

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 11, 1998 Revised: _____

Subject: Traumatic Brain Injury

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Barnes</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1264 would authorize the Department of Children and Family Services (the department) to establish a program of long-term supports and services, contingent upon specific legislative appropriations, for persons who have sustained brain injuries and whose needs cannot be met through other programs related to brain injury located in the Department of Health, Department of Labor and Employment Security, or the Department of Children and Family Services. The determination of eligibility process for this program must ensure that the person is ineligible for other programs or has needs that cannot be met through other programs of the department or through other agencies for which he or she is eligible.

This bill creates section 402.06, Florida Statutes.

II. Present Situation:

According to the Brain Injury Association of Florida, the most common causes of brain injury include motor vehicle crash, abuse and violence, physical assault, gunshot wound, sport-related accidents, and falls. Brain injuries can result in serious cognitive, physical, and/or psychosocial impairments in: balance and movement; solving problems; organizing thoughts; memory (short and long term); communicating or relating to other persons; controlling emotions; and experiencing the sense of smell, hearing, taste, touch, and sight.

The Department of Children and Family Services reports that no single state agency is responsible for serving persons 18 years of age and older with traumatic brain injuries who need long-term supports and services. The department reports that most of these survivors with unmet long-term care needs are 18 years of age or older. Even though the Association estimates that 64 percent of infant brain injuries are caused by child abuse, most children with traumatic brain injury are served

by Children's Medical Services (CMS) within the Department of Health. Children under age 18 years who sustain a moderate to severe traumatic brain injury are referred to 1 of the 10 Children's Medical Services' nurses throughout the state who provide pediatric services for the Brain and Spinal Cord Injury Program (BSCIP) in the Division of Vocational Rehabilitation, Department of Labor and Employment Security. These CMS nurses provide case management services to the child and family for several months after the child's injury. Children who have long-term needs are referred to the regular Children's Medical Services program. Most children with traumatic brain injury who have long-term needs are served by CMS because they usually meet Medicaid eligibility criteria.

Persons who are 18 years of age or older who have sustained a moderate to severe traumatic brain injury are referred to the BSCIP in Vocational Rehabilitation and evaluated to determine if there is a reasonable expectation that the person will benefit from services based upon the goal of community reintegration. If eligible, the program may facilitate the provision of post acute inpatient and outpatient rehabilitation services, transitional living services, adaptive modifications and equipment, rehabilitation engineering, and other services necessary for community reintegration. Once a person has been determined to no longer meet the criteria for BSCIP, the program provides no more supports or services to the person or the family to sustain the living situation.

Neither the BSCIP nor the department have estimates of the number of persons with traumatic brain injury who need long-term care. The Brain and Spinal Cord Injury Program estimates that between 5 percent to 10 percent of the 1,564 persons with a traumatic brain injury who were reported to the program during FY 1996-97 need long term supports and services because the severity of their injury prohibits them from obtaining employment. The Department of Children and Family Services reports that two persons with traumatic brain injury exhibiting violent behavior have been court ordered to the department during FY 1996-97 for care. Although not specifically funded to do so, the department is currently funding the placement of these persons in a private residential facility at an average cost of \$163,068 annually.

According to the department, persons with traumatic brain injury who meet the statutory criteria for mental health services or developmental services may be treated or placed in state mental health facilities or developmental services institutions, but these facilities lack the necessary skill and expertise to effectively meet their needs relating to the brain injury.

The Medicaid Program in the Agency for Health Care Administration and the Division of Vocational Rehabilitation in the Department of Labor and Employment Security have developed a Home and Community Based Medicaid Waiver for persons with traumatic brain injury. If funded, it will provide long term supports and services to approximately 200 persons who can live successfully in the community.

III. Effect of Proposed Changes:

SB 1264 creates s. 402.09, F.S., authorizing the Department of Children and Family Services to establish a program of long-term supports and services for persons who have sustained brain injuries and whose needs cannot be met through other programs related to brain injury located in the Department of Health, Department of Labor and Employment Security, or the Department of Children and Family Services. This program would be the program of last resort for persons who have sustained traumatic brain injuries. The bill specifies that this program is contingent upon specific legislative appropriations and that the determination of eligibility process for this program must ensure that the person is ineligible for other programs or has needs that cannot be met through other programs of the department or through other agencies for which he or she is eligible.

The bill does not define or describe the long-term supports and services that would be delivered to this population. According to the department, some of the long-term services needed by persons with traumatic brain injury include: family respite, behavior management, supported employment, and personal assistance. The bill does not specify whether the department would operate programs or facilities or would purchase these long-term supports and services. The bill states, however, that these supports and services may be purchased by the department and states that the program is intended to prevent inappropriate residential and institutional placements.

The bill directs the department to adopt rules for implementing and administering the program and establishing eligibility criteria for persons applying for and receiving services from the program.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 1264 could offset certain costs for care and supports that are now being paid by the family.

C. Government Sector Impact:

The department estimates that for serving adult persons 18 years of age or older, SB 1264 would cost \$6,441,185 annually. These estimates do not include additional resources for persons under 18 years of age who would be ineligible to receive long-term supports and services from Children’s Medical Services. The following table displays those estimates for persons 18 years of age or older by service component:

Service Component	Cost
Serves 78 adult clients annually (\$60,463 per client) who are inappropriate for the BSCIP because the severity of their injury prohibits obtaining employment.	\$4,716,114
Anticipated residential placements of 7 persons in private facilities based on court orders (annual cost of \$163,068 per client).	\$1,141,477
Eight Family Support Centers (\$60,000 per center annually).	\$480,000
Department Administration (2 FTE)	\$103,594
TOTAL	\$6,441,185

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
