



## **Brain Injury Association of Iowa**

### **2009 Legislative Agenda**

The Brain Injury Association of Iowa continues to educate Iowans on the challenges facing individuals living with brain injury and their families. As part of this effort, a legislative and public policy agenda is developed to educate stakeholders about The Association's priorities and recommendations. Background information influencing this agenda is as follows:

- **The Centers for Disease Control and Prevention (CDC) estimates that at least 50,000 Iowans live with long-term disability because of brain injury (CDC 2000).**
- **From 2003 to 2005, an average of 2,631 Iowans per year sustained a Traumatic Brain Injury (TBI) severe enough to require hospitalization, an increase of approximately 18 percent compared to the previous six years; leading causes include falls and motor vehicle crashes (Iowa Dept. of Public Health). These numbers do not include the thousands of Iowans who experience brain injury but are not hospitalized.**
- **More than 13,800 Iowa service men and women have served, or are serving, in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). TBI is recognized as the "signature wound" of these conflicts. An estimated 19% of returning soldiers report probable TBI, meaning that 2,622 Iowans have experienced a probable TBI during deployment.**

The Iowa Brain Injury Association of Iowa proposes the following Legislative Agenda.

### **Services and Supports**

- **The Association recommends that the Chronic Conditions appropriation to the Iowa Department of Public Health be increased by \$50,000, specifically for the Brain Injury Services Program, to allow for projected growth in the Neuro-Resource Facilitation and training contracts.**

*EXPLANATION:* The Association supports the Department of Public Health as the designated **Lead Agency** for Brain Injury in the State of Iowa. Increasing the allocation to the Department of Public Health's Brain Injury Services Program will provide greater access to vital health care linkage services for individuals experiencing brain injury. The Brain Injury Services Program is providing:

1. Neuro-Resource Facilitation to over 550 Iowans experiencing brain injury; and,
2. Enhanced brain injury training and provider recruitment statewide.

- **The Association recommends that an appropriation of \$768,000 be made to the Iowa Department of Public Health to initiate the Cost-Share Component of the Brain Injury Services Program.**

*EXPLANATION:* The Cost Share component fills an identified gap in the brain injury service delivery system in the state of Iowa, individuals in need of services who do not qualify for Iowa's Medicaid Home and Community Base Services Brain Injury Waiver. \$768,000 will provide 40 individuals services that mirror the brain injury waiver and help these individuals to avoid unnecessary institutionalization.

- **The Association recommends the following enhancements to Iowa's Medicaid Home and Community Based Brain Injury Waiver:**
  - **Eliminate the waiting list by fully funding, at the projected level of growth.**

*EXPLANATION:* Currently more than 500 lowans (578 as of December 8, 2008) are on the HCBS BI Waiver waiting list. lowans with brain injury must wait over **one year** for vital services that prevent costly institutionalization. Not only is this delay a cost to taxpayers, but it is devastating to the continuum of care so necessary for steady progress in rehabilitation following acute care.

- **Take Legislative action to compel the Iowa Department of Human Services to remove the current artificial “cap” placed on BI waiver service funding.**

*EXPLANATION:* The artificial cap of \$2,812 per month is a distinct barrier to valid and much-needed services for lowans with brain injuries. It is nearly impossible for counties to find providers who can afford to provide some of the waiver-related services, such as behavioral intervention and supported community living. It may even be discriminatory in comparison with the other waivers that have no such cap. Though it is possible for individuals to request an "exception to policy" to exceed the cap, this is a confusing process for consumers, families and service providers. It slows even further the process of accessing services and is not always successful.

- **Remove the upper age limit of 64 years on the Brain Injury Waiver so that it is administered in a manner consistent with the Medicaid Home and Community Based Services Mental Retardation Waiver.**

*EXPLANATION:* Falls are the leading cause of brain injury in the state of Iowa. Individuals who are over the age of 65 are at the greatest risk for falls. As Iowa's older population grows it is imperative that individuals who experience brain injury have access to appropriate services and supports designed specifically for brain injury. Currently, individuals age 65 and over are only eligible for the Elderly Waiver which provides a more general service options.

- **The Association supports the implementation of the MH/MR/DD/BI Redesign Report of 2004 recommending county-based services to fully include services to lowans with brain injury by June of 2010. The Association further supports amending current law to allow individual counties increased levying authority to pay for these additional services.**

*EXPLANATION:* One of the recommendations of the 2006 MH/MR/DD/BI redesign plan called for full and timely inclusion of lowans with brain injuries into the state disability service delivery system by 2009. It is the view of the Brain Injury Association of Iowa that any county plans that do not fully include lowans with brain injuries are inappropriate and potentially discriminatory. Recent court cases in Massachusetts would suggest the current practice of excluding those with brain injuries in county plans presents significant exposure on the part of the Department of Human Services and the State of Iowa to class action ADA litigation.

### **Prevention**

- **The Association recommends legislation to address the following:**
  - **Requiring all persons under 18 years of age who are being transported in a motor vehicle, other than a school bus or motorcycle is secured by an approved child restraint system or a seat belt regardless of seating position.**
  - **Requiring drivers to utilize “hands free” devices when utilizing mobile telephones.**
  - **Funding for a public awareness campaign on the importance of bicycle and motorcycle helmet use.**

*EXPLANATION:* Motor vehicle crashes are the 2<sup>nd</sup> leading cause of traumatic brain injury in Iowa. These recommendations will help to decrease the volume of injuries caused by motor vehicle crashes.