

# 2020 Trust Fund Rule Changes

Section	Current Language	Proposed Change/Language
12.520 – Definition	“Partner” means an organization or entity that is collaborating with the Department to provide support and services to program participants.	Recommend removal of this term and subsequent definition.

Section	Current Language	Proposed Change/Language
12.520 – Definition	"Subrogation" means that the individual must reimburse the Program for funded purchased services if he/she recovers expenses from a third party.	Recommend removal of this term and subsequent definition.

Section	Current Language	Proposed Change/Language
12.520 – Definition	<p>“Traumatic Brain Injury” means injury to the brain caused by physical trauma resulting from, but not limited to, incidents involving motor vehicles, sporting events, falls, blast injuries, and physical assaults. Documentation of traumatic brain injury shall be based on adequate medical history, neurological examination, including mental status testing or neuropsychological evaluation. Where appropriate, neuroimaging may be used to support the diagnosis. A traumatic brain injury shall be of sufficient severity to produce partial or total disability because of impaired cognitive ability and physical functions.</p>	<p>“Brain injury” refers to damage to the brain from an internal or external source, including a traumatic brain injury, that occurs post-birth and is noncongenital, nondegenerative, and nonhereditary, resulting in partial or total functional impairment in one or more areas, including but not limited to attention, memory, reasoning, problem solving, speed of processing, decision-making, learning, perception, sensory impairment, speech and language, motor and physical functioning, or psychological behavior. Documentation of brain injury must be based on adequate medical history. A brain injury must be of sufficient severity to produce partial or total disability.</p>

Section	Current Language	Proposed Change/Language
12.510 – Introduction	N/A	Proposing the following addition as per 26-1-304, Section (5) of the statute, “The Board may prioritize the services covered by the trust fund and eligibility for the services while ensuring program’s original intent to serve individual with traumatic brain injuries”.