

STUDY OF THE IMPACT OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY - BACKGROUND MEMORANDUM

Section 16 of 2009 House Bill No. 1012 (attached as an [appendix](#)) provides for a Legislative Management study of the impact of individuals with traumatic brain injury (TBI), including veterans who are returning from wars, on the state's human services system. The study is to include an analysis of the estimated cost of providing human service-related services to the individuals with TBI. The Long-Term Care Committee has been assigned this responsibility for the 2009-10 interim.

BACKGROUND INFORMATION

More than 5.3 million Americans live with a disability as a result of TBI. The passage of the federal Traumatic Brain Injury Act of 1996 signaled a national recognition of the need to improve state TBI service systems. The Act authorized the Health Resources and Services Administration to award grants to states for the purpose of planning and implementing needed health and related service systems changes.

In April 2003 North Dakota received a TBI planning grant totaling approximately \$381,000. As part of the grant, the State Department of Health contracted with the University of North Dakota School of Medicine and Health Sciences Center for Rural Health to form a TBI advisory committee, conduct a statewide TBI assessment, and develop a plan of action to address the needs of North Dakotans with TBI and their families. The advisory committee met regularly, the needs assessment was completed, and an action plan was developed which provided for the following outcomes:

- TBI will have a presence in the state with accessible, available, appropriate, and affordable services and supports for individuals with TBI and their families.
- Individuals with TBI, family members, significant others, and providers of support and services will have timely information, resources, and education regarding TBI.
- Individuals with brain injuries and their families will have access to a coordinated system for services and supports.
- Individuals with TBI and their families will have increased quality and availability of key supports.
- American Indian individuals with TBI and their families will have access to culturally appropriate TBI information, services, and supports.

As a result of the action plan, the Department of Human Services, in partnership with the University of North Dakota School of Medicine and Health Sciences Center for Rural Health, applied for and was awarded

a TBI implementation partnership grant in April 2007. The grant is a three-year grant with the department receiving approximately \$118,000 each year. The goals of the grant are:

- To build a formal presence and infrastructure for the advancement of TBI-focused issues.
- To provide timely information, resources, and education regarding TBI to individuals with TBI, family members, other caregivers, and service and support providers.
- To ensure a coordinated system to access and receive services and support for individuals with brain injuries and their families.
- To improve access for American Indian individuals with TBI and their families to culturally appropriate information, services, and supports.

2009 LEGISLATIVE ASSEMBLY - RELATED LEGISLATION

Senate Bill No. 2198 approved by the 2009 Legislative Assembly:

- Requires the Department of Human Services to provide outreach services and conduct public awareness efforts regarding the prevention and identification of TBI.
- Allows the department to accept and expend money from public or private sources for any purpose involving TBI or the provision of services to individuals with TBI and their families.
- Directs the department to contract with public or private entities for the provision of informal supports to individuals with TBI.
- Amends North Dakota Century Code Section 50-06.4-02 to provide that the department is to annually call a joint meeting of the Adjutant General, the State Department of Health, the Department of Veterans' Affairs, and the Superintendent of Public Instruction to discuss the provision of services to individuals with TBI.
- Directs the department to provide or contract for the provision of social and recreational services for individuals with TBI.
- Directs the department to provide or contract for the provision of increased and specialized vocational rehabilitation and consultation to individuals with TBI.
- Requires the department to provide home and community-based services to individuals who have moderate or severe impairments as a result of TBI as a part of the department's personal care services program and as a part of the department's services for eligible disabled and elderly individuals. The department is to

provide outreach and public awareness activities regarding the availability of home and community-based services to individuals who have moderate or severe impairments as a result of TBI, and the department is to conduct quality control activities and make training available to case managers and other persons providing services to individuals with TBI.

- Provides a \$330,000 general fund appropriation to the department for providing services to individuals with TBI. The department anticipates using the funding as follows:

Public awareness efforts regarding the prevention and identification of TBI	\$5,460
Quality control activities and training	57,600
Informal supports, such as information sharing and referral services, mentoring, and training	112,200
Increased and specialized vocational rehabilitation and extended services	111,540
Social and recreational services, including day supports	43,200
Total	\$330,000

DEPARTMENT OF HUMAN SERVICES - HOME AND COMMUNITY-BASED SERVICES WAIVER

The Department of Human Services has been approved by the federal Centers of Medicare and Medicaid Services to operate two waivers--Aged and Disabled Waiver and TBI Waiver--that allow the delivery of home and community-based services for individuals who would ordinarily be admitted to a nursing facility. In April 2006 the Aged and Disabled Waiver was merged into the TBI Waiver and renamed

the Home and Community-Based Services Waiver. Both individual and agency qualified service providers (QSPs) are eligible providers for services under the waiver. The Department served approximately 27 individuals with TBI in each year of the 2007-09 biennium and anticipates serving a similar number of individuals with TBI in the 2009-11 biennium.

PROPOSED STUDY PLAN

The following is a proposed study plan for the committee's consideration relating to its study of the impact of individuals with TBI on the state's human services system:

1. Gather and review information on services available in the state for individuals with TBI, including services available to returning veterans through the federal government and services provided through the Department of Human Services and the private sector; the cost of these services; and funding available to assist in paying for these services.
2. Receive information from representatives of the Department of Human Services regarding the TBI implementation partnership grant, including progress toward implementing the goals of the grant, and the implementation of 2009 Senate Bill No. 2198.
3. Receive information from interested persons regarding TBI services.
4. Develop committee recommendations and prepare any legislation necessary to implement the committee recommendations.
5. Prepare a final report for submission to the Legislative Management.

ATTACH:1

SECTION 16. LEGISLATIVE COUNCIL STUDY - TRAUMATIC BRAIN INJURY. During the 2009-11 interim, the legislative council shall consider studying the impact of individuals with traumatic brain injury, including veterans who are returning from wars, on the state's human services system. The study must include an analysis of the estimated cost of providing human service-related services to the individuals with traumatic brain injury. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.