

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 722

H.P. 543

House of Representatives, February 13, 2007

An Act To Create the Acquired Brain Injury Fund

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Representative MAKAS of Lewiston, Senator NUTTING of Androscoggin and Representatives: BRYANT of Windham, DUNN of Bangor, FAIRCLOTH of Bangor, GROSE of Woolwich, PERRY of Calais, WAGNER of Lewiston, WALCOTT of Lewiston, WEBSTER of Freeport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-I, sub-§47-G** is enacted to read:

3 **47-G.**

4 <u>Human</u>	<u>Acquired Brain</u>	<u>Expenses Only</u>	<u>22 MRSA</u>
5 <u>Services</u>	<u>Injury Advisory</u>		<u>§3089-B</u>
6	<u>Council</u>		

7 **Sec. 2. 22 MRSA §3089-A** is enacted to read:

8 **§3089-A. Acquired Brain Injury Fund**

9 There is established the Acquired Brain Injury Fund, an interest-bearing account,
10 referred to in this section as "the fund." The fund receives money appropriated or
11 allocated to the fund and any other money contributed voluntarily to the fund. The fund
12 is administered by the Maine Center for Disease Control and Prevention. All money
13 deposited in the fund and the earnings on that money remain in the fund and are subject
14 to the following requirements.

15 **1. MaineCare waiver.** Up to 10% of the balance in the fund on July 1st each year
16 may be used to provide state matching funds for a MaineCare waiver program for persons
17 with brain injuries.

18 **2. Acquired Brain Injury Advisory Council.** The fund may be used to pay the
19 expenses of the Acquired Brain Injury Advisory Council established under section 3089-
20 B.

21 **3. Services; other purposes.** The remainder of the fund, after expenditures
22 authorized under subsection 1, may be used to provide for vocational supportive services,
23 community reintegration services and supported living services. The fund may also be
24 used to support information and referral services, public and professional education and
25 the prevention of brain injuries.

26 **4. Administrative and personnel costs.** Money in the fund may be used for the
27 necessary administrative and personnel costs associated with the management of the fund.

28 **5. Limitation.** Money in the fund may not be deposited in the General Fund or any
29 other fund except as specifically provided by law.

30 **Sec. 3. 22 MRSA §3089-B** is enacted to read:

31 **§3089-B. Acquired Brain Injury Advisory Council**

32 There is established the Acquired Brain Injury Advisory Council, referred to in this
33 section as "the council," to provide advice and make recommendations to the
34 commissioner, the Director of the Maine Center for Disease Control and Prevention and
35 the Director of the Office of MaineCare Services. The commissioner shall appoint 16

1 persons to serve as the members of the council. Members of the council must represent
2 persons with acquired brain injuries, families of those persons and providers of services
3 to persons with acquired brain injuries. Members of the council serve without
4 compensation but are entitled to reimbursement of reasonable expenses for attending
5 meetings of and serving on the council.

6 **Sec. 4. Waiver application.** By January 1, 2008, the Department of Health and
7 Human Services shall apply to the United States Department of Health and Human
8 Services, Centers for Medicare and Medicaid Services for a waiver under the MaineCare
9 program to provide a program of services and supports for persons with acquired brain
10 injuries.

11 **Sec. 5. Appropriations and allocations.** The following appropriations and
12 allocations are made.

13 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

14 **Maine Center for Disease Control and Prevention**

15 Initiative: Provides funding for the Acquired Brain Injury Fund established under the
16 Maine Revised Statutes, Title 22, section 3089-A.

17

18 GENERAL FUND	2007-08	2008-09
19 All Other	\$1,400,000	\$1,400,000
20		
21 GENERAL FUND TOTAL	<u>\$1,400,000</u>	<u>\$1,400,000</u>

22 **SUMMARY**

23 This bill establishes the Acquired Brain Injury Fund and the Acquired Brain Injury
24 Advisory Council. This bill makes ongoing General Fund appropriations of \$1,400,000
25 per year for the fund.