

CHAPTER 48. LOUISIANA TRAUMATIC HEAD AND  
SPINAL CORD INJURY TRUST FUND

§2631. Purpose

The purpose of this Chapter is to provide for the development of a rehabilitation program for persons disabled by traumatic head and spinal cord injuries through the establishment of a trust fund in the state treasury to be funded by additional fees imposed on motor vehicle violations in this state for the offenses of driving under the influence, reckless operation, and speeding. The purpose of the Traumatic Head and Spinal Cord Injury Trust Fund is to provide Louisiana citizens who survive traumatic head or spinal cord injuries a source of funds for services enabling them with assistance to return to a reasonable level of functioning and independent living in their communities.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 2018, No. 424, §1, eff. May 23, 2018

§2632. Definitions

As used in this Chapter, the following terms shall have the following meanings:

(1) "Board" means the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board.

(2) "Department" means the Louisiana Department of Health.

(3) "Fund" means the Traumatic Head and Spinal Cord Injury Trust Fund.

(4) "Spinal cord injury" means an insult to the spinal cord, not of a degenerative or congenital nature, but caused by an external physical force resulting in paraplegia or quadriplegia.

(5) "Traumatic head injury" means an insult to the head, affecting the brain, not of a degenerative or congenital nature, but caused by an external physical force that may produce a diminished or altered state of consciousness which results in an impairment of cognitive abilities or physical functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychological maladjustment.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 2010, No. 939, §8, eff. July 1, 2010.

§2633. Traumatic Head and Spinal Cord Injury Trust Fund

A. There is hereby established a special fund in the state treasury to be known as the Traumatic Head and Spinal Cord Injury Trust Fund which shall consist of monies collected from an additional fee imposed on all motor vehicle violations for driving under the influence, reckless operation, and speeding in this state. In addition, the legislature may make annual appropriations to the trust fund for the purpose set forth in this Chapter to the extent that state general funds are available.

B.(1)(a) Beginning January 1, 1994, in addition to all fines, fees, costs, and punishment prescribed by law, there shall be imposed an additional fee of twenty-five dollars on driving under the influence offenses, five dollars on reckless driving operation offenses, and five dollars on speeding offenses.

(b) Beginning July 1, 2000, the additional fees imposed pursuant to Subparagraph (a) of this Paragraph shall be as follows:

- (i) A fee of five dollars on reckless driving offenses.
- (ii) A fee of five dollars on speeding offenses.
- (iii) A fee of twenty-five dollars on first convictions of operating a vehicle while intoxicated offenses.
- (iv) A fee of fifty dollars on second convictions of operating a vehicle while intoxicated offenses.
- (v) A fee of one hundred dollars on third convictions of operating a vehicle while intoxicated offenses.
- (vi) A fee of two hundred fifty dollars on fourth or subsequent convictions of operating a vehicle while intoxicated offenses.

(2) In the event that payment arrangements for other fines, fees, costs, and punishments are made to provide an offender the opportunity to make restitution over an extended period of time, the fee imposed under Paragraph (1) shall be collected in priority after costs of court.

C. All monies collected under this Chapter shall be forwarded by the officer of the court who collects the same to the state treasurer within thirty days after the penalty or forfeiture is collected. After deposit in the Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, an amount equal to that deposited as required by Subsection A of this Section shall be credited to the Traumatic Head and Spinal Cord Injury Trust Fund account under the Louisiana Department of Health, office of aging and adult services. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund, following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund.

D.(1) The monies in the fund shall be used solely for programs designed to provide services to Louisiana citizens disabled by traumatic head and spinal cord injuries, for the administrative costs of the programs, reimbursement of travel expenses of members of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board which are incurred in the discharge of their duties, and as provided in Paragraph (2) of this Subsection. Disbursement of the amount appropriated to the department each year shall be made as determined by the department. In determining disbursement of monies in the fund, the department shall take into account any recommendations of the board.

(2) The department may authorize disbursement of an amount not to exceed fifty thousand dollars per year for the establishment and operation of an information resource center.

(3) Money in the fund may be used to match available federal funding in order to provide enhanced or expanded services to persons eligible for benefits pursuant to the provisions of this Chapter. However, sufficient money shall be retained in the fund to provide payment for services for persons who are not eligible for services through federally funded sources.

E. The department shall:

- (1) Determine the eligibility of programs to receive funding.
- (2) Promulgate the rules and regulations necessary to implement the provisions of this Chapter.
- (3) Establish priorities and criteria for disbursement of the fund and act to obtain maximum benefits available.

(4) Investigate the needs of the head-injured and spinal cord-injured, identify any gaps in services, and prepare and submit an annual report with recommendations to the legislature and the governor sixty days prior to each regular session of the legislature.

(5) Monitor, evaluate, and review the development and quality of services and programs funded through the fund.

(6) Arrange for full and accurate financial records to be maintained in compliance with law and shall make a full and complete report to the board quarterly. The department is specifically prohibited from publishing newsletters or other publications typically used in mass mailings.

F. Administration of the fund shall be exercised by the Louisiana Department of Health, office of aging and adult services, in accordance with the provisions of this Chapter.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 1999, No. 526, §1, eff. June 29, 1999; Acts 2000, 1st Ex. Sess., No. 119, §1, eff. April 19, 2000; Acts 2003, No. 1153, §1; Acts 2010, No. 939, §8, eff. July 1, 2010; Acts 2012, No. 269, §2, eff. May 25, 2012.

§2634. Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board; creation; membership

A. There is hereby created the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board within the Louisiana Department of Health, office of aging and adult services.

B. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board shall be composed of thirteen members as follows:

(1) The assistant secretary of the office of aging and adult services of the Louisiana Department of Health or his designee.

(2) A representative of an organization recognized for its work in advocacy programs for persons with traumatic head injury, appointed by the governor from a list of names submitted by such organization.

(3) A representative of an organization recognized for its work in advocacy programs for persons with spinal cord injury, appointed by the governor from a list of names submitted by such organization.

(4) A psychologist nominated by the Louisiana Psychologists Association.

(5) A survivor of a traumatic head injury appointed by the governor.

(6) A survivor of a spinal cord injury appointed by the governor.

(7) A family member of a survivor of a traumatic head injury appointed by the governor.

(8) A family member of a survivor of a spinal cord injury appointed by the governor.

(9) The president of the Louisiana State Medical Society or his designee.

(10) The president of the Louisiana Hospital Association or his designee.

(11) The speaker of the Louisiana House of Representatives or his designee.

(12) The president of the Louisiana Senate or his designee.

(13) The director of Louisiana Rehabilitation Services within the Louisiana Workforce Commission.

C. The terms of office of the appointed board members shall be four years. However, the governor shall appoint the original members as follows: three members for a term of three years and three members for a term of two years. A vacancy shall be filled by appointment for the remainder of the unexpired term.

D. The board shall meet and organize immediately after appointment of its members and shall elect a chairman from its membership and other officers it might deem appropriate. The board shall adopt rules for the orderly transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. Members shall serve without compensation but shall be reimbursed for travel expenses necessarily incurred in the discharge of their duties at the rate provided state employees.

E. The board shall meet at least once in each quarter of the fiscal year and as often as necessary thereafter as deemed by the chairman.

F. Failure of appointed members to attend three consecutive meetings shall be cause for termination from the board and the position shall be deemed vacant by notifying the appropriate appointing party.

G. The board shall be domiciled in East Baton Rouge Parish.

H. The board shall serve in an advisory capacity to the office of aging and adult services of the department in all phases of administration by the department of the Traumatic Head and Spinal Cord Injury Trust Fund.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 2003, No. 1153, §1; Acts 2010, No. 939, §8, eff. July 1, 2010; Acts 2012, No. 269, §2, eff. May 25, 2012.

#### §2635. Expenditures

A. Except as provided in R.S. 46:2633(D)(2), money in the trust fund shall be distributed for the sole purpose of funding the cost of care or supportive services for traumatic head and spinal cord injury, including the administrative costs attributable to services provided by the trust fund program. The fund shall be considered as a source of last resort after Medicare and Medicaid sources have been expended for Louisiana citizens.

B. Authorization of expenditures for spinal cord injury care and head injury care shall be made by the office of aging and adult services, within the Louisiana Department of Health, according to criteria established by the department through administrative rule.

C. Expenditures may include but are not limited to post-acute medical care rehabilitation, therapies, medication, attendant care, home or vehicle accessibility modifications, and equipment necessary for activities of daily living, provided that such expenses are related to the spinal cord injury or traumatic head injury.

D.(1) Except as provided in Paragraph (2) of this Subsection, expenditures on behalf of any one traumatic head or spinal cord injury survivor shall not exceed fifteen thousand dollars for any twelve-month period nor fifty thousand dollars in total expenditures.

(2) If the total expenditures on behalf of any one traumatic head or spinal cord injury survivor exceed fifty thousand dollars, the survivor may be eligible for additional expenditures on behalf of the survivor if funds are appropriated specifically for that purpose in addition to the funds collected pursuant to R.S. 46:2633(B), provided that the total amount of expenditures on behalf of any one traumatic head or spinal cord injury survivor shall not exceed fifteen thousand dollars per year nor one hundred thousand dollars in total expenditures.

E. The administrative costs of the program shall be funded and paid for exclusively from the fund.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 1999, No. 526, §1, eff. June 29, 1999; Acts 1999, No. 826, §1; Acts 2000, 1st Ex. Sess., No. 119, §1, eff. April 19, 2000; Acts 2010, No. 939, §8, eff. July 1, 2010; Acts 2012, No. 269, §2, eff. May 25, 2012; Acts 2018, No. 424, §1, eff. May 23, 2018.