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| **Nebraska Brain Injury Trust Fund****Nebraska Chapter 71** |
| **Summary**The statutes create the Brain Injury Trust Fund with funds derived from the Nebraska Health Care Cash Fund with five hundred thousand dollars to be transferred from that fund beginning in fiscal year 2020-21 to the Brain Injury Trust Fund. The statutes create a Brain Injury Oversight Committee to provide financial oversight. Funds can be used for resource facilitation; collecting data and evaluating needs of individuals with brain injury; public awareness; training providers; and follow-up contact to provide information on brain injuries for individuals on the brain injury registry established in the Brain Injury Registry Act. |
| **Responsible Agency**The Brain Injury Trust Fund will be administered through a contract with the University of Nebraska Medical Center for administration, accounting and budgeting purposes and used to pay contracts for assistance to individuals with a brain injury. No more than 10 percent of the fund may be used for administration.  |
| **How Do the State Statutes Apply to People with Brain Injury**The law creates a program and provides funding and resources for individuals with brain injury. The law allows funding to be used to follow-up to provide information on brain injuries to individuals reported via the Brain Injury Registry, similar to the Nebraska VR brain injury program. |
| **Pertinent sections**Section 71-3703 creates an oversight committee; Section 71-3705 creates the Brain Injury Trust Fund and specifies how funds are to be used. |
| **Relevant Organizations/Partners:**Brain Injury Alliance of Nebraska; University of Nebraska Medical Center. |

**Section 71-3701. Act, how cited.**

Sections [71-3701](https://nebraskalegislature.gov/laws/statutes.php?statute=71-3701) to [71-3706](https://nebraskalegislature.gov/laws/statutes.php?statute=71-3706) shall be known and may be cited as the Brain Injury Trust Fund Act.

**Source:**

* [Laws 2019, LB481, § 1.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB481.pdf)

**Operative Date:** July 15, 2020

**Section 71-3702. Terms, defined.**

For purposes of the Brain Injury Trust Fund Act:

(1) Brain injury has the definition found in section [81-654](https://nebraskalegislature.gov/laws/statutes.php?statute=81-654); and

(2) Committee means the Brain Injury Oversight Committee created in section [71-3703](https://nebraskalegislature.gov/laws/statutes.php?statute=71-3703).

**Source:**

* [Laws 2019, LB481, § 2.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB481.pdf)

**Operative Date:** July 15, 2020

**Section 71-3703. Brain Injury Oversight Committee; created; members; terms; meetings; expenses.**

(1) The Brain Injury Oversight Committee is created. The committee shall consist of nine public members and the following directors, or their designees: The Commissioner of Education; the Director of Behavioral Health of the Department of Health and Human Services; and the Director of Public Health of the Department of Health and Human Services. The Governor shall appoint the nine public members which shall include individuals with a brain injury or family members of individuals with a brain injury, a representative of a public or private health-related organization, a representative of a developmental disability advisory or planning group within Nebraska, a representative of service providers for individuals with a brain injury, and a representative of a nonprofit brain injury advocacy organization.

(2) The Governor shall appoint the public members within ninety days after July 15, 2020. The Governor shall designate the initial terms so that three members serve one-year terms, three members serve two-year terms, and three members serve three-year terms. Their successors shall be appointed for four-year terms. Any vacancy shall be filled from the same category for the remainder of the unexpired term. Any member of the committee shall be eligible for reappointment. At least one member of the committee shall be appointed from each congressional district.

(3) The committee shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish policies to govern its procedures. The committee shall meet at least four times annually, and at any other time as the business of the committee requires, and shall meet at such place as may be established by the chairperson. The public members of the committee shall be reimbursed for their actual and necessary expenses as provided in sections [81-1174](https://nebraskalegislature.gov/laws/statutes.php?statute=81-1174) to [81-1177](https://nebraskalegislature.gov/laws/statutes.php?statute=81-1177).

**Source:**

* [Laws 2019, LB481, § 3.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB481.pdf)

**Operative Date:** July 15, 2020

**Section 71-3704. Committee; duties.**

The committee shall:

(1) Provide financial oversight and direction to the University of Nebraska Medical Center in the management of the Brain Injury Trust Fund;

(2) Develop criteria for expenditures from the Brain Injury Trust Fund; and

(3) Represent the interests of individuals with a brain injury and their families through advocacy, education, training, rehabilitation, research, and prevention.

**Source:**

* [Laws 2019, LB481, § 4.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB481.pdf)

**Operative Date:** July 15, 2020

**Section 71-3705. Brain Injury Trust Fund; created; use; investment.**

(1) The Brain Injury Trust Fund is created. The fund shall consist of appropriations from the Legislature, transfers authorized by the Legislature, grants, and any contributions designated for the purpose of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2)(a) The fund shall be administered through a contract with the University of Nebraska Medical Center for administration, accounting, and budgeting purposes and used to pay for contracts for assistance for individuals with a brain injury with outside sources that specialize in the area of brain injury. Such outside sources shall operate, at a minimum, statewide, and also in targeted areas as defined and determined in the contract, with individuals with a brain injury; work to secure and develop community-based services for individuals with a brain injury; provide support groups and access to pertinent information, medical resources, and service referrals for individuals with a brain injury; and educate professionals who work with individuals with a brain injury.

(b) Expenditures from the fund may also include, but not be limited to:

(i) Resource facilitation. Resource facilitation shall be given priority and made available to provide ongoing support for individuals with a brain injury and their families for coping with brain injuries. Resource facilitation may provide a linkage to existing services and increase the capacity of the state's providers of services to individuals with a brain injury by providing brain-injury-specific information, support, and resources and enhancing the usage of support commonly available in a community. Agencies providing resource facilitation shall specialize in providing services to individuals with a brain injury and their families;

(ii) Voluntary training for service providers in the appropriate provision of services to individuals with a brain injury;

(iii) Followup contact to provide information on brain injuries for individuals on the brain injury registry established in the Brain Injury Registry Act;

(iv) Activities to promote public awareness of brain injury and prevention methods;

(v) Supporting research in the field of brain injury;

(vi) Providing and monitoring quality improvement processes with standards of care among brain injury service providers; and

(vii) Collecting data and evaluating how the needs of individuals with a brain injury and their families are being met in this state.

(c) No more than ten percent of the fund shall be used for administration of the fund.

(d) Data collection and evaluation pursuant to this section shall not be a burden or unnecessary hardship to individuals with a brain injury or service providers.

(e) Nothing in this section shall require a professional, provider, caregiver, or individual to receive training as a condition of receiving or providing nonmedical services to individuals with a brain injury.

**Source:**

* [Laws 2019, LB481, § 5.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB481.pdf)

**Operative Date:** July 15, 2020

**Cross References:**

* Brain Injury Registry Act, see section [81-653](https://nebraskalegislature.gov/laws/statutes.php?statute=81-653).
* Nebraska Capital Expansion Act, see section [72-1269](https://nebraskalegislature.gov/laws/statutes.php?statute=72-1269).
* Nebraska State Funds Investment Act, see section [72-1260](https://nebraskalegislature.gov/laws/statutes.php?statute=72-1260).

**Section 71-3706. Legislative intent.**

It is the intent of the Legislature to appropriate five hundred thousand dollars from the Nebraska Health Care Cash Fund annually beginning in fiscal year 2020-21 to the Brain Injury Trust Fund for purposes of carrying out the Brain Injury Trust Fund Act.

**Source:**

* [Laws 2019, LB481, § 6.](https://nebraskalegislature.gov/FloorDocs/106/PDF/Slip/LB481.pdf)

**Operative Date:** July 15, 2020