

SECOND REGULAR SESSION

HOUSE BILL NO. 1854

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRISAMORE .

5726L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 304.028, RSMo, and to enact in lieu thereof one new section relating to the brain injury fund.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 304.028, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.028, to read as follows:

304.028. 1. **(1)** There is hereby created in the state treasury for use by the department of health and senior services a fund to be known as the "Brain Injury Fund". All judgments collected pursuant to this section, federal grants, private donations and any other moneys designated for the brain injury fund shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the department of health and senior services, be received and expended by the department for the purpose of transition [and] , integration, **and provision of [medical] consumer-based consumer services in comprehensive brain injury day rehabilitation therapy, vocational, home and community support**, social and educational [services or] activities for purposes of outreach and supports to enable individuals with [traumatic] brain injury and their families to live in the community.

(2) The department of health and senior services, in cooperation with the department of social services, shall seek waivers from the federal Department of Health and Human Services to allow moneys from the brain injury fund to be used under the MO HealthNet program to provide services under this section. Upon the granting of such waiver, fifty percent of all moneys in the fund shall be designated as MO HealthNet federal match moneys under the waiver. The waivers under this subdivision shall be designed so

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **that parity is established in funding for each of the eligible MO HealthNet service areas to**
18 **create a balance for access to all brain injury services.**

19 **(3) A committee shall be created to develop service descriptions, regulations, and**
20 **parity of funding for eligible MO HealthNet service areas, as needed. The ten-member**
21 **volunteer committee shall be organized by the department and shall be comprised of two**
22 **representatives from each of the following: Missouri Association of Rehabilitation**
23 **Facilities, the Brain Injury Association, the Brain Injury Advisory Council, the department**
24 **of social services, and the department of health and senior services. The committee**
25 **composition shall include at least one individual with a brain injury. Once services are**
26 **established under this section, the committee shall, at a minimum, meet annually to review**
27 **services using the most current department of health and senior services brain injury needs**
28 **assessment. The review process shall require the ten-member volunteer committee to be**
29 **responsible for addressing any modifications needed in the program services. Such review**
30 **process shall ensure services are meeting the needs of brain injury consumers.**

31 **(4) Notwithstanding the provisions of section 33.080 to the contrary, any unexpended**
32 **balance in the brain injury fund at the end of any biennium shall not be transferred to the general**
33 **revenue fund.**

34 2. In all criminal cases including violations of any county ordinance or any violation of
35 criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a
36 surcharge in the amount of [two] **ten** dollars. No such surcharge shall be collected in any
37 proceeding involving a violation of an ordinance or state law when the proceeding or defendant
38 has been dismissed by the court or when costs are to be paid by the state, county or municipality.

39 3. Such surcharge shall be collected and distributed by the clerk of the court as provided
40 in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid
41 to the state treasury to the credit of the brain injury fund established in this section.

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