

2024 Regular Session

SENATE BILL NO. 11

BY SENATOR FOIL

FUNDS/FUNDING. Provides relative to the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund. (See Act)

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AN ACT

To amend and reenact R.S. 36:258(F) and 259(F)(1), R.S. 36:258(F) as amended and reenacted by Section 3 of Act No. 384 of the 2013 Regular Session of the Legislature, and R.S. 46:2631, 2632(1), (3), and (5), 2633(A), (C), (D)(1), and (E)(4), 2634(A), the introductory paragraph of 2634(B), 2634(B)(2), (5), and (7), and (H), and 2635(A) through (D), relative to the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund; to rename the fund; to provide for purposes and uses of the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:258(F) and 259(F)(1) are hereby amended and reenacted to read as follows:

§258. Offices; purposes and functions

* * *

F. The office of aging and adult services shall be responsible for the programs and functions of the Louisiana Department of Health related to the long-term care of the elderly and the protection and long-term care of persons with adult onset disabilities. It shall administer the residential state-operated nursing homes, the Villa

1 Feliciana Medical Complex, the protection services program of adults from ages
 2 eighteen to fifty-nine, the department's long-term support and services programs, the
 3 State Personal Assistance Services program, the Community and Family Support
 4 Program, the Traumatic **Head Brain** and Spinal Cord Injury Trust Fund, as well as
 5 other related programs within the department.

6 * * *

7 §259. Transfer of agencies and functions to Louisiana Department of Health

8 * * *

9 F. The following agencies are hereby placed within the Louisiana Department
 10 of Health and shall exercise and perform their powers, duties, functions, and
 11 responsibilities in accordance with the provisions of R.S. 36:901 et seq.:

12 (1) Traumatic **Head Brain** and Spinal Cord Injury Trust Fund Advisory
 13 Board (R.S. 46:2631 et seq.).

14 * * *

15 Section 2. R.S. 46:2631, 2632(1), (3), and (5), 2633(A), (C), (D)(1), and (E)(4),
 16 2634(A), the introductory paragraph of 2634(B), 2634(B)(2), (5), and (7), and (H), and
 17 2635(A) through (D) are hereby amended and reenacted to read as follows:

18 CHAPTER 48. LOUISIANA TRAUMATIC ~~HEAD~~ **BRAIN** AND
 19 SPINAL CORD INJURY TRUST FUND

20 §2631. Purpose

21 The purpose of this Chapter is to provide for the development of a
 22 rehabilitation program for persons disabled by traumatic ~~head~~ **brain** and spinal cord
 23 injuries through the establishment of a trust fund in the state treasury to be funded
 24 by additional fees imposed on motor vehicle violations in this state for the offenses
 25 of driving under the influence, reckless operation, and speeding. The purpose of the
 26 Traumatic **Head Brain** and Spinal Cord Injury Trust Fund is to provide Louisiana
 27 citizens who survive traumatic ~~head~~ **brain** or spinal cord injuries a source of funds
 28 for services enabling them with assistance to return to a reasonable level of
 29 functioning and independent living in their communities.

1 §2632. Definitions

2 As used in this Chapter, the following terms shall have the following
3 meanings:

4 (1) "Board" means the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust
5 Fund Advisory Board.

6 * * *

7 (3) "Fund" means the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust
8 Fund.

9 * * *

10 (5) "Traumatic ~~head~~ **brain** injury" means an insult to the head, affecting the
11 brain, not of a degenerative or congenital nature, but caused by an external physical
12 force that may produce a diminished or altered state of consciousness which results
13 in an impairment of cognitive abilities or physical functioning. These impairments
14 may be either temporary or permanent and cause partial or total functional disability
15 or psychological maladjustment.

16 §2633. Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund

17 A. There is hereby established a special fund in the state treasury to be known
18 as the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund which shall consist
19 of monies collected from an additional fee imposed on all motor vehicle violations
20 for driving under the influence, reckless operation, and speeding in this state. In
21 addition, the legislature may make annual appropriations to the trust fund for the
22 purpose set forth in this Chapter to the extent that state general funds are available.

23 * * *

24 C. All monies collected under this Chapter shall be forwarded by the officer
25 of the court who collects the same to the state treasurer within thirty days after the
26 penalty or forfeiture is collected. After deposit in the Bond Security and Redemption
27 Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, an
28 amount equal to that deposited as required by Subsection A of this Section shall be
29 credited to the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund account

1 under the Louisiana Department of Health, office of aging and adult services. All
 2 unexpended and unencumbered monies in the fund at the end of the fiscal year shall
 3 remain in the fund. The monies in this fund shall be invested by the state treasurer
 4 in the same manner as monies in the state general fund, and interest earned on the
 5 investment of these monies shall be credited to the fund, following compliance with
 6 the requirement of Article VII, Section 9(B) relative to the Bond Security and
 7 Redemption Fund.

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

17 * * *

18 E. The department shall:

19 * * *

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

24 * * *

25 §2634. Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund Advisory Board;
 26 creation; membership

27 A. There is hereby created the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury
 28 Trust Fund Advisory Board within the Louisiana Department of Health, office of
 29 aging and adult services.

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

3 * * *

4 (2) A representative of an organization recognized for its work in advocacy
5 programs for persons with traumatic ~~head~~ **brain** injury, appointed by the governor
6 from a list of names submitted by such organization.

7 * * *

8 (5) A survivor of a traumatic ~~head~~ **brain** injury appointed by the governor.

9 * * *

10 (7) A family member of a survivor of a traumatic ~~head~~ **brain** injury
11 appointed by the governor.

12 * * *

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

16 §2635. Expenditures

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

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

27 C. Expenditures may include but are not limited to post-acute medical care
28 rehabilitation, therapies, medication, attendant care, home or vehicle accessibility
29 modifications, and equipment necessary for activities of daily living, provided that

1 such expenses are related to the spinal cord injury or traumatic ~~head~~ **brain** injury.

2 D.(1) Except as provided in Paragraph (2) of this Subsection, expenditures
3 on behalf of any one traumatic ~~head~~ **brain** or spinal cord injury survivor shall not
4 exceed fifteen thousand dollars for any twelve-month period nor fifty thousand
5 dollars in total expenditures.

6 (2) If the total expenditures on behalf of any one traumatic ~~head~~ **brain** or
7 spinal cord injury survivor exceed fifty thousand dollars, the survivor may be eligible
8 for additional expenditures on behalf of the survivor if funds are appropriated
9 specifically for that purpose in addition to the funds collected pursuant to R.S.
10 46:2633(B), provided that the total amount of expenditures on behalf of any one
11 traumatic ~~head~~ **brain** or spinal cord injury survivor shall not exceed fifteen thousand
12 dollars per year nor one hundred thousand dollars in total expenditures.

13 * * *

14 Section 3. R.S. 36:258(F) as amended and reenacted by Section 3 of Act No. 384 of
15 the 2013 Regular Session of the Legislature is hereby amended and reenacted to read as
16 follows:

17 F. The office of aging and adult services shall be responsible for the programs
18 and functions of the Louisiana Department of Health related to the long-term care
19 of the elderly and the protection and long-term care of persons with adult onset
20 disabilities. It shall administer the residential state-operated nursing homes, the Villa
21 Feliciana Medical Complex, the protection services program of adults from ages
22 eighteen to fifty-nine, the department's long-term support and services programs, the
23 State Personal Assistance Services program, the Community and Family Support
24 Program, the Traumatic ~~Head~~ **Brain** and Spinal Cord Injury Trust Fund, as well as
25 other related programs within the department. The office shall have no responsibility
26 or authority for any programs or functions assigned by the Louisiana Revised
27 Statutes of 1950 to the Department of Elderly Affairs.

28 Section 4.(A) This Section and Sections 1 and 2 of this Act shall become effective
29 on February 1, 2025.

1 (B) Section 3 of this Act shall become effective upon the effective date of the
 2 abolition of one or more of the twenty departments in the executive branch of state
 3 government or upon the effective date of a constitutional amendment that authorizes creation
 4 of an executive branch department in addition to the twenty departments authorized by
 5 Constitution Article IV, Section 1(B), whichever such effective date is earlier.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Amanda Trapp.

DIGEST

SB 11 Engrossed

2024 Regular Session

Foil

Present law creates the Louisiana Traumatic Head and Spinal Cord Injury Trust Fund.

Proposed law changes the name of the trust fund to the Louisiana Traumatic Brain and Spinal Cord Injury Trust Fund.

Present law provides that the purpose of the trust fund is to provide funds for survivors of traumatic head or spinal injury.

Proposed law changes traumatic head injury to traumatic brain injury.

The provisions renaming the trust fund and providing for the purpose of the fund are effective February 1, 2025.

The provision making technical changes relative to the Dept. of Elderly Affairs is effective upon the effective date of the abolition of one or more of the 20 departments in the executive branch or upon the effective date of a constitutional amendment that authorizes creation of an additional executive branch department, whichever effective date is earlier.

(Amends R.S. 36:258(F) and 259(F)(1), R.S. 36:258(F) as amended and reenacted by §3 of Act No. 384 of the 2013 R.S., R.S. 46:2631, 2632(1), (3), and (5), 2633(A), (C), (D)(1), and (E)(4), 2634(A), 2634(B)(intro para), 2634(B)(2), (5), and (7), and (H), and 2635(A)-(D))