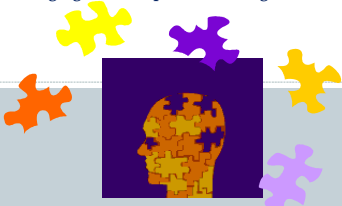



Cabinet for Health and Family Services
Department for Aging and Independent Living




**TRAUMATIC BRAIN INJURY PROGRAMS:
AN OVERVIEW**

APRIL 2014



Statute Definition of Traumatic Brain Injury (TBI)



KRS 211.470 (3)
"Traumatic brain injury" means a partial or total disability caused by injury to the central nervous system from physical trauma, damage to the central nervous system from anoxia, hypoxic episodes, allergic conditions, toxic substances, or other acute medical clinical incidents resulting in impaired cognitive abilities or impaired physical functioning.

Traumatic Brain Injury (TBI) Programs

<u>TBI Trust Fund Program</u> 910 KAR 3:030	<u>TBI Behavioral Program</u> 910 KAR 3:020
<ul style="list-style-type: none"> Created in 1998 by the Kentucky General Assembly (KRS 211.470 - KRS 211.478) Provides non-medical services to children and adults with brain injuries across Kentucky Funding source of last resort 	<ul style="list-style-type: none"> Established by KRS (KRS 189A.050 (3) (d) (2)) Assists in providing the behavioral supports and interventions (non-medical) to eligible individuals in order to ensure the ability to maintain living in the community safely Funding source of last resort

Traumatic Brain Injury (TBI) Programs

<p>TBI Trust Fund Program</p> <ul style="list-style-type: none"> • Governing body is a 9 member Board of Directors • Department for Aging and Independent Living <ul style="list-style-type: none"> - Benefit Management Program administrating agency - Distributes funds for services to those individuals who qualify • Contracts with Kentucky Injury Prevention Research Center (KIPRC) <ul style="list-style-type: none"> - Establishes and maintains statistics and trends of all traumatic brain injuries and spinal cord injuries in the state 	<p>TBI Behavioral Program</p> <ul style="list-style-type: none"> • TBI Behavioral Program Review Team determines: <ul style="list-style-type: none"> - Applicant's eligibility for services - Identifies the applicant's need for crisis intervention or residential services - Identifies potential resources to meet the applicant's need for services - Determines whether the program is payor of last resort - Approves or denies requests for program services
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Traumatic Brain Injury (TBI) Programs

<p>TBI Trust Fund Program</p> <ul style="list-style-type: none"> • Funding source <ul style="list-style-type: none"> - 5.5% of court costs collected by Circuit Clerks statewide - 8% of DUI service fees - Funding is limited - Funds are restricted • Does not receive state general funds • Does not receive federal funding 	<p>TBI Behavioral Program</p> <ul style="list-style-type: none"> • Funding source <ul style="list-style-type: none"> - 8% of DUI service fees - Funding is limited - Funds are restricted • Does not receive state general funds • Does not receive federal funding
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TBI Trust Fund Program

<p><u>Included Services</u></p> <ul style="list-style-type: none"> • Case Management • Community Residential services • Companion services • Occupational Therapy • Speech Therapy • Prevocational services • Psychological services • Respite care • Structured Day programs • Supported Employment services • Other services of support 	<p><u>Services NOT Included</u></p> <ul style="list-style-type: none"> • Medications • Legal/Attorney fees • Institutionalization • Hospitalization
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TBI Trust Fund Program

Eligibility

- Legal resident of Kentucky
- Medically documented brain injury
- Open to all ages
- Open to all income levels



Individuals NOT Eligible

- Individuals treated in nursing facilities
- Spinal Cord injuries
- Progressive Dementia
- Psychiatric disorders
- Intellectual disability, birth defects, or congenital defects
- Neurological conditions of a degenerative or progressive nature

TBI Trust Fund Program

Application Process



• Contact DAIL

- Telephone: Phone: 1-855-816-9577 [Tonia Wells 502-564-6930 ext. 3498](tel:502-564-6930)
 Mon - Fri
 8:00am - 4:30pm
 Voice Mail available
- In Writing: Department for Aging and
 Independent Living
 TBI Trust Fund
 275 East Main Street, 3 E-E
 Frankfort, KY 40621
- Via Fax: 502-564-1203
 Attn: TBI Trust Fund
- Via Email: <http://chfs.ky.gov/dail/braintrust.htm>

TBI Trust Fund Program

Application Process (Cont'd)

- **Must provide medical documentation including causation of TBI**
 - Hospital Records
 - Diagnostic Imaging reports (i.e. MRI, C-Scan)
 - Psychological/Neuropsychological Evaluations with diagnosis of brain injury
 - Other records upon approval



TBI Trust Fund Program

Referral/Service Delivery Process

- If deemed **ineligible**, will receive notice in writing from DAAL
 - Given an opportunity to provide additional information in order to be reconsidered for eligibility
- If deemed **eligible** for services, will be contacted within 3 business days by a Case Manager
 - Assessment
 - Plan of Care identifying needed services
 - Identification and referral to natural and/or community supports
 - If needed services cannot be obtained through natural or community supports:
 - Service Plan is created
 - Client will be placed on the waiting list chronologically for services to be funded by the TBI Trust Fund
- **Service Plan Review Committee** will review eligibility, appropriateness of the service plan, **approve/deny** funding

TBI Trust Fund Program

Discharge

- The recipient reaches the maximum \$60,000 lifetime benefit
- A service plan is completed for an approved timeframe; no other program is needed
- A requested service plan is denied
- The recipient is noncompliant with a plan of care
- The recipient chooses to be terminated from participation
- Contact cannot be made with the recipient within three (3) months of last case management contact
- The recipient, caregiver, family or guardian threatens or intimidates a case manager or other program staff
- Services accessed are referred and provided by another agency for continued service, if applicable
- No case management services are provided within six (6) months
- The recipient is deceased

TBI Trust Fund Program

Appeal Process

- The program shall notify the applicant, in writing, within 5 business days of the denial of requested benefits
- If an applicant is determined to be **ineligible** for benefits the applicant may submit additional medical documentation for reconsideration
- An applicant who wishes to appeal the denial of benefits shall notify the program, in writing, within thirty (30) days of notification of the denial
- The program shall encumber funds in the amount requested until final resolution of the appeal
- The program shall acknowledge receipt of a written appeal to the applicant, in writing, within three (3) business days of receipt

TBI Trust Fund Program

Appeal Process (Cont'd)

- Informal Dispute Resolution (IDR)
 - For an applicant or his representative
 - To appear before the executive committee board to present facts or concerns about the denial of benefits
 - Within ten (10) business days of receipt of written appeal
- The program shall inform an applicant, in writing, of the IDR decision within ten (10) business days
- An applicant dissatisfied with the result of the informal dispute resolution may request an Administrative Hearing
 - Request in writing to the Department for Aging and Independent Living (DAIL)
 - Within thirty calendar (30) days of receipt of the decision by the program
- DAIL shall request the Administrative Hearing pursuant to KRS Chapter 13B

TBI Behavioral Program

Included Services

- Crisis Intervention
 - Targeted Case Management
 - Training and Consultation
 - Wrap around services
- Residential Services
 - Physical Therapy
 - Occupational Therapy
 - Speech Therapy
 - Cognitive and Behavioral Therapy
 - Neuropsychological consultation and medical management
 - Wrap around services
- Target Case Management if applicable
- Transitional services

Services NOT Included

- Medications
- Legal/Attorney fees
- Institutionalization
- Hospitalization



TBI Behavioral Program

Eligibility



- Medically diagnosed brain injury
 - Medical documentation required
- Legal resident of Kentucky
- This program is the payor of last resort
 - Documentation required, i.e. letters of denial from community supports
- Meets the requirements for crisis intervention or residential services
- Traditionally age 18+*
- Open to all income levels

TBI Behavioral Program

Individuals NOT Eligible

- Brain-injured individuals needing treatment in nursing facilities
- Strokes
 - Treatable in nursing facilities providing routine rehab services
- Spinal Cord injuries
 - No known or obvious injuries to the intracranial central nervous system
- Progressive Dementia
- Depression and Psychiatric disorders
- Intellectual disability, birth defects, or congenital defects
- Neurological conditions of a degenerative or progressive nature



TBI Behavioral Program

Crisis Intervention Eligibility

- Must meet all the general eligibility requirements
- Must be Medicaid eligible receiving services under one (1) of the Medicaid Acquired Brain Injury (ABI) Waivers*
 - Acute ABI Waiver
 - Long-Term ABI Waiver
- Considered in an emergency status



TBI Behavioral Program

Residential Services Eligibility

- Must meet all the general eligibility requirements
- Be non-Medicaid eligible
 - Client may be Medicaid eligible but in need of services that are non-Medicaid covered services AND unavailable in-state
- Have been charged with an offense listed in KRS 439.3401(1) *
- Considered in an emergency status



TBI Behavioral Program
Application Process



- Complete Application for Behavioral Services (DAIL-BI-010)
- Medical documentation of the applicant's brain injury
- Physician's Recommendation form (DAIL-BI-020) signed by the applicant's physician
- Documentation that the applicant has no other funding source for services

TBI Behavioral Program
Application Process (Cont'd)



- All documentation must be submitted to DAIL, TBI Behavioral Program
- Applicant will be notified of any additional or missing documentation needed
- All requests are presented to the **TBI Behavioral Program Review Team**
- Applicant will be notified in writing of **approval or denial**
- Letter of Agreement sent to provider identifying services to be funded, approved rate, duration of funding, and provider requirements
 - Traditionally approved for 3 months at a time per 910 KAR 3:020

TBI Behavioral Program
Application Process (Cont'd)

• **Submission of Application and Documentation:**

- **Via Mail:** Department for Aging and Independent Living
Traumatic Brain Injury Programs
275 East Main Street, 3 E-E
Frankfort, KY 40621
- **Via Fax:** 502-564-1203
- **Via Email:** ToniaA.Wells@ky.gov

TBI Behavioral Program
Review Team



- Consists of no less than three (3) CHFS program or affiliated staff
- Determines the applicant's eligibility
- Identifies the applicant's need for crisis intervention or residential services
- Identifies potential resources to meet the applicant's need for services
- Determines whether the program is payor of last resort
- Approves or denies requests for program services based upon:
 - Eligibility
 - Available Funding
- Meets monthly or more often as needed for an emergency

TBI Behavioral Program
Appeal Process

- An applicant who wishes to appeal a denial of services shall notify DAIL in writing, within thirty (30) days of receipt of notification of the denial
- DAIL shall acknowledge receipt of a written appeal, in writing, within five (5) working days after receipt of the appeal
- DAIL shall direct the appeal request to the Division of Administrative Hearings Branch, Office of Communications pursuant to KRS Chapter 13B
- The Secretary of the Cabinet for Health and Family Services shall render a final decision
- The final order shall make clear reference to the availability of judicial review pursuant to KRS 13B.140 and 13B.150

Traumatic Brain Injury (TBI) Programs



Questions ?



Contact Information:
 Tonia A. Wells
 TBI Programs Director
 Community Options Branch Mgr
 Department for Aging and
 Independent Living
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 Frankfort, KY 40621
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