

A-Engrossed
Senate Bill 700

Ordered by the Senate April 28
Including Senate Amendments dated April 28

Sponsored by Senator KNOPP; Senators GELSER, PATTERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Oregon Brain Injury [*Trust Fund*] Board to administer programs paid for by Oregon Brain Injury [*Trust*] Fund to provide service coordination and skills training to individuals with brain injuries, provide educational information to increase awareness and understanding of issues and needs related to brain injuries and to provide grants to support research into treatment of brain injuries.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to brain injuries; creating new provisions; amending ORS 137.300; and declaring an emer-
3 gency.

4 Whereas finding treatment and medical care can be incredibly difficult for survivors of trau-
5 matic brain injury; and

6 Whereas beyond finding treatment, the cost of treatment is often very high, meaning that indi-
7 viduals with more resources at their disposal are far more likely to get the care they need; and

8 Whereas our complex health care system is in many ways even more complex when it comes to
9 brain injury recovery and this creates a need for service coordination for patients and skills training
10 for providers and administrative health care staff; and

11 Whereas increased efficiency would save money for low-income patients and for taxpayers who
12 support publicly funded health care programs; and

13 Whereas brain injury science is a fast growing body of research, but there is still so much to
14 learn; and

15 Whereas supporting brain injury patients also requires investments in brain injury research to
16 continue learning the most effective way to support patients' recoveries; now, therefore,

17 **Be It Enacted by the People of the State of Oregon:**

18 **SECTION 1. (1) The Oregon Brain Injury Board is established in the Department of Hu-**
19 **man Services.**

20 **(2) The board consists of the following members:**

21 **(a) The Director of Human Services or the director's designee, who serves ex officio;**

22 **(b) The executive director of the Center on Brain Injury Research and Training or the**
23 **executive director's designee, who serves ex officio;**

24 **(c) The Director of the Oregon Health Authority or the director's designee, who serves**
25 **ex officio; and**

26 **(d) The following individuals appointed by the Governor, representing rural and urban**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 areas of this state to the greatest extent practicable:

2 (A) Two individuals who have experienced a brain injury and at least one family member
3 of an individual with a brain injury; and

4 (B) Up to seven individuals with an interest and expertise in the area of brain injury, two
5 of whom must be individuals who have specific personal or professional experience with brain
6 injury and the remaining of whom may be:

7 (i) Physicians with experience and a strong interest in the provision of care to individuals
8 with brain injuries, including but not limited to neurologists, neuropsychiatrists, physiatrists
9 or other medical doctors who have direct experience working with individuals with brain in-
10 juries;

11 (ii) Social workers, nurses, neuropsychologists or clinical psychologists who have experi-
12 ence working with individuals with brain injuries;

13 (iii) Rehabilitation specialists, such as speech pathologists, vocational rehabilitation
14 counselors, occupational therapists or physical therapists, who have experience working with
15 individuals with brain injuries;

16 (iv) Clinical research scientists who have experience evaluating individuals with brain
17 injuries;

18 (v) Civilians or servicemembers with brain injuries or family members of civilians or
19 servicemembers with brain injuries;

20 (vi) Individuals with expertise in working with children with brain injuries; or

21 (vii) Individuals who have experience and specific interest in the needs of and services
22 for individuals with brain injuries.

23 (3) The term of office of each member of the board who does not serve ex officio is three
24 years, but serves at the pleasure of the Governor. Before the expiration of the term of a
25 member, the Governor shall appoint a successor whose term begins on January 1 next fol-
26 lowing. A member is eligible for reappointment for up to two consecutive terms. If there is
27 a vacancy for any cause, the Governor shall make an appointment to become immediately
28 effective for the unexpired term.

29 (4) The appointment of each member of the board appointed by the Governor is subject
30 to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

31 (5) A member of the board is not entitled to compensation for service on the board but
32 may be reimbursed for actual and necessary travel and other expenses incurred by the
33 member in the performance of the member's official duties in the manner and amount pro-
34 vided in ORS 292.495.

35 (6) The board shall select one of its members as chairperson and another as vice chair-
36 person, for terms and with duties and powers necessary for the performance of the functions
37 of the offices as the board determines.

38 (7) A majority of the members of the board constitutes a quorum for the transaction of
39 business.

40 (8) In accordance with applicable provisions of ORS chapter 183, the board may adopt
41 rules necessary for the administration of the laws that the board is charged with adminis-
42 tering.

43 (9) The board may contract with third parties to provide services described in section 4
44 of this 2021 Act to individuals with brain injuries.

45 (10) ORS chapter 183 applies to the board.

1 (11) The board may solicit and accept gifts, grants and donations from public and private
2 sources for the purpose of carrying out the provisions of sections 1 to 5 of this 2021 Act,
3 which moneys shall be deposited into the Oregon Brain Injury Fund established under section
4 3 of this 2021 Act.

5 (12) The Department of Human Services shall provide staff support to the board and shall
6 facilitate the administrative functions of the board described in section 4 of this 2021 Act.

7 **SECTION 2.** Notwithstanding the term of office specified by section 1 of this 2021 Act,
8 of the members first appointed to the Oregon Brain Injury Board who are not ex officio
9 members:

10 (1) Three shall serve for a term ending December 31, 2022.

11 (2) Three shall serve for a term ending December 31, 2023.

12 (3) Three shall serve for a term ending December 31, 2024.

13 **SECTION 3.** The Oregon Brain Injury Fund is established in the State Treasury, separate
14 and distinct from the General Fund, consisting of gifts, grants and donations from public and
15 private sources received by the Oregon Brain Injury Board, allocations to the Oregon Brain
16 Injury Fund from the Criminal Fine Account and other moneys that may be appropriated to
17 the board by the Legislative Assembly. Interest earned by the Oregon Brain Injury Fund
18 shall be credited to the fund. Moneys in the fund are continuously appropriated to the
19 Oregon Brain Injury Board for carrying out the board's duties under sections 1 to 5 of this
20 2021 Act, for reimbursing the costs of the Department of Human Services in providing staff
21 and administrative support to the board and for providing services, education and grants
22 described in section 4 of this 2021 Act.

23 **SECTION 4.** (1) As used in this section, "brain injury" means damage to the brain from
24 an internal or external source that occurs after birth and is not congenital, degenerative or
25 hereditary, that results in total or partial impairment in functioning in one or more activ-
26 ities of daily living, including but not limited to attention, memory, reasoning, problem
27 solving, processing speed, decision-making, learning, perception, sensing, speech and lan-
28 guage, motor and physical function or psychosocial behavior and is of sufficient severity to
29 produce partial or total disability.

30 (2) The Oregon Brain Injury Board shall use moneys in the Oregon Brain Injury Fund
31 to provide services to individuals with brain injuries and to support research and education
32 to increase awareness and understanding of issues and needs related to brain injuries.

33 (3) The board shall monitor expenditures from the fund and may establish criteria to
34 preclude abuses in expenditures by, for example, limiting the fees of providers of services to
35 amounts deemed by the board to be reasonable and equitable.

36 (4) Annually, the board shall establish the percentage of the moneys in the fund to be
37 expended on:

38 (a) Service coordination, skills training and resource facilitation for individuals with
39 brain injuries;

40 (b) Education related to increasing understanding of brain injuries; and

41 (c) Grants to support research related to the treatment and understanding of brain in-
42 juries, awarded in consultation with educational institutions or private institutions in this
43 state or in other states.

44 (5) At least 55 percent of the moneys in the fund shall be expended for services described
45 in subsection (4)(a) of this section.

1 **(6) The board shall prioritize research related to traumatic brain injuries in awarding**
2 **grants.**

3 **(7) The board shall establish:**

4 **(a) Eligibility requirements for services described in subsection (4)(a) of this section, in-**
5 **cluding required documentation of brain injury through medical history, to prioritize the**
6 **types of services to be paid for by the fund while ensuring that the expenditures serve indi-**
7 **viduals with brain injuries; and**

8 **(b) Application processes and procedures for the administration of the grant program**
9 **described in subsection (4)(c) of this section.**

10 **(8) To qualify for services described in subsection (4)(a) of this section, an individual is**
11 **not required to exhaust all private funds. Individuals who have health insurance, medical**
12 **assistance or other source of coverage for health services may receive services described in**
13 **subsection (4)(a) of this section that are not covered by their insurance, medical assistance**
14 **or other source of coverage.**

15 **(9) Moneys in the fund may not be expended for institutionalization, hospitalization or**
16 **medication.**

17 **SECTION 5. No later than September 1 of each year, the Oregon Brain Injury Board shall**
18 **report to the Joint Interim Committee on Ways and Means and the interim committees of**
19 **the Legislative Assembly related to health, in the manner provided in ORS 192.245, on the**
20 **expenditures of the board from the Oregon Brain Injury Fund, the number of individuals with**
21 **brain injuries that received services described in section 4 (4)(a) of this 2021 Act, the educa-**
22 **tional information provided under section 4 (4)(b) of this 2021 Act and the research grants**
23 **awarded under section 4 (4)(c) of this 2021 Act and the progress on the grants.**

24 **SECTION 6. ORS 137.300 is amended to read:**

25 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
26 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
27 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
28 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
29 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
30 of the account.

31 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
32 following purposes, in the following order of priority:

33 (a) Allocations for public safety standards, training and facilities.

34 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
35 dren reasonably suspected of being victims of crime.

36 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
37 limited to, services of the Chief Medical Examiner.

38 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

39 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
40 allocate moneys from the Criminal Fine Account for the following purposes:

41 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
42 414.815.

43 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

44 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
45 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol

1 programs.

2 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
3 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
4 vention and treatment services provided through a county.

5 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
6 ing to driving under the influence of intoxicants.

7 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

8 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

9 (h) Allocations to the State Court Technology Fund established under ORS 1.012.

10 (i) **Allocations to the Oregon Brain Injury Fund established in section 3 of this 2021 Act.**

11 (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
12 under subsection (3) of this section be consistent with historical funding of the entities, programs
13 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
14 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed
15 to counties based on the amounts that were transferred to counties by circuit courts during the
16 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

17 (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
18 obligations.

19 (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
20 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have
21 been made.

22 (7) The Department of Revenue shall establish by rule a process for distributing moneys in the
23 Criminal Fine Account. The department may not distribute more than one-eighth of the total
24 biennial allocation to an entity during a calendar quarter.

25 **SECTION 7. This 2021 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
27 **on its passage.**

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