

1 SENATE BILL 156

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

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10 AN ACT

11 RELATING TO BRAIN INJURY SERVICES; CREATING THE BRAIN INJURY
12 REGISTRY; MAKING CONFORMING AMENDMENTS TO THE BRAIN INJURY
13 SERVICES FUND; REQUIRING BRAIN INJURY SURVEILLANCE; MAKING
14 APPROPRIATIONS.

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

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

19 "27-1-16. BRAIN INJURY SERVICES FUND CREATED.--

20 A. [~~There is created in the state treasury~~] The
21 "brain injury services fund" is created as a nonreverting fund
22 in the state treasury. The fund shall be invested in
23 accordance with the provisions of Section 6-10-10 NMSA 1978,
24 and all income earned on the fund shall be credited to the
25 fund.

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1 B. The brain injury services fund shall be used to
2 institute and maintain a statewide brain injury services
3 program designed to increase the independence of persons with
4 brain injuries.

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

13 D. All money credited to the brain injury services
14 fund shall be appropriated to the [~~human services~~] health care
15 authority department for the purpose of carrying out the
16 provisions of this section [~~and shall not revert to the general~~
17 ~~fund~~].

18 E. Disbursements from the brain injury services
19 fund shall be made upon warrant drawn by the secretary of
20 finance and administration pursuant to vouchers signed by the
21 secretary of [~~human services~~] health care authority.

22 F. For the purposes of this section and Section
23 27-1-17 NMSA 1978, "brain injury":

24 (1) means an injury to the brain of traumatic
25 or acquired origin, including an open or closed head injury

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1 caused by:

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

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

- 23 (a) congenital;
- 24 (b) degenerative;
- 25 (c) induced by birth trauma;

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

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

5 SECTION 2. A new Section 27-1-17 NMSA 1978 is enacted to
6 read:

7 "27-1-17. [NEW MATERIAL] BRAIN INJURY REGISTRY CREATED--
8 PROGRAM REQUIREMENTS--SURVEILLANCE.--

9 A. For the purposes of this section:

10 (1) "department" means the health care
11 authority department; and

12 (2) "registrant" means a person with a brain
13 injury or a suspected brain injury who voluntarily registers
14 with the brain injury registry.

15 B. The department shall:

16 (1) establish and administer a statewide brain
17 injury program that shall be known as the "brain injury
18 registry";

19 (2) provide policies and procedures for the
20 brain injury registry by rule;

21 (3) maintain an accessible website through
22 which a person with a brain injury or a suspected brain injury
23 may register for the brain injury registry and through which a
24 registrant may access information and services; and

25 (4) conduct brain injury surveillance.

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C. The brain injury registry shall:

(1) be a voluntary service for a person with a brain injury or a suspected brain injury;

(2) provide a registrant with information about brain injury treatment, services, supports, opportunities to participate in medical research and other appropriate information;

(3) provide a registrant with direct services, including:

(a) brain injury screening and referral services;

(b) resource navigation; and

(c) assistance with enrollment for a public benefit or entitlement; and

(4) provide public education and conduct outreach.

D. Brain injury surveillance consists of the

collection, compilation and maintenance of statistical information concerning the prevalence and incidence of brain injury in the state, including:

(1) type;

(2) cause;

(3) morbidity and mortality;

(4) effect on public health; and

(5) other information the department deems

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1 necessary and appropriate.

2 E. The statistical information collected by the
3 department pursuant to Subsection D of this section shall be
4 available to the public.

5 F. Protected health information or other personally
6 identifiable information maintained by the department for the
7 purposes of the brain injury registry shall be confidential and
8 shall not be disclosed without written consent.

9 G. The department shall submit an annual report to
10 the appropriate interim legislative committees about the
11 administration of the brain injury registry and the
12 department's brain injury surveillance activities."

13 SECTION 3. APPROPRIATIONS.--

14 A. One million dollars (\$1,000,000) is appropriated
15 from the general fund to the brain injury services fund for
16 expenditure in fiscal year 2025 and subsequent fiscal years to
17 establish and support the brain injury registry and to purchase
18 or develop a website for the brain injury registry. Any
19 unexpended or unencumbered balance remaining at the end of a
20 fiscal year shall not revert to the general fund.

21 B. The following amounts are appropriated from the
22 general fund to the specified recipients for expenditure in
23 fiscal year 2025 for the specified purposes. Any unexpended or
24 unencumbered balances remaining at the end of fiscal year 2025
25 shall revert to the general fund:

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