HOUSE BILL 58

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

INTRODUCED BY

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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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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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(c) electrical shock;

(d) shaken baby syndrome;

(e) a toxic or chemical substance;

(f) near-drowning;

(g) infection;

(h) a tumor;

(i) a vascular lesion; or

(j) an event that results in either temporary or permanent, partial or total impairments in one or more areas of the brain that results in total or partial functional disability, including: 1) cognition; 2) language; 3) memory; 4) attention; 5) reasoning; 6) abstract thinking; 7) judgment; 8) problem solving; 9) sensory perception and motor abilities; 10) psychosocial behavior; 11) physical functions; 12) information processing; or 13) speech; and

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

(a) congenital;

(b) degenerative;

(c) induced by birth trauma;

(d) induced by a neurological disorder related to the aging process; or

(e) a chemically caused brain injury that is a result of habitual substance abuse."

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