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HOUSE BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HUMAN SERVICES; AMENDING A SECTION OF CHAPTER 27,
ARTICLE 1 NMSA 1978 TO REMOVE THE WORD "TRAUMATIC" FROM THAT
SECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 27-1-16 NMSA 1978 (being Laws 2013,
Chapter 44, Section 1) is amended to read:

"27-1-16. BRAIN INJURY SERVICES FUND CREATED.--

A. There is created in the state treasury the
"brain injury services fund". The fund shall be invested in
accordance with the provisions of Section 6-10-10 NMSA 1978,
and all income earned on the fund shall be credited to the
fund.

B. The brain injury services fund shall be used to
institute and maintain a statewide brain injury services

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underscoring material = new
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underscored material = new
[bracketed material] = delete

1 program designed to increase the independence of persons with
2 [~~traumatic~~] brain injuries.

3 C. The human services department shall adopt all
4 rules, regulations and policies necessary to administer a
5 statewide brain injury services program. The human services
6 department shall coordinate with and seek advice from the brain
7 injury advisory council to ensure that the statewide brain
8 injury services program is appropriate for persons with
9 [~~traumatic~~] brain injuries.

10 D. All money credited to the brain injury services
11 fund shall be appropriated to the human services department for
12 the purpose of carrying out the provisions of this section and
13 shall not revert to the general fund.

14 E. Disbursements from the brain injury services
15 fund shall be made upon warrant drawn by the secretary of
16 finance and administration pursuant to vouchers signed by the
17 secretary of human services.

18 F. For the purposes of this section, "brain
19 injury":

20 (1) means an injury to the brain of traumatic
21 or acquired origin, including an open or closed head injury
22 caused by:

23 (a) an insult to the brain from an
24 outside physical force;

25 (b) anoxia;

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underscoring material = new
[bracketed material] = delete

- 1 (c) electrical shock;
- 2 (d) shaken baby syndrome;
- 3 (e) a toxic or chemical substance;
- 4 (f) near-drowning;
- 5 (g) infection;
- 6 (h) a tumor;
- 7 (i) a vascular lesion; or
- 8 (j) an event that results in either
- 9 temporary or permanent, partial or total impairments in one or
- 10 more areas of the brain that results in total or partial
- 11 functional disability, including: 1) cognition; 2) language;
- 12 3) memory; 4) attention; 5) reasoning; 6) abstract thinking; 7)
- 13 judgment; 8) problem solving; 9) sensory perception and motor
- 14 abilities; 10) psychosocial behavior; 11) physical functions;
- 15 12) information processing; or 13) speech; and

16 (2) does not apply to an injury that is:

- 17 (a) congenital;
- 18 (b) degenerative;
- 19 (c) induced by birth trauma;
- 20 (d) induced by a neurological disorder
- 21 related to the aging process; or
- 22 (e) a chemically caused brain injury
- 23 that is a result of habitual substance abuse."