

## SENATE AMENDMENTS TO SENATE BILL 700

By COMMITTEE ON HEALTH CARE

April 28

- 1 On page 1 of the printed bill, delete lines 18 through 29 and delete pages 2 through 5 and insert:
- 2 **“SECTION 1. (1) The Oregon Brain Injury Board is established in the Department of**
- 3 **Human Services.**
- 4 **“(2) The board consists of the following members:**
- 5 **“(a) The Director of Human Services or the director’s designee, who serves ex officio;**
- 6 **“(b) The executive director of the Center on Brain Injury Research and Training or the**
- 7 **executive director’s designee, who serves ex officio;**
- 8 **“(c) The Director of the Oregon Health Authority or the director’s designee, who serves**
- 9 **ex officio; and**
- 10 **“(d) The following individuals appointed by the Governor, representing rural and urban**
- 11 **areas of this state to the greatest extent practicable:**
- 12 **“(A) Two individuals who have experienced a brain injury and at least one family member**
- 13 **of an individual with a brain injury; and**
- 14 **“(B) Up to seven individuals with an interest and expertise in the area of brain injury,**
- 15 **two of whom must be individuals who have specific personal or professional experience with**
- 16 **brain injury and the remaining of whom may be:**
- 17 **“(i) Physicians with experience and a strong interest in the provision of care to individ-**
- 18 **uals with brain injuries, including but not limited to neurologists, neuropsychiatrists,**
- 19 **physiatrists or other medical doctors who have direct experience working with individuals**
- 20 **with brain injuries;**
- 21 **“(ii) Social workers, nurses, neuropsychologists or clinical psychologists who have expe-**
- 22 **rience working with individuals with brain injuries;**
- 23 **“(iii) Rehabilitation specialists, such as speech pathologists, vocational rehabilitation**
- 24 **counselors, occupational therapists or physical therapists, who have experience working with**
- 25 **individuals with brain injuries;**
- 26 **“(iv) Clinical research scientists who have experience evaluating individuals with brain**
- 27 **injuries;**
- 28 **“(v) Civilians or servicemembers with brain injuries or family members of civilians or**
- 29 **servicemembers with brain injuries;**
- 30 **“(vi) Individuals with expertise in working with children with brain injuries; or**
- 31 **“(vii) Individuals who have experience and specific interest in the needs of and services**
- 32 **for individuals with brain injuries.**
- 33 **“(3) The term of office of each member of the board who does not serve ex officio is three**
- 34 **years, but serves at the pleasure of the Governor. Before the expiration of the term of a**
- 35 **member, the Governor shall appoint a successor whose term begins on January 1 next fol-**

1 lowing. A member is eligible for reappointment for up to two consecutive terms. If there is  
2 a vacancy for any cause, the Governor shall make an appointment to become immediately  
3 effective for the unexpired term.

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

6 “(5) A member of the board is not entitled to compensation for service on the board but  
7 may be reimbursed for actual and necessary travel and other expenses incurred by the  
8 member in the performance of the member’s official duties in the manner and amount pro-  
9 vided in ORS 292.495.

10 “(6) The board shall select one of its members as chairperson and another as vice  
11 chairperson, for terms and with duties and powers necessary for the performance of the  
12 functions of the offices as the board determines.

13 “(7) A majority of the members of the board constitutes a quorum for the transaction  
14 of business.

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

18 “(9) The board may contract with third parties to provide services described in section  
19 4 of this 2021 Act to individuals with brain injuries.

20 “(10) ORS chapter 183 applies to the board.

21 “(11) The board may solicit and accept gifts, grants and donations from public and private  
22 sources for the purpose of carrying out the provisions of sections 1 to 5 of this 2021 Act,  
23 which moneys shall be deposited into the Oregon Brain Injury Fund established under section  
24 3 of this 2021 Act.

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

28 “SECTION 2. Notwithstanding the term of office specified by section 1 of this 2021 Act,  
29 of the members first appointed to the Oregon Brain Injury Board who are not ex officio  
30 members:

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

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

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

34 “SECTION 3. The Oregon Brain Injury Fund is established in the State Treasury, sepa-  
35 rate and distinct from the General Fund, consisting of gifts, grants and donations from  
36 public and private sources received by the Oregon Brain Injury Board, allocations to the  
37 Oregon Brain Injury Fund from the Criminal Fine Account and other moneys that may be  
38 appropriated to the board by the Legislative Assembly. Interest earned by the Oregon Brain  
39 Injury Fund shall be credited to the fund. Moneys in the fund are continuously appropriated  
40 to the Oregon Brain Injury Board for carrying out the board’s duties under sections 1 to 5  
41 of this 2021 Act, for reimbursing the costs of the Department of Human Services in providing  
42 staff and administrative support to the board and for providing services, education and  
43 grants described in section 4 of this 2021 Act.

44 “SECTION 4. (1) As used in this section, ‘brain injury’ means damage to the brain from  
45 an internal or external source that occurs after birth and is not congenital, degenerative or

1 hereditary, that results in total or partial impairment in functioning in one or more activ-  
2 ities of daily living, including but not limited to attention, memory, reasoning, problem  
3 solving, processing speed, decision-making, learning, perception, sensing, speech and lan-  
4 guage, motor and physical function or psychosocial behavior and is of sufficient severity to  
5 produce partial or total disability.

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

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

12 “(4) Annually, the board shall establish the percentage of the moneys in the fund to be  
13 expended on:

14 “(a) Service coordination, skills training and resource facilitation for individuals with  
15 brain injuries;

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

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

20 “(5) At least 55 percent of the moneys in the fund shall be expended for services de-  
21 scribed in subsection (4)(a) of this section.

22 “(6) The board shall prioritize research related to traumatic brain injuries in awarding  
23 grants.

24 “(7) The board shall establish:

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

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

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

36 “(9) Moneys in the fund may not be expended for institutionalization, hospitalization or  
37 medication.

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

45 “**SECTION 6.** ORS 137.300 is amended to read:

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

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

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

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

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

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

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

17       “(a) Allocations to the Law Enforcement Medical Liability Account established under ORS  
18 414.815.

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

20       “(c) Allocations to the Department of Corrections for the purpose of planning, operating and  
21 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol  
22 programs.

23       “(d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345  
24 for the establishment, operation and maintenance of alcohol and drug abuse prevention, early  
25 intervention and treatment services provided through a county.

26       “(e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws re-  
27 lating to driving under the influence of intoxicants.

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

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

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

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

32       “(4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account  
33 under subsection (3) of this section be consistent with historical funding of the entities, programs  
34 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal  
35 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed  
36 to counties based on the amounts that were transferred to counties by circuit courts during the  
37 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

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

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

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

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

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