

disABILITY LAW CENTER

OF VIRGINIA



Protection & Advocacy for Virginians with Disabilities

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In 2015, the **disAbility Law Center of Virginia** issued an important report entitled: **Deficiencies in Adult TBI services in Virginia-2015**. This report reviewed over 20 years of systems advocacy including several legislative JCHC studies. One persistent unmet need cited is **in-state neurobehavioral care** for individuals who sustain a brain injury and then develop challenging behaviors. Several additional reports in 2016 and 2017 reinforce this dire need and provide suggestions for concrete solutions.

As it stands now, these individuals end up in our state psychiatric hospitals or jails, both notoriously ineffective in handling brain trauma-based behavior. Virginia reportedly spends \$3.3 million on these placements each year. A 2010 report estimated 30% of incarcerated Virginians have sustained a brain injury when the incarceration could have been prevented with proper neurobehavioral treatment upfront. Countless individuals with TBI become homeless, a common outcome when improper treatment and insufficient community-based services are the norm!

Virginia is at a fork in the road: Will we offer proper care and community supports now or more institutional placements that set Virginia up for legal violations, similar to Olmstead?

After 2 decades of study, the jury is in and it's time for Virginia to act!

There are budget amendments that could make a difference, finally establishing appropriate care for Virginians with challenging brain injuries:

In-State Neurobehavioral Care

Item 329#4s – Senator Howell, Patron * Item 329#5h – Delegate Sickles, Patron

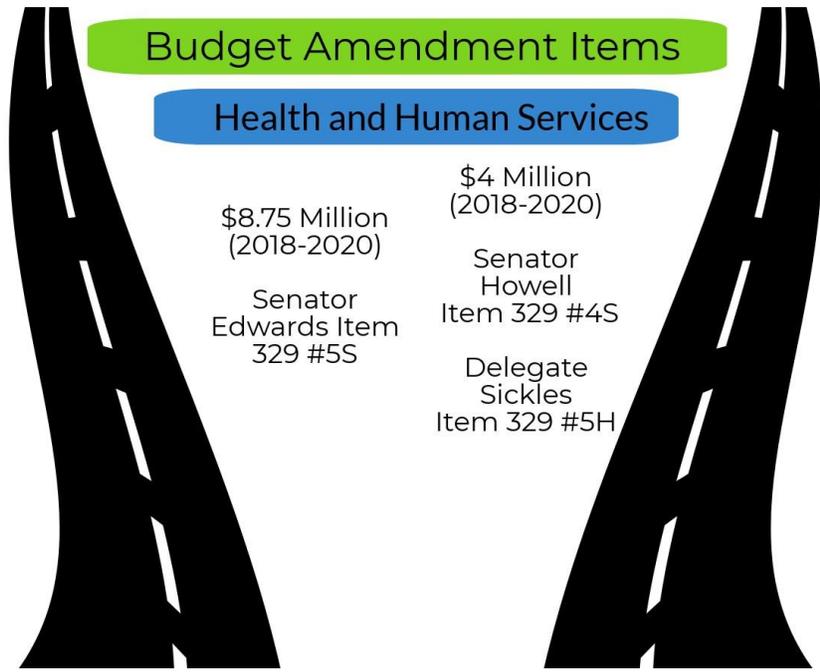
Neurobehavioral Community-Based Case Management

Item 329#5s – Senator Edwards, Patron *

You can make a difference for people with traumatic brain injury!

Virginia is at a fork in the road...

After 2 decades of study the jury is in and it's time to choose:



2018 VA General Assembly - TBI-Related Budget Amendments

1. \$2,000,000 (*\$4,000,000 over the biennium*) for DARS to support in-state neurobehavioral care for those individuals who do not meet nursing facility criteria.

Senate Patron: Howell
(Item 329#4s)

House Patron: Sickles
(Item 329 #5h)

Explanation

This amendment adds \$2.0 million each year from general funds to expand neurobehavioral services to assist persons with brain injuries in returning to work and community living, and avoid inappropriate institutionalization. A 2017 survey by the Department for Aging and Rehabilitative Services of nine state funded programs serving more than 4,500 individuals with brain injury indicated that more than 300 of their clients are in need of intensive, specialized neurobehavioral treatment and services. Funds would be used to establish a payment mechanism for eligible Virginians to receive appropriate neurobehavioral services, including residential treatment, wraparound behavioral services and specialized behavioral case managers to prevent unnecessary, costly and inappropriate institutionalization.

2. \$4,375,000 (*\$8,750,000 over the biennium*) to provide specialized community based case management services to 1,500 people with moderate to severe brain injuries across the Commonwealth.

Senate Patron: Edwards
(Item 329 #5s)

Explanation

The amendment provides \$4.4 million from the general fund each year to fund specialized community based case management services to 1,500 people with moderate to severe brain injuries across the Commonwealth, including those in unserved and underserved areas. According to estimates from the Brain Injury Association of Virginia, there are nearly 800 individuals with moderate to severe brain injury in the Southern, Piedmont, Northwest, Middle Peninsula, and Northern Neck who lack access to state funded core safety net services. These funds would be used to develop specialized brain injury case management funds in those areas, and provide additional funds to existing programs to address waitlists.

Traumatic Brain Injury Reports and JCHC initiatives since 2015 that address neurobehavioral needs:

“Report on Deficiencies in Virginia’s Adult TBI Services (2015)”

Published by disAbility Law Center of Virginia, Virginia's Protection and Advocacy organization for persons with disabilities

“Access to Neurobehavioral Services in Virginia” - 2016

Published by the Virginia Commonwealth Neuro-trauma Initiative (CNI) with James Madison University

“Barriers to Placement of Virginians who have Challenging Behaviors Resulting from Traumatic and Non-Traumatic Brain Injuries” - 2016

JCHC

2017 Interagency Implementation Team JCHC mandated to develop a plan for neurobehavioral services in Virginia.

Enough is enough!