
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 \$1,500,000 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 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 fund should be appropriated to obtain federal and private grant
10 matching funds and create a "traumatic brain injury waiver."
11 The legislature finds that state funds should be used to
12 maximize the receipt of federal funds whenever feasible.

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

17 SECTION 2. Chapter 321H, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§321H- Limitation of liability. The responsibilities
21 of the department to carry out this chapter shall be limited to
22 the resources available to carry out this chapter in a prudent



1 manner. When these resources are exhausted, no action may be
2 brought by, or on behalf of, any person or organization in any
3 court to compel the provision of further services."

4 SECTION 3. Section 321H-4, Hawaii Revised Statutes, is
5 amended by amending subsections (b) and (c) to read as follows:

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

8 (1) Education on neurotrauma;

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

11 (3) Creation of a registry of neurotrauma injuries within
12 the State to identify incidence, prevalence,
13 individual needs, and related information; [and]

14 (4) Direct services that assist individuals with
15 neurotraumatic injuries; and

16 [~~4~~] (5) Necessary administrative expenses to carry out
17 this chapter not to exceed two per cent of the total
18 amount collected.

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



1 SECTION 4. The department of human services shall apply
2 for any federal waivers necessary for the use of moneys from the
3 fund for the purpose of this Act no later than December 31,
4 2008.

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Neurotrauma Special Fund

Description:

Allows money from the neurotrauma special fund to be used for direct services to individuals with neurotrauma; requires the department of human services to apply for a federal waiver for the use of moneys from the fund. (SD1)

