

March 20, 2018

Today is Brain Injury Advocacy Day, when survivors of brain injury, loved ones, professionals, and friends come to Albany to spread awareness and ask for support from legislators. Thank you for helping to make it a success.

Thousands of New Yorkers sustain brain injury every year as a result of falls, strokes, car accidents, and other incidents. More and more Americans have come to understand that injuries to the brain impact every aspect of our lives; they can change the way we think, feel and act.

A primary focus of today's advocacy efforts is a plan by the State Department of Health (DOH) to transition into managed care those New Yorkers with the most serious brain injuries who receive care through Medicaid. This could dramatically reduce the individualized, coordinated services that address physical, cognitive and behavioral issues and help individuals with brain injury remain safely in the community. Although they have received a lot of feedback from stakeholders on this issue, the DOH has not set forth a clear transition plan that protects all participants and ensures consistent services.

An additional threat to these participants is the Uniform Assessment System-New York State (UAS-NY), a tool implemented to assess eligibility for Medicaid Long Term Care and the Waivers. A review of the tool commissioned by DOH has acknowledged that it fails to take cognitive disabilities into account at the same rate as physical disabilities. The Executive budget attempts to make this threshold even harder to meet by raising eligibility to a UAS-NY score of 9. Today you will see advocates wearing stickers that state "I am more than a number." This statement illustrates the frustrations that many feel at being assessed by a tool that does not test their cognitive and behavioral disabilities, thus preventing many from accessing those services.

We respectfully request that you take the following steps to assist people with brain injury:

1. Delay the transition of the TBI and NHTD Waiver populations into Managed Care until 2022 to ensure that participants are supported safely until all changes are carefully considered and implemented. Include this in the 2018-19 New York State budget.
2. Stop the Governor's plan to increase the UAS qualifying level to 9 in the 2018-19 NYS Budget and hold the DOH to their promise to make changes to the UAS-NY so that it includes a cognitive assessment component or to identify and implement a tested and qualified cognitive needs assessment tool to assess eligibility for Medicaid.
3. Support the creation of a brain injury trust fund. Bill number S.3752 (Golden) / A. 0105 (Cahill). A brain injury trust fund will help individuals with brain injury access needed rehabilitation not covered by other funding programs.

We are hopeful that the final budget agreement will protect this vulnerable population.

Please feel free to contact us at 518-459-7911 with any questions, comments or concerns.



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BIANYS advocates for action on the following issues:

Protect Medicaid Services and Strengthen Protections for People with Brain Injury

With New York State Department of Health's plan to move individuals on the TBI/NHTD Waivers into Medicaid managed care programs and changes at the Federal level, people with brain injury are in danger of losing vital services:

- **Take action on the TBI and NHTD Waivers in the 2018-19 New York State budget.** Delay the transition of the TBI and NHTD Waiver populations into Managed Care until 2022 to ensure that participants are supported safely until all changes are carefully considered and implemented. Include this in the 2018-19 New York State budget.
- **Stop the Governor's plan to increase the level of qualification for Medicaid Managed Care from 5 to 9 on the UAS-NY in the 2018-19 NYS Budget, and insist that the Department of Health fix the UAS-NY** to ensure that the assessment tool used to qualify participation in Medicaid programs properly assesses cognitive disabilities.

Brain Injury Trust Fund: S. 3752 (Golden) / A. 0105 (Cahill)

A brain injury trust fund will help individuals with brain injury access needed rehabilitation not covered by other funding programs.

Requiring Ski helmets: S. 1376 (Little) / A. 9749 (Jones)

The bill would require all skiers under age 14 to wear a helmet while skiing at New York ski areas. S. 1376 (Little) passed the NYS Senate in January 2018.

Licensing of Behavioral Analysts: S.4599 (Ritchie) / A.7632 (Peoples-Stokes)

This bill amends the NYS Education Law to allow for licensing of behavioral analysts who can provide services to anyone in need, including people with brain injury. Current law limits behavioral analysis services only to people diagnosed with autism disorders.

Prescriber Prevails Legislation: S.6541 (Hannon) / A. 4007 (Gottfried)

This bill adds seizure and epilepsy drugs to the list of medication categories for which the drug specified by the prescriber must be provided through the Medicaid Managed Care Plans.

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