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# 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 upon 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 be used to pay for direct services to  
7 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 money 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) Direct services that assist individuals with  
7 neurotraumatic injuries; and

8 [~~4~~] (5) Necessary administrative expenses to carry out  
9 this chapter not to exceed two per cent of the total  
10 amount collected.

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

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

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

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



*S.B. NO. 2121*

*S.D. 1, H.D. 1*

**Report Title:**

Neurotrauma Special Fund

**Description:**

Allows money from the neurotrauma special fund to be used for direct services to individuals with neurotrauma. Requires that DHS apply for a federal waiver by 12/31/2007 for the use of moneys from the fund. (SB2727 HD1)

