

# Senate Bill 700

Sponsored by Senator KNOPP

## 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 **as introduced**.

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 Trust Fund Board is established in the De-**  
19 **partment of Human 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**  
27 **areas of the state to the greatest extent practicable:**

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

**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 (B) Up to seven individuals, appointed by the Governor, with an interest and expertise in  
2 the area of brain injury, two of whom must be individuals who have specific personal or  
3 professional experience with brain injury and the remaining may be:

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

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

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

13 (iv) Clinical research scientists who have experience evaluating individuals with brain  
14 injuries;

15 (v) Civilians or servicemembers with brain injuries or family members of civilians or  
16 servicemembers with brain injuries;

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

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

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

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

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

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

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

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

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

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

43 (11) The board may solicit and accept gifts, grants and donations from public and private  
44 sources for the purpose of carrying out the provisions of sections 1 to 5 of this 2021 Act,  
45 which moneys shall be deposited in the Oregon Brain Injury Trust Fund established under

1 section 3 of this 2021 Act.

2 (12) The department shall provide staff support to the board.

3 **SECTION 2.** Notwithstanding the term of office specified by section 1 of this 2021 Act,  
 4 of the members first appointed to the Oregon Brain Injury Trust Fund Board who are not  
 5 ex officio members:

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

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

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

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

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

26 (2) The Oregon Brain Injury Trust Fund Board shall use moneys in the Oregon Brain  
 27 Injury Trust Fund to provide services to individuals with brain injuries and to support re-  
 28 search and education to increase awareness and understanding of issues and needs related  
 29 to brain injuries.

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

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

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

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

38 (c) Grants to support research related to related to the treatment and understanding of  
 39 brain injuries, awarded in consultation with educational institutions or private institutions  
 40 in this state or in other states.

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

43 (6) The board shall prioritize research related to traumatic brain injuries in awarding  
 44 grants.

45 (7) The board shall establish:

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

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

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

12 (9) Moneys in the fund may not be expended for institutionalization, hospitalization or  
 13 medication.

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

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

22 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise  
 23 provided by law, all amounts collected in state courts as monetary obligations in criminal actions  
 24 shall be deposited by the courts in the account. All moneys in the account are continuously appro-  
 25 priated to the Department of Revenue to be distributed by the Department of Revenue as provided  
 26 in this section. The Department of Revenue shall keep a record of moneys transferred into and out  
 27 of the account.

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

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

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

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

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

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

38 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS  
 39 414.815.

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

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

44 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for  
 45 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-

1 vention and treatment services provided through a county.

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

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

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

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

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

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

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

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

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

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

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