
A BILL FOR AN ACT

RELATING TO NEUROTRAUMA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 2002, the legislature passed Act 160,
2 Session Laws of Hawaii, which recognized the needs of
3 individuals who suffer from the physical, cognitive, and
4 behavioral consequences of neurotrauma. A special fund was
5 established to provide for neurotrauma education, assistance to
6 individuals and families to identify and obtain access to
7 services, and the creation of a neurotrauma registry within the
8 state.

9 While there was no provision in the measure to fund direct
10 services to neurotrauma survivors, the conference committee
11 report noted that the department of health and the neurotrauma
12 advisory board would gather data to determine the extent to
13 which direct services could reasonably be funded within the
14 limits of the resources available in the special fund. The
15 conference committee report also noted that this information
16 would be presented during the next legislative session so that
17 the issue could be revisited.



1 The legislature finds that the neurotrauma special fund has
2 collected nearly \$1,000,000 since the fund began in January
3 2003. Based on that finding, as well as the need for services
4 that exists among individuals with neurotrauma, the legislature
5 finds that it is appropriate to permit funds from the
6 neurotrauma special fund to be used to pay for direct services
7 to individuals suffering from neurotrauma.

8 The legislature also finds that moneys from the neurotrauma
9 special fund should be appropriated to obtain federal and
10 private grant matching funds and create a "traumatic brain
11 injury waiver." The legislature believes that state funds
12 should be used to maximize the receipt of federal funds whenever
13 feasible.

14 The purpose of this Act is to allow the neurotrauma special
15 fund to be used to pay for direct services to neurotrauma
16 survivors and require that moneys from the special fund be
17 appropriated to obtain federal and private grant matching funds.

18 SECTION 2. Section 321H-4, Hawaii Revised Statutes, is
19 amended by amending subsections (b) and (c) to read as follows:

20 "(b) The fund shall be used for the purpose of funding and
21 contracting for services relating to neurotrauma as follows:

22 (1) Education on neurotrauma;



1 (2) Assistance to individuals and families to identify and
2 obtain access to services;

3 (3) Creation of a registry of neurotrauma injuries within
4 the State to identify incidence, prevalence,
5 individual needs, and related information; ~~and~~

6 (4) Services that assist individuals with neurotraumatic
7 injuries, including but not limited to cognitive
8 therapy, personal assistance, respite care, and day
9 health programs; and

10 ~~[(4)]~~ (5) Necessary administrative expenses to carry out
11 this chapter not to exceed two per cent of the total
12 amount collected.

13 (c) Moneys in the neurotrauma special fund ~~[may]~~ shall be
14 appropriated to obtain federal and private grant matching funds,
15 subject to section 321H-4(a)(2)."

16 SECTION 3. The department of human services shall apply
17 for a traumatic brain injury waiver no later than December 31,
18 2007.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.

Report Title:

Neurotrauma Special Fund

Description:

Allows money from the neurotrauma special fund to be used for direct services to individuals with neurotraumatic injuries. Requires that DHS apply for a federal waiver by 12/31/2007 for the use of moneys from the fund. (CD1)

