents of
21 this State who have survived neuro-trauma with a traumatic brain
22 injury; and

23 (2) public information and prevention education coordinated by the
24 Brain Injury Association of New Jersey.

25 b. The department, in consultation with the council, shall establish
26 eligibility criteria for the post-acute care, services and financial
27 assistance provided pursuant to this section. Expenditures for
28 traumatic brain injury care shall be made by the department.

29 (1) Total expenditures on behalf of any one eligible person shall
30 not exceed \$100,000, with no more than \$15,000 to be expended for
31 any 12-month period; except that a person may apply to the
32 department for a waiver of these expenditure limits.

33 (2) Expenditures shall be made only if comparable resources are
34 not available or are not able to be delivered in a timely manner.

35 (3) To the extent of the assistance it has provided, the fund shall
36 have first claim to any future monies received by the person with
37 traumatic brain injury as the result of a settlement or other payment
38 made in connection with the traumatic brain injury.

39 (4) In the event the department is unable to provide funds to all
40 eligible persons, the department, in consultation with the council, may
41 establish an order of selection.

42 c. The department shall accept applications for disbursements of
43 available money from the fund and maintain records of all
44 disbursements made from the fund and monies received as gifts and
45 donations. The department shall utilize existing State resources and
46 staff of participating State agencies, businesses and nonprofit

1 organizations whenever practicable.

2

3 7. (New section) The Department of Human Services shall report
4 annually on the status of the fund to the Governor and to the Senate
5 and General Assembly committees with responsibility for issues
6 affecting health or human services. The report shall include
7 information about the number of beneficiaries of the fund, average
8 expenditures per beneficiary and the average income and expenditures
9 of persons or families who received financial assistance from the fund.
10 The department also may make recommendations for changes in the
11 law and any regulations governing the fund.

12

13 8. The Commissioner of Human Services, pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), may adopt rules and regulations necessary to effectuate the
16 purposes of this act.

17

18 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
19 follows:

20 1. a. In addition to the motor vehicle registration fees imposed
21 pursuant to the provisions of chapter 3 of Title 39 of the Revised
22 Statutes, the director shall impose and collect an additional fee of \$1
23 to be deposited in the New Jersey Emergency Medical Service
24 Helicopter Response Program Fund created pursuant to section 2 of
25 P.L.1992, c.87 (C.26:2K-36.1).

26 b. In addition to the motor vehicle registration fees imposed
27 pursuant to the provisions of chapter 3 of Title 39 of the Revised
28 Statutes, the registrant may choose to make an additional separately-
29 listed payment of \$1 to be deposited in the Traumatic Brain Injury
30 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
31 before the Legislature as this bill). The payment shall be included in
32 the total amount due if the registrant affirmatively indicates on the
33 registration form that he would like to contribute. The registration
34 form shall provide the registrant with the opportunity to contribute to
35 the fund by placing a mark in the appropriate box adjacent to the
36 words: "I elect to pay an additional \$1 to help people with traumatic
37 brain injury."

38 (cf: P.L.1992, c.87, s.1)

39

40 10. This act shall take effect immediately.

41

42 STATEMENT

43

44 This bill establishes, by statute, a 26-member New Jersey Advisory
45 Council on Traumatic Brain Injury in the Department of Human
46 Services. In 1998, by Executive Order No. 84, the Governor

1 established the New Jersey Advisory Council on Traumatic Brain
2 Injury. Under the provisions of this bill, members who are serving on
3 the council, established by executive order, on the effective date of this
4 bill shall be eligible to complete the duration of their term and may be
5 appointed to the council established by this bill.

6 Specifically, the bill provides that the council shall:

7 C Advise and make recommendations to the Department of
8 Human Services and other related State agencies on ways to
9 improve and develop services regarding traumatic brain injury,
10 including coordination of services between public and private
11 entities;

12 C Encourage citizen participation through the establishment of
13 public hearings and other types of community outreach and
14 prevention activities;

15 C Encourage and stimulate research, public awareness, education
16 and prevention activities;

17 C Oversee any programs created under the federal law known as
18 the Traumatic Brain Injury Act, and report to the federal
19 government regarding these programs; and

20 C Advise the Commissioner of Human Services on the
21 administration of the Traumatic Brain Injury Fund.

22 The bill also establishes the Traumatic Brain Injury Fund in the
23 Department of the Treasury. The fund shall be a nonlapsing, revolving
24 fund, which shall be for the repository of monies provided pursuant
25 N.J.S.A.39:3-8.2 (permitting motor vehicle registrants to make
26 monetary contributions to the Traumatic Brain Injury Fund) and any
27 other funds approved by the Department of Human Services or the
28 council. The State Treasurer is the custodian of the fund and interest
29 received shall be credited to the fund.

30 Under the provisions of the bill, monies in the Traumatic Brain
31 Injury Fund shall be distributed for the following purposes:

32 C as the payer of last resort, for the costs of post-acute care,
33 services and assistance provided in this State to residents of
34 this State who have survived neuro-trauma with a traumatic
35 brain injury; and

36 C public information and prevention education coordinated by the
37 Brain Injury Association of New Jersey.

38 The department, in consultation with the council, shall establish
39 eligibility criteria for the care, services and financial assistance to be
40 provided. Expenditures for traumatic brain injury care shall be made
41 by the department. Total expenditures on behalf of any one eligible
42 person shall not exceed \$100,000, with no more than \$15,000 to be
43 expended for any 12-month period. A person may apply to the
44 department for a waiver of these expenditure limits. In addition,
45 expenditures shall be made only if comparable resources are not
46 available or are not able to be delivered in a timely manner. To the

1 extent of the assistance it has provided, the fund shall have first claim
2 to any future monies received by the person with traumatic brain injury
3 as the result of a settlement or other payment made in connection with
4 the traumatic brain injury. If the department is unable to provide funds
5 to all eligible persons, the department, in consultation with the
6 council, may establish an order of selection.

7 The council shall be composed of 26 members as follows: the
8 Commissioners of Human Services, Education, Health and Senior
9 Services, Community Affairs, Labor and Banking and Insurance, the
10 Attorney General and the State Treasurer, or their designees, who
11 shall serve ex officio and 18 public members, who shall be appointed
12 by the Governor, with the advice and consent of the Senate. Of the
13 public members, eight shall be survivors of traumatic brain injury or
14 the family members of these persons and at least five shall be
15 representatives of the following groups: public or private health-
16 related organizations, disability advisory or planning groups within the
17 State, the Brain Injury Association of New Jersey, injury control
18 programs at the State or local levels, and the Center for Health
19 Statistics in the Department of Health and Senior services for data
20 research purposes.

21 The bill also requires the Department of Human Services to report
22 annually on the status of the fund to the Governor and the Senate and
23 General Assembly committees with responsibility for issues affecting
24 health or human services. The report shall include information about
25 the number of beneficiaries of the fund, average expenditures per
26 beneficiary and the average income and expenditures of persons or
27 families who received financial assistance from the fund.

28 Lastly, the bill amends N.J.S.A.39:3-8.2 to provide registrants with
29 the opportunity to make a contribution of \$1 to the Traumatic Brain
30 Injury Fund when registering motor vehicles.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2884
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JANUARY 10, 2001

SUMMARY

Synopsis: Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

Type of Impact: Voluntary donation. Potential revenues for newly created Traumatic Brain Injury Fund.

Agencies Affected: Departments of Human Services (DHS) and Treasury.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	None, see below	Indeterminate	Indeterminate
State Revenue	Indeterminate	Indeterminate	Indeterminate

- ! The program cannot be implemented until sufficient voluntary contributions are received.
- ! There is no net cost to the State as program costs will be offset by revenues to the Traumatic Brain Injury Fund.
- ! The number of people the fund can assist and the amount of monies that may be expended on such persons cannot be determined as the amount of revenues to the Traumatic Brain Injury Fund cannot be determined.

BILL DESCRIPTION

Assembly Bill No. 2884 of 2000 establishes a 26-member New Jersey Advisory Council on Traumatic Brain Injury in the Department of Human Services with certain duties and requirements similar to those enumerated by Executive Order No. 84 (1998).

The bill establishes a Traumatic Brain Injury Fund in the Department of the Treasury. The fund would primarily consist of a voluntary \$1 increase to any motor vehicle registration fees a person is required to pay.

Persons eligible for assistance from the fund would be limited to \$15,000 in any 12-month period with a total expenditure cap of \$100,000.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

There is no net cost to the State as a result of this legislation as program expenditures on behalf of persons with traumatic brain injury will not exceed the amount of voluntary contributions to the Traumatic Brain Injury Fund.

As the amount of voluntary contributions to the fund cannot be determined, the amount available for expenditure cannot be determined.

Section: *Human Services*

Analyst: *Jay Hershberg*
Principal Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2884

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 2001

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 2884.

As amended by the committee, this bill establishes, by statute, a 26-member New Jersey Advisory Council on Traumatic Brain Injury in the Department of Human Services (DHS), as well as a Traumatic Brain Injury Fund in the Department of the Treasury.

Under the provisions of this bill, the members of the current New Jersey Advisory Council on Traumatic Brain Injury (as of the effective date of the bill), which was established by Executive Order No. 84 in 1998, shall be eligible to complete the duration of their term and may be appointed to the council established by this bill.

The council shall be composed of 26 members as follows: the Commissioners of Human Services, Education, Health and Senior Services, Community Affairs, Labor and Banking and Insurance, the Attorney General and the State Treasurer, or their designees, who shall serve ex officio and 18 public members, who shall be appointed by the Governor, with the advice and consent of the Senate. Of the public members, eight shall be survivors of traumatic brain injury or the family members of these persons and at least five shall be representatives of the following groups: public or private health-related organizations, disability advisory or planning groups within the State, the Brain Injury Association of New Jersey, injury control programs at the State or local levels, and the Center for Health Statistics in the Department of Health and Senior services for data research purposes.

The bill provides that the council shall:

- C advise and make recommendations to DHS and other related State agencies on ways to improve and develop services regarding traumatic brain injury, including coordination of services between public and private entities;
- C encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;
- C encourage and stimulate research, public awareness, education

and prevention activities;

- Ⓒ oversee any programs created under the federal law known as the Traumatic Brain Injury Act, and report to the federal government regarding these programs; and
- Ⓒ advise the Commissioner of Human Services on the administration of the Traumatic Brain Injury Fund.

The Traumatic Brain Injury Fund established by this bill is to be a nonlapsing, revolving fund that serves as the repository for monies provided pursuant to N.J.S.A.39:3-8.2 (permitting motor vehicle registrants to make monetary contributions to this new fund) and any other funds approved by DHS or the council. The State Treasurer is to be the custodian of the fund, and interest received shall be credited to the fund.

Under this bill, monies in the Traumatic Brain Injury Fund shall be distributed for the following purposes:

- Ⓒ as the payer of last resort, for the costs of post-acute care, services and assistance provided in this State to residents of this State who have survived neuro-trauma with a traumatic brain injury; and
- Ⓒ public information and prevention education coordinated by the Brain Injury Association of New Jersey.

The bill directs DHS, in consultation with the council, to establish eligibility criteria for the care, services and financial assistance to be provided from monies in the fund, and make expenditures for traumatic brain injury care from those monies. Total expenditures on behalf of any one eligible person shall not exceed \$100,000, with no more than \$15,000 to be expended for any 12-month period; however, a person may apply to DHS for a waiver of these expenditure limits. In addition, expenditures shall be made only if comparable resources are not available or are not able to be delivered in a timely manner. To the extent of the assistance it has provided, the fund shall have first claim to any future monies received by the person with traumatic brain injury as the result of a settlement or other payment made in connection with the traumatic brain injury. If it is unable to provide funds to all eligible persons, DHS, in consultation with the council, may establish an order of selection.

The bill also requires DHS to report annually on the status of the fund to the Governor and the Senate and General Assembly committees with responsibility for issues affecting health or human services. The report shall include information about the number of beneficiaries of the fund, average expenditures per beneficiary and the average income and expenditures of persons or families who received financial assistance from the fund.

Finally, the bill amends N.J.S.A.39:3-8.2 to provide registrants with the opportunity to make a contribution of \$1 to the Traumatic Brain Injury Fund when registering motor vehicles.

The committee adopted technical amendments to correct references in section 5 of the bill to section 1 of P.L.1992, c.87

(N.J.S.A.39:3-8.2) and the State Treasurer.

As reported by the committee, this bill is similar to Senate Bill No. 1707 (Kyrillos/Codey), which is currently pending in the Senate Health Committee.

[First Reprint]

ASSEMBLY, No. 2884

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

Sponsored by:

Assemblywoman CLARE M. FARRAGHER

District 12 (Monmouth)

Co-Sponsored by:

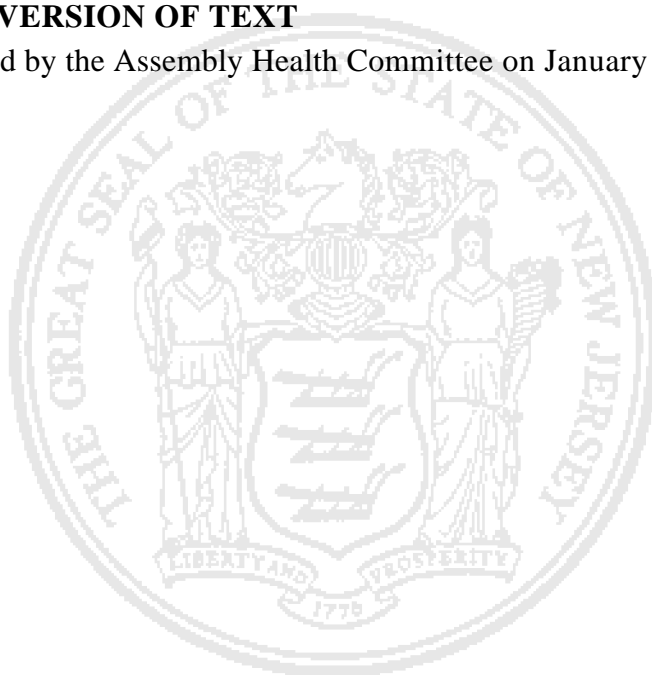
Assemblywoman Greenstein and Assemblyman Gusciora

SYNOPSIS

Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on January 18, 2001, with amendments.



(Sponsorship Updated As Of: 1/19/2001)

1 AN ACT concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25
26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31
32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

35 b. The council shall be composed of 26 members as follows: the
36 Commissioners of Human Services, Education, Health and Senior
37 Services, Community Affairs, Labor and Banking and Insurance, the
38 Attorney General and the State Treasurer, or their designees, who
39 shall serve ex officio and 18 public members, who shall be appointed
40 by the Governor, with the advice and consent of the Senate. Of the
41 public members, eight shall be survivors of traumatic brain injury or
42 the family members of these persons and at least five shall be

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted January 18, 2001.

1 representatives of the following groups: public or private health-
2 related organizations, disability advisory or planning groups within the
3 State, the Brain Injury Association of New Jersey, injury control
4 programs at the State or local level, and the Center for Health
5 Statistics in the Department of Health and Senior services for data
6 research purposes.

7 c. Public members shall serve for a term of three years from the
8 date of their appointment and until their successors are appointed and
9 qualified; except that of the members first appointed, six shall serve for
10 a term of one year, six shall serve for a term of two years and six shall
11 serve for a term of three years. Vacancies shall be filled for the
12 balance of the unexpired term in the same manner as the original
13 appointments were made. A member of the council shall be eligible
14 for reappointment.

15 d. The public members who are serving on the New Jersey Advisory
16 Council on Traumatic Brain Injury established by Executive Order No.
17 84 of 1998, on the effective date of this act may complete the duration
18 of their term as members of the council established pursuant to this act
19 and are eligible for appointment to the council established pursuant to
20 this act.

21 e. The members of the council shall meet quarterly and the
22 Commissioner of Human Services, or his designee, shall serve as chair
23 of the council.

24 f. The members of the council shall serve without compensation,
25 but shall be reimbursed for necessary and reasonable expenses actually
26 incurred in the performance of their duties, within the limits of funds
27 appropriated or otherwise made available to the council for this
28 purpose.

29

30 4. (New section) The council shall:

31 a. Advise and make recommendations to the Department of Human
32 Services and other related State agencies on ways to improve and
33 develop services regarding traumatic brain injury, including the
34 coordination of these services between public and private entities;

35 b. Encourage citizen participation through the establishment of
36 public hearings and other types of community outreach and prevention
37 activities;

38 c. Encourage and stimulate research, public awareness, education
39 and prevention activities;

40 d. Oversee any programs created under the federal law, Pub.
41 L.104-166, known as the Traumatic Brain Injury Act, and any
42 successive amendments to that act, and report to the federal
43 government regarding these programs; and

44 e. Advise the Commissioner of Human Services on the
45 administration of the Traumatic Brain Injury Fund established pursuant
46 to section 5 of this act.

1 5. (New Section) a. There is established in the Department of the
2 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
3 Brain Injury Fund." This fund shall be the repository for monies
4 provided pursuant to section 1 of P.L. ¹[1997] 1992¹, c.87 (C.39:3-
5 8.2) and any other funds approved by the Department of Human
6 Services or the council.

7 b. The State Treasurer is the custodian of the fund and all
8 disbursements from the fund shall be made by the ¹[~~treasurer~~] State
9 Treasurer¹ upon vouchers signed by the Commissioner of Human
10 Services or his designee. The monies in the fund shall be invested
11 and reinvested by the Director of the Division of Investment in the
12 Department of the Treasury as are other trust funds in the custody of
13 the State Treasurer, in the manner provided by law. Interest received
14 on the monies in the fund shall be credited to the fund.

15

16 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
17 shall be distributed by the Department of Human Services for the
18 following purposes:

19 (1) as the payer of last resort, for the costs of post-acute care,
20 services and financial assistance provided in this State to residents of
21 this State who have survived neuro-trauma with a traumatic brain
22 injury; and

23 (2) public information and prevention education coordinated by the
24 Brain Injury Association of New Jersey.

25 b. The department, in consultation with the council, shall establish
26 eligibility criteria for the post-acute care, services and financial
27 assistance provided pursuant to this section. Expenditures for
28 traumatic brain injury care shall be made by the department.

29 (1) Total expenditures on behalf of any one eligible person shall
30 not exceed \$100,000, with no more than \$15,000 to be expended for
31 any 12-month period; except that a person may apply to the
32 department for a waiver of these expenditure limits.

33 (2) Expenditures shall be made only if comparable resources are
34 not available or are not able to be delivered in a timely manner.

35 (3) To the extent of the assistance it has provided, the fund shall
36 have first claim to any future monies received by the person with
37 traumatic brain injury as the result of a settlement or other payment
38 made in connection with the traumatic brain injury.

39 (4) In the event the department is unable to provide funds to all
40 eligible persons, the department, in consultation with the council, may
41 establish an order of selection.

42 c. The department shall accept applications for disbursements of
43 available money from the fund and maintain records of all
44 disbursements made from the fund and monies received as gifts and
45 donations. The department shall utilize existing State resources and
46 staff of participating State agencies, businesses and nonprofit

1 organizations whenever practicable.

2

3 7. (New section) The Department of Human Services shall report
4 annually on the status of the fund to the Governor and to the Senate
5 and General Assembly committees with responsibility for issues
6 affecting health or human services. The report shall include
7 information about the number of beneficiaries of the fund, average
8 expenditures per beneficiary and the average income and expenditures
9 of persons or families who received financial assistance from the fund.
10 The department also may make recommendations for changes in the
11 law and any regulations governing the fund.

12

13 8. The Commissioner of Human Services, pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.), may adopt rules and regulations necessary to effectuate the
16 purposes of this act.

17

18 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
19 follows:

20 1. a. In addition to the motor vehicle registration fees imposed
21 pursuant to the provisions of chapter 3 of Title 39 of the Revised
22 Statutes, the director shall impose and collect an additional fee of \$1
23 to be deposited in the New Jersey Emergency Medical Service
24 Helicopter Response Program Fund created pursuant to section 2 of
25 P.L.1992, c.87 (C.26:2K-36.1).

26 b. In addition to the motor vehicle registration fees imposed
27 pursuant to the provisions of chapter 3 of Title 39 of the Revised
28 Statutes, the registrant may choose to make an additional separately-
29 listed payment of \$1 to be deposited in the Traumatic Brain Injury
30 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
31 before the Legislature as this bill). The payment shall be included in
32 the total amount due if the registrant affirmatively indicates on the
33 registration form that he would like to contribute. The registration
34 form shall provide the registrant with the opportunity to contribute to
35 the fund by placing a mark in the appropriate box adjacent to the
36 words: "I elect to pay an additional \$1 to help people with traumatic
37 brain injury."

38 (cf: P.L.1992, c.87, s.1)

39

40 10. This act shall take effect immediately.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2884

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 4, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2884 (1R) with committee amendments.

Assembly Bill No. 2884 (1R), as amended, establishes in statute a 26-member New Jersey Advisory Council on Traumatic Brain Injury in the Department of Human Services (DHS) and a Traumatic Brain Injury Fund in the Department of the Treasury.

The bill provides that the members of the current New Jersey Advisory Council on Traumatic Brain Injury (as of the effective date of the bill), established by Executive Order No. 84 in 1998, shall be eligible to complete the duration of their terms and may be appointed to the council established by the bill.

The council shall be composed of 26 members as follows: the Commissioners of Human Services, Education, Health and Senior Services, Community Affairs, Labor and Banking and Insurance, the Attorney General and the State Treasurer, or their designees, who shall serve ex officio and 18 public members, who shall be appointed by the Governor, with the advice and consent of the Senate. Of the public members, eight shall be survivors of traumatic brain injury or the family members of these persons and at least five shall be representatives of the following groups: public or private health-related organizations, disability advisory or planning groups within the State, the Brain Injury Association of New Jersey, injury control programs at the State or local levels, and the Center for Health Statistics in the Department of Health and Senior services for data research purposes.

The bill provides that the council shall:

- C advise and make recommendations to DHS and other related State agencies on ways to improve and develop services regarding traumatic brain injury, including coordination of services between public and private entities;
- C encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;

- Ⓒ encourage and stimulate research, public awareness, education and prevention activities;
- Ⓒ oversee any programs created under the federal law known as the Traumatic Brain Injury Act, and report to the federal government regarding these programs; and
- Ⓒ advise the Commissioner of Human Services on the administration of the Traumatic Brain Injury Fund.

The bill establishes the Traumatic Brain Injury Fund. The State Treasurer is to be the custodian of the fund, and interest received shall be credited to the fund.

Under this bill, monies in the Traumatic Brain Injury Fund shall be distributed for the following purposes:

- Ⓒ as the payer of last resort, for the costs of post-acute care, services and assistance provided in this State to residents of this State who have survived neuro-trauma with a traumatic brain injury; and
- Ⓒ public information and prevention education coordinated by the Brain Injury Association of New Jersey.

The bill directs DHS, in consultation with the council, to establish eligibility criteria for the care, services and financial assistance to be provided from monies in the fund, and make expenditures for traumatic brain injury care from those monies. Total expenditures on behalf of any one eligible person shall not exceed \$100,000, with no more than \$15,000 to be expended for any 12-month period; however, a person may apply to DHS for a waiver of these expenditure limits. In addition, expenditures shall be made only if comparable resources are not available or are not able to be delivered in a timely manner. To the extent of the assistance it has provided, the fund shall have first claim to any future monies received by the person with traumatic brain injury as the result of a settlement or other payment made in connection with the traumatic brain injury. If it is unable to provide funds to all eligible persons, DHS, in consultation with the council, may establish an order of selection.

The bill also requires DHS to report annually on the status of the fund to the Governor and the Senate and General Assembly committees with responsibility for issues affecting health or human services. The report shall include information about the number of beneficiaries of the fund, average expenditures per beneficiary and the average income and expenditures of persons or families who received financial assistance from the fund.

FISCAL IMPACT:

Funding for the Traumatic Brain Injury Fund is to be provided by imposition of a \$0.50 fee on all registrations of motor vehicles and any other funds approved by DHS or the council. The Governor's Budget Recommendation for the State Fiscal Year 2002 estimates that there will be 6.8 million vehicle registrations in that fiscal year, so the fund will receive approximately \$3.4 million in a complete fiscal year.

Implementation of the fee will begin on the first day of the sixth month following enactment.

COMMITTEE AMENDMENTS:

The amendments change the revenue source from an optional contribution of \$1.00 to a mandatory fee imposition of \$0.50, delay the implementation of the fee until the first day of the sixth month following enactment to allow time for making necessary administrative changes, and clarify a legal reference.

[Second Reprint]

ASSEMBLY, No. 2884

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED OCTOBER 12, 2000

Sponsored by:

Assemblywoman CLARE M. FARRAGHER

District 12 (Monmouth)

Co-Sponsored by:

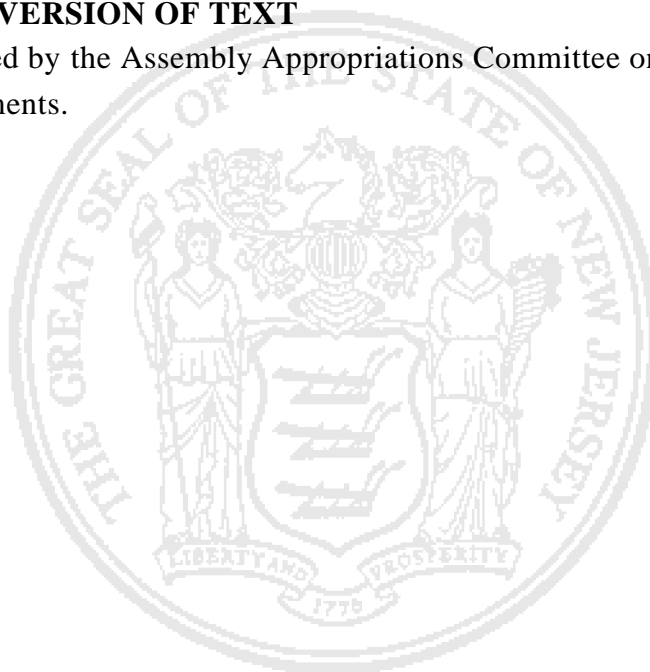
**Assemblywoman Greenstein, Assemblymen Gusciora, B.Smith,
Wisniewski and Assemblywoman Gill**

SYNOPSIS

Establishes New Jersey Advisory Council on Traumatic Brain Injury and Traumatic Brain Injury Fund.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 4, 2001, with amendments.



(Sponsorship Updated As Of: 1/4/2002)

1 AN ACT concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25
26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31
32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

35 b. The council shall be composed of 26 members as follows: the
36 Commissioners of Human Services, Education, Health and Senior
37 Services, Community Affairs, Labor and Banking and Insurance, the
38 Attorney General and the State Treasurer, or their designees, who
39 shall serve ex officio and 18 public members, who shall be appointed
40 by the Governor, with the advice and consent of the Senate. Of the
41 public members, eight shall be survivors of traumatic brain injury or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted January 18, 2001.

² Assembly AAP committee amendments adopted June 4, 2001.

1 the family members of these persons and at least five shall be
2 representatives of the following groups: public or private health-
3 related organizations, disability advisory or planning groups within the
4 State, the Brain Injury Association of New Jersey, injury control
5 programs at the State or local level, and the Center for Health
6 Statistics in the Department of Health and Senior services for data
7 research purposes.

8 c. Public members shall serve for a term of three years from the
9 date of their appointment and until their successors are appointed and
10 qualified; except that of the members first appointed, six shall serve for
11 a term of one year, six shall serve for a term of two years and six shall
12 serve for a term of three years. Vacancies shall be filled for the
13 balance of the unexpired term in the same manner as the original
14 appointments were made. A member of the council shall be eligible
15 for reappointment.

16 d. The public members who are serving on the New Jersey
17 Advisory Council on Traumatic Brain Injury established by Executive
18 Order No. 84 of 1998, on the effective date of this act may complete
19 the duration of their term as members of the council established
20 pursuant to this act and are eligible for appointment to the council
21 established pursuant to this act.

22 e. The members of the council shall meet quarterly and the
23 Commissioner of Human Services, or his designee, shall serve as chair
24 of the council.

25 f. The members of the council shall serve without compensation,
26 but shall be reimbursed for necessary and reasonable expenses actually
27 incurred in the performance of their duties, within the limits of funds
28 appropriated or otherwise made available to the council for this
29 purpose.

30

31 4. (New section) The council shall:

32 a. Advise and make recommendations to the Department of Human
33 Services and other related State agencies on ways to improve and
34 develop services regarding traumatic brain injury, including the
35 coordination of these services between public and private entities;

36 b. Encourage citizen participation through the establishment of
37 public hearings and other types of community outreach and prevention
38 activities;

39 c. Encourage and stimulate research, public awareness, education
40 and prevention activities;

41 d. Oversee any programs created under the federal law, Pub.
42 L.104-166, known as the Traumatic Brain Injury Act, and any
43 successive amendments to that act, and report to the federal
44 government regarding these programs; and

45 e. Advise the Commissioner of Human Services on the
46 administration of the Traumatic Brain Injury Fund established pursuant

1 to section 5 of this act.

2

3 5. (New Section) a. There is established in the Department of the
4 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
5 Brain Injury Fund." This fund shall be the repository for monies
6 provided pursuant to ²subsection b. of² section 1 of P.L. ¹[1997]
7 1992¹, c.87 (C.39:3-8.2) and any other funds approved by the
8 Department of Human Services or the council.

9 b. The State Treasurer is the custodian of the fund and all
10 disbursements from the fund shall be made by the ¹[treasurer] State
11 Treasurer¹ upon vouchers signed by the Commissioner of Human
12 Services or his designee. The monies in the fund shall be invested
13 and reinvested by the Director of the Division of Investment in the
14 Department of the Treasury as are other trust funds in the custody of
15 the State Treasurer, in the manner provided by law. Interest received
16 on the monies in the fund shall be credited to the fund.

17

18 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
19 shall be distributed by the Department of Human Services for the
20 following purposes:

21 (1) as the payer of last resort, for the costs of post-acute care,
22 services and financial assistance provided in this State to residents of
23 this State who have survived neuro-trauma with a traumatic brain
24 injury; and

25 (2) public information and prevention education coordinated by the
26 Brain Injury Association of New Jersey.

27 b. The department, in consultation with the council, shall establish
28 eligibility criteria for the post-acute care, services and financial
29 assistance provided pursuant to this section. Expenditures for
30 traumatic brain injury care shall be made by the department.

31 (1) Total expenditures on behalf of any one eligible person shall
32 not exceed \$100,000, with no more than \$15,000 to be expended for
33 any 12-month period; except that a person may apply to the
34 department for a waiver of these expenditure limits.

35 (2) Expenditures shall be made only if comparable resources are
36 not available or are not able to be delivered in a timely manner.

37 (3) To the extent of the assistance it has provided, the fund shall
38 have first claim to any future monies received by the person with
39 traumatic brain injury as the result of a settlement or other payment
40 made in connection with the traumatic brain injury.

41 (4) In the event the department is unable to provide funds to all
42 eligible persons, the department, in consultation with the council, may
43 establish an order of selection.

44 c. The department shall accept applications for disbursements of
45 available money from the fund and maintain records of all
46 disbursements made from the fund and monies received as gifts and

1 donations. The department shall utilize existing State resources and
2 staff of participating State agencies, businesses and nonprofit
3 organizations whenever practicable.

4
5 7. (New section) The Department of Human Services shall report
6 annually on the status of the fund to the Governor and to the Senate
7 and General Assembly committees with responsibility for issues
8 affecting health or human services. The report shall include
9 information about the number of beneficiaries of the fund, average
10 expenditures per beneficiary and the average income and expenditures
11 of persons or families who received financial assistance from the fund.
12 The department also may make recommendations for changes in the
13 law and any regulations governing the fund.

14
15 8. The Commissioner of Human Services, pursuant to the
16 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
17 seq.), may adopt rules and regulations necessary to effectuate the
18 purposes of this act.

19
20 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
21 follows:

22 1. a. In addition to the motor vehicle registration fees imposed
23 pursuant to the provisions of chapter 3 of Title 39 of the Revised
24 Statutes, the director shall impose and collect an additional fee of \$1
25 to be deposited in the New Jersey Emergency Medical Service
26 Helicopter Response Program Fund created pursuant to section 2 of
27 P.L.1992, c.87 (C.26:2K-36.1).

28 b. In addition to the motor vehicle registration fees imposed
29 pursuant to the provisions of chapter 3 of Title 39 of the Revised
30 Statutes, the ²[registrant may choose to make an additional
31 separately-listed payment of \$1] director shall impose and collect an
32 additional fee of \$0.50² to be deposited in the Traumatic Brain Injury
33 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
34 before the Legislature as this bill). ²[The payment shall be included
35 in the total amount due if the registrant affirmatively indicates on the
36 registration form that he would like to contribute. The registration
37 form shall provide the registrant with the opportunity to contribute to
38 the fund by placing a mark in the appropriate box adjacent to the
39 words: "I elect to pay an additional \$1 to help people with traumatic
40 brain injury."]²
41 (cf: P.L.1992, c.87, s.1)

42
43 10. This act shall take effect immediately ²; provided however,
44 that section 9 shall remain inoperative until the first day of the sixth
45 month following enactment².

P.L. 2001, CHAPTER 332, *approved January 5, 2002*
Senate, No. 1707 (*Second Reprint*)

1 **AN ACT** concerning traumatic brain injury, amending P.L.1992, c.87
2 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The Brain Injury Association of New Jersey has identified
9 traumatic brain injury as the leading cause of death and disability
10 among children and young adults in this country;

11 b. Since the late 1970's, advances in medical technology have
12 enabled many persons with severe brain injury to survive these injuries;

13 c. Persons with brain injury may need specialized rehabilitation
14 programs and other services geared to the specific needs of these
15 individuals in order to live their lives to the maximum potential;

16 d. Most forms of insurance, both public and private, that are
17 available to people with brain injury do not cover the rehabilitative and
18 long-term care needs of these individuals;

19 e. People with brain injury and their families too often must choose
20 between financial hardship and discontinuing critical treatment and
21 services due to the substantial long term costs not paid for by their
22 insurance coverage; and

23 f. Providing treatment methods and services to people with brain
24 injury must be a priority for the State.

25

26 2. (New section) As used in this act:

27 "Council" means the New Jersey Advisory Council on Traumatic
28 Brain Injury established pursuant to section 3 of this act; and

29 "Fund" means the Traumatic Brain Injury Fund established pursuant
30 to section 5 of this act.

31

32 3. (New section) a. There is established in the Department of
33 Human Services the New Jersey Advisory Council on Traumatic Brain
34 Injury.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted January 22, 2001.

² Senate SBA committee amendments adopted November 29, 2001.

1 b. The council shall be composed of 26 members as follows: the
2 Commissioners of Human Services, Education, Health and Senior
3 Services, Community Affairs, Labor and Banking and Insurance, the
4 Attorney General and the State Treasurer, or their designees, who
5 shall serve ex officio and 18 public members, who shall be appointed
6 by the Governor, with the advice and consent of the Senate. Of the
7 public members, eight shall be survivors of traumatic brain injury or
8 the family members of these persons and at least five shall be
9 representatives of the following groups: public or private health-
10 related organizations, disability advisory or planning groups within the
11 State, the Brain Injury Association of New Jersey, injury control
12 programs at the State or local level, and the Center for Health
13 Statistics in the Department of Health and Senior services for data
14 research purposes.

15 c. Public members shall serve for a term of three years from the
16 date of their appointment and until their successors are appointed and
17 qualified; except that of the members first appointed, six shall serve for
18 a term of one year, six shall serve for a term of two years and six shall
19 serve for a term of three years. Vacancies shall be filled for the
20 balance of the unexpired term in the same manner as the original
21 appointments were made. A member of the council shall be eligible
22 for reappointment.

23 d. The public members who are serving on the New Jersey
24 Advisory Council on Traumatic Brain Injury established by Executive
25 Order No. 84 of 1998, on the effective date of this act may complete
26 the duration of their term as members of the council established
27 pursuant to this act and are eligible for appointment to the council
28 established pursuant to this act.

29 e. The members of the council shall meet quarterly and the
30 Commissioner of Human Services, or his designee, shall serve as chair
31 of the council.

32 f. The members of the council shall serve without compensation,
33 but shall be reimbursed for necessary and reasonable expenses actually
34 incurred in the performance of their duties, within the limits of funds
35 appropriated or otherwise made available to the council for this
36 purpose.

37

38 4. (New section) The council shall:

39 a. Advise and make recommendations to the Department of Human
40 Services and other related State agencies on ways to improve and
41 develop services regarding traumatic brain injury, including the
42 coordination of these services between public and private entities;

43 b. Encourage citizen participation through the establishment of
44 public hearings and other types of community outreach and prevention
45 activities;

46 c. Encourage and stimulate research, public awareness, education
47 and prevention activities;

1 d. Oversee any programs created under the federal law, Pub.
2 L.104-166, known as the Traumatic Brain Injury Act, and any
3 successive amendments to that act, and report to the federal
4 government regarding these programs; and

5 e. Advise the Commissioner of Human Services on the
6 administration of the Traumatic Brain Injury Fund established pursuant
7 to section 5 of this act.

8

9 5. (New Section) a. There is established in the Department of the
10 Treasury a nonlapsing, revolving fund to be known as the "Traumatic
11 Brain Injury Fund." This fund shall be the repository for monies
12 provided pursuant to ²subsection b. of² section 1 of P.L.¹[1997]
13 1992¹, c.87 (C.39:3-8.2) and any other funds approved by the
14 Department of Human Services or the council.

15 b. The State Treasurer is the custodian of the fund and all
16 disbursements from the fund shall be made by the ¹[treasurer] State
17 Treasurer¹ upon vouchers signed by the Commissioner of Human
18 Services or his designee. The monies in the fund shall be invested and
19 reinvested by the Director of the Division of Investment in the
20 Department of the Treasury as are other trust funds in the custody of
21 the State Treasurer, in the manner provided by law. Interest received
22 on the monies in the fund shall be credited to the fund.

23

24 6. (New Section) a. Monies in the Traumatic Brain Injury Fund
25 shall be distributed by the Department of Human Services for the
26 following purposes:

27 (1) as the payer of last resort, for the costs of post-acute care,
28 services and financial assistance provided in this State to residents of
29 this State who have survived neuro-trauma with a traumatic brain
30 injury; and

31 (2) public information and prevention education coordinated by the
32 Brain Injury Association of New Jersey.

33 b. The department, in consultation with the council, shall establish
34 eligibility criteria for the post-acute care, services and financial
35 assistance provided pursuant to this section. Expenditures for
36 traumatic brain injury care shall be made by the department.

37 (1) Total expenditures on behalf of any one eligible person shall
38 not exceed \$100,000, with no more than \$15,000 to be expended for
39 any 12-month period; except that a person may apply to the
40 department for a waiver of these expenditure limits.

41 (2) Expenditures shall be made only if comparable resources are
42 not available or are not able to be delivered in a timely manner.

43 (3) To the extent of the assistance it has provided, the fund shall
44 have first claim to any future monies received by the person with
45 traumatic brain injury as the result of a settlement or other payment
46 made in connection with the traumatic brain injury.

47 (4) In the event the department is unable to provide funds to all

1 eligible persons, the department, in consultation with the council, may
2 establish an order of selection.

3 c. The department shall accept applications for disbursements of
4 available money from the fund and maintain records of all
5 disbursements made from the fund and monies received as gifts and
6 donations. The department shall utilize existing State resources and
7 staff of participating State agencies, businesses and nonprofit
8 organizations whenever practicable.

9
10 7. (New section) The Department of Human Services shall report
11 annually on the status of the fund to the Governor and to the Senate
12 and General Assembly committees with responsibility for issues
13 affecting health or human services. The report shall include
14 information about the number of beneficiaries of the fund, average
15 expenditures per beneficiary and the average income and expenditures
16 of persons or families who received financial assistance from the fund.
17 The department also may make recommendations for changes in the
18 law and any regulations governing the fund.

19
20 8. The Commissioner of Human Services, pursuant to the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
22 seq.), may adopt rules and regulations necessary to effectuate the
23 purposes of this act.

24
25 9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as
26 follows:

27 1. a. In addition to the motor vehicle registration fees imposed
28 pursuant to the provisions of chapter 3 of Title 39 of the Revised
29 Statutes, the director shall impose and collect an additional fee of \$1
30 to be deposited in the New Jersey Emergency Medical Service
31 Helicopter Response Program Fund created pursuant to section 2 of
32 P.L.1992, c.87 (C.26:2K-36.1).

33 b. In addition to the motor vehicle registration fees imposed
34 pursuant to the provisions of chapter 3 of Title 39 of the Revised
35 Statutes, the ²[registrant may choose to make an additional
36 separately-listed payment of \$1] director shall impose and collect an
37 additional fee of \$.50² to be deposited in the Traumatic Brain Injury
38 Fund established pursuant to section 5 of P.L. , c. (C.)(pending
39 before the Legislature as this bill). ²[The payment shall be included
40 in the total amount due if the registrant affirmatively indicates on the
41 registration form that he would like to contribute. The registration
42 form shall provide the registrant with the opportunity to contribute to
43 the fund by placing a mark in the appropriate box adjacent to the
44 words: "I elect to pay an additional \$1 to help people with traumatic
45 brain injury. "]²

46 (cf: P.L.1992, c.87, s.1)

1 10. This act shall take effect immediately²; provided, however, that
2 section 9 shall remain inoperative until the first day of the sixth month
3 following enactment².

4

5

6

7

8 Establishes New Jersey Advisory Council on Traumatic Brain Injury
9 and Traumatic Brain Injury Fund.

CHAPTER 332

AN ACT concerning traumatic brain injury, amending P.L.1992, c.87 and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:6F-1 Findings, declarations relative to traumatic brain injury.

1. The Legislature finds and declares that:
 - a. The Brain Injury Association of New Jersey has identified traumatic brain injury as the leading cause of death and disability among children and young adults in this country;
 - b. Since the late 1970's, advances in medical technology have enabled many persons with severe brain injury to survive these injuries;
 - c. Persons with brain injury may need specialized rehabilitation programs and other services geared to the specific needs of these individuals in order to live their lives to the maximum potential;
 - d. Most forms of insurance, both public and private, that are available to people with brain injury do not cover the rehabilitative and long-term care needs of these individuals;
 - e. People with brain injury and their families too often must choose between financial hardship and discontinuing critical treatment and services due to the substantial long term costs not paid for by their insurance coverage; and
 - f. Providing treatment methods and services to people with brain injury must be a priority for the State.

C.30:6F-2 Definitions relative to traumatic brain injury.

2. As used in this act:

"Council" means the New Jersey Advisory Council on Traumatic Brain Injury established pursuant to section 3 of this act; and

"Fund" means the Traumatic Brain Injury Fund established pursuant to section 5 of this act.

C.30:6F-3 New Jersey Advisory Council on Traumatic Brain Injury.

3. a. There is established in the Department of Human Services the New Jersey Advisory Council on Traumatic Brain Injury.
- b. The council shall be composed of 26 members as follows: the Commissioners of Human Services, Education, Health and Senior Services, Community Affairs, Labor and Banking and Insurance, the Attorney General and the State Treasurer, or their designees, who shall serve ex officio and 18 public members, who shall be appointed by the Governor, with the advice and consent of the Senate. Of the public members, eight shall be survivors of traumatic brain injury or the family members of these persons and at least five shall be representatives of the following groups: public or private health-related organizations, disability advisory or planning groups within the State, the Brain Injury Association of New Jersey, injury control programs at the State or local level, and the Center for Health Statistics in the Department of Health and Senior Services for data research purposes.
- c. Public members shall serve for a term of three years from the date of their appointment and until their successors are appointed and qualified; except that of the members first appointed, six shall serve for a term of one year, six shall serve for a term of two years and six shall serve for a term of three years. Vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointments were made. A member of the council shall be eligible for reappointment.
- d. The public members who are serving on the New Jersey Advisory Council on Traumatic Brain Injury established by Executive Order No. 84 of 1998, on the effective date of this act may complete the duration of their term as members of the council established pursuant to this act and are eligible for appointment to the council established pursuant to this act.
- e. The members of the council shall meet quarterly and the Commissioner of Human Services, or his designee, shall serve as chair of the council.
- f. The members of the council shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses actually incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the council for this purpose.

C.30:6F-4 Duties of council.

4. The council shall:

- a. Advise and make recommendations to the Department of Human Services and other related State agencies on ways to improve and develop services regarding traumatic brain injury, including the coordination of these services between public and private entities;
- b. Encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;
- c. Encourage and stimulate research, public awareness, education and prevention activities;
- d. Oversee any programs created under the federal law, Pub. L.104-166, known as the Traumatic Brain Injury Act, and any successive amendments to that act, and report to the federal government regarding these programs; and
- e. Advise the Commissioner of Human Services on the administration of the Traumatic Brain Injury Fund established pursuant to section 5 of this act.

C.30:6F-5 "Traumatic Brain Injury Fund."

5. a. There is established in the Department of the Treasury a nonlapsing, revolving fund to be known as the "Traumatic Brain Injury Fund." This fund shall be the repository for monies provided pursuant to subsection b. of section 1 of P.L.1992, c.87 (C.39:3-8.2) and any other funds approved by the Department of Human Services or the council.

b. The State Treasurer is the custodian of the fund and all disbursements from the fund shall be made by the State Treasurer upon vouchers signed by the Commissioner of Human Services or his designee. The monies in the fund shall be invested and reinvested by the Director of the Division of Investment in the Department of the Treasury as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Interest received on the monies in the fund shall be credited to the fund.

C.30:6F-6 Distribution of monies.

6. a. Monies in the Traumatic Brain Injury Fund shall be distributed by the Department of Human Services for the following purposes:

(1) as the payer of last resort, for the costs of post-acute care, services and financial assistance provided in this State to residents of this State who have survived neuro-trauma with a traumatic brain injury; and

(2) public information and prevention education coordinated by the Brain Injury Association of New Jersey.

b. The department, in consultation with the council, shall establish eligibility criteria for the post-acute care, services and financial assistance provided pursuant to this section. Expenditures for traumatic brain injury care shall be made by the department.

(1) Total expenditures on behalf of any one eligible person shall not exceed \$100,000, with no more than \$15,000 to be expended for any 12-month period; except that a person may apply to the department for a waiver of these expenditure limits.

(2) Expenditures shall be made only if comparable resources are not available or are not able to be delivered in a timely manner.

(3) To the extent of the assistance it has provided, the fund shall have first claim to any future monies received by the person with traumatic brain injury as the result of a settlement or other payment made in connection with the traumatic brain injury.

(4) In the event the department is unable to provide funds to all eligible persons, the department, in consultation with the council, may establish an order of selection.

c. The department shall accept applications for disbursements of available money from the fund and maintain records of all disbursements made from the fund and monies received as gifts and donations. The department shall utilize existing State resources and staff of participating State agencies, businesses and nonprofit organizations whenever practicable.

C.30:6F-7 Annual report on status of fund.

7. The Department of Human Services shall report annually on the status of the fund to the Governor and to the Senate and General Assembly committees with responsibility for issues affecting health or human services. The report shall include information about the number of

beneficiaries of the fund, average expenditures per beneficiary and the average income and expenditures of persons or families who received financial assistance from the fund. The department also may make recommendations for changes in the law and any regulations governing the fund.

C.30:6F-8 Rules, regulations.

8. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations necessary to effectuate the purposes of this act.

9. Section 1 of P.L.1992, c.87 (C.39:3-8.2) is amended to read as follows:

C.39:3-8.2 Additional fees.

1. a. In addition to the motor vehicle registration fees imposed pursuant to the provisions of chapter 3 of Title 39 of the Revised Statutes, the director shall impose and collect an additional fee of \$1 to be deposited in the New Jersey Emergency Medical Service Helicopter Response Program Fund created pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1).

b. In addition to the motor vehicle registration fees imposed pursuant to the provisions of chapter 3 of Title 39 of the Revised Statutes, the director shall impose and collect an additional fee of \$.50 to be deposited in the Traumatic Brain Injury Fund established pursuant to section 5 of P.L.2001, c.332 (C.30:6F-5).

10. This act shall take effect immediately; provided, however, that section 9 shall remain inoperative until the first day of the sixth month following enactment

Approved January 5, 2002.