

BIANYS Statement Regarding the Transition of the TBI & NHTD Waivers into Managed Care

On December 12, 2015 the Board of Directors for the Brain Injury Association of New York State (BIANYS) unanimously voted to support the endeavor to prevent the Traumatic Brain Injury (TBI) and Nursing Home Transition and Diversion (NHTD) Waiver Programs from being transitioned into Medicaid Managed Care.

The mission of the Brain Injury Association of New York State is to minimize brain injury through prevention and to support, educate and advocate for individuals with brain injuries and their families. Advocacy is the cornerstone to our mission. We are at a critical time to lend our support and stand with our fellow stakeholders to ensure that changes to the NYS Medicaid system are not detrimental to the people who most need support.

Now, more than ever, we must stand united and work actively and progressively to preserve and strengthen the groundbreaking Waiver services that have become a model of a quality community-based program. We have the attention of the brain injury community, as well as disability rights organizations, policymakers, Legislators, and the general public. Let us take this opportunity to work together to examine ways to improve and streamline the administration of these programs. Together, we will strive towards the ideal of true community living for New Yorkers with brain injury, as originally intended by those who established the TBI Waiver 30 years ago.

BIANYS is in support of the Traumatic Brain Injury Coordinating Council's (TBISCC) recommendation to the Department of Health that the Traumatic Brain Injury (TBI) and Nursing Home Transition and Diversion (NHTD) Waiver Programs are permanently carved out of the requirement to be absorbed into Medicaid Managed Care. BIANYS calls on the NYS Department of Health to permanently dissolve all efforts to transition these Waivers into Managed Care and recommends that the Waiver programs be restored to the forms indicated in the 2008 and 2010 program applications. BIANYS also supports the recommendation that all services currently available to participants under the New York State TBI and NHTD Waiver programs be provided to all future eligible applicants of the programs.

BIANYS supports the continuation of the Waivers separate from Managed Care for the following reasons:

- The lack of a clear and comprehensive transition plan providing for individuals currently receiving Waiver services and ensuring that the same or identical services will be available to new participants in the future.

- The TBI Waiver Program was developed in the early 1990s because of a lack of adequate resources for the unique needs of individuals with brain injury, and services were created that specifically address these needs and the long-term challenges associated with this diagnosis. The Waiver has been a successful program assisting thousands of New Yorkers over the past 30 years and continues to save the State millions of dollars by keeping people out of institutions. These needs have not changed, nor has the Program's ability to reduce costs and increase independent living. In fact, the TBI Waiver has been so successful that it was used as a model for the development of the NHTD Waiver in 2007, and as the basis for additional community-based programming in New York State.
- The Department of Health has stated that the housing subsidy provided as an additional resource to Waiver participants will not be available to new applicants after this transition. Housing is essential to independent living. Even if current participants will continue to receive their current housing subsidies, without this key piece of support, many individuals with brain injury will be unable to locate appropriate and safe housing in the community. New York State Public Health Law, as amended by the TBI Act of 1994, states that the Department of Health shall:

“...develop a comprehensive statewide program that includes medical, housing, vocational, educational, transportation, social, personal care, family support, day program services, community re-entry services, outpatient rehabilitation services and other essential services” [NYS Public Health Law, Article 27-CC, §2742, 1]
- The Department of Health has indicated that the transition will have no positive impact on the cost of these services to New York State. In fact, with the evolving concepts in the development of the transition plan, costs to New York State may actually increase under Managed Care. BIANYS is concerned that if these brain injury specialized services become a cost burden, participants may lose services, or become institutionalized in the future.

BIANYS welcomes the opportunity to work with the Department of Health and all other stakeholders to improve the lives of individuals with brain injury. In its vision statement, the Department of Health voiced its objective to ensure that “New Yorkers will be the healthiest people in the world - living in communities that promote health, protected from health threats, and having access to quality, evidence-based, cost-effective health services.” Let us seize this moment and make the changes necessary to ensure that these Waivers will continue to provide access to fundamental assistance for New Yorkers with brain injury.