

# HB 591 Traumatic Head and Spinal Cord Injury Trust Fund Report

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## **Traumatic Head and Spinal Cord Injury Trust Fund**

*Office of Aging and Adult Services*

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## Executive Summary

The Louisiana Traumatic Head and Spinal Cord Injury (THSCI) Trust Fund program served 708 survivors of traumatic head and spinal cord injuries in FY19. The number served includes the number of current eligible participants (621) and previously eligible participants (87) whose cases were closed between 7/1/18 and 6/30/19. Participants received items and services that enabled them to live independently in their homes and communities. By contracting with case management agencies throughout Louisiana, case managers initially assess participants' needs in order to assist them in acquiring needed goods and services. Case management agencies provide a connection between individuals and the services and supports they need and assure that these services meet reasonable standards of quality and lead to improved outcomes for the participants. The most common goods and services requested are personal care services, medical supplies and equipment, and home and vehicle modifications.

The THSCI program creates a waiting list for THSCI services if there is not enough funding available to meet the needs of all individuals who apply for services. If the individual is deemed eligible for the program and funding is not readily available, the individual is placed on the waitlist and will be contacted when funding is available. The program places an individual on the waitlist on a first-come, first-served basis. As of December 2019, the waiting list is down to 175 individuals as the Louisiana Department of Health (LDH) has worked hard to open new cases over the past few years. The program receives approximately 100 new applications each year. In FY19, the Trust Fund reviewed and opened eligible applications of participants that applied for services in 2016 and 2017. The program will review and open (if eligible for services) applicants who applied in 2018 before the end of FY20, if funding is available. For those waiting for services, the Trust Fund financially supports the operation of a resource center to offer them other resources in the community. The Brain Injury Association of LA (BIALA) operates the resource center that is located in New Orleans.

## Program Overview

In 1993, the Louisiana Legislature's Act 654 created The Trust Fund program. The Act established the Trust Fund to provide services in a flexible, individualized manner to Louisiana citizens who survive traumatic head and traumatic spinal cord injuries. The Trust Fund provides assistance to participants so that they may return to a reasonable level of functioning and independent living in their communities.

Acts 1993, No. 654, §1, eff. June 16, 1993; Acts 1999, No. 526, §1, eff. June 29, 1999; Acts 1999, No. 826, §1; Acts 2000, 1st Ex. Sess., No. 119, §1, eff. April 19, 2000, Acts 2003, No. 1153, §1; Acts 2010, No. 939, §8, eff. July 1, 2010; Acts 2012, No. 269, §2, eff. May 25, 2012 establish and maintain the Trust Fund. Act 654 imposes additional fees on motor vehicle violations in Louisiana for the offenses of driving under the influence, reckless operation and speeding. These fees provide the funding for this program. The funds are deposited into the State of Louisiana Treasury and are then appropriated annually by the legislature to the Trust Fund program.

The Trust Fund is a program of last resort. An individual must seek assistance from all available resources prior to the Trust Fund's financial participation in services.

The Trust Fund program is administered by LDH, Office of Aging and Adult Services (OAAS) and is staffed by the Trust Fund Program Manager and two Administrative Program Specialists. The Program contracted with three case management agencies in FY19 to provide statewide services; Caldwell Council on Aging, Cadence of Acadiana, and The Arc of Louisiana. Additionally, the Trust Fund has a contract with BIALA for operation of the Trust Fund's Resource Center. The purpose of the center is to provide knowledge and guidance to survivors, families, caregivers and medical and health professionals. Through the support of the Trust Fund, the organization serves nearly 200 individuals in nine support groups throughout Louisiana, assists 30-50 people monthly on the Hotline, draws over 50 survivors at the Annual Conference; and the website attracts an average of 1,400 page views per month.

### **Trust Fund Advisory Board**

The Trust Fund has an advisory board which consists of thirteen members, seven ex-officio and six appointed by the Governor pursuant to La. R.S. 46:2634. Below are the positions:

- Assistant Secretary of the Office of Aging and Adult Services, Department of Health or designee
- President of the Louisiana Senate or designee
- Speaker of the Louisiana House of Representatives or designee
- A representative of an organization recognized for its work in advocacy programs for persons with traumatic head injuries appointed by the governor
- A representative of an organization recognized for its work in advocacy programs for persons with spinal cord injury appointed by the governor
- President of the Louisiana Psychologists Association or designee
- Survivor of a traumatic head injury appointed by the governor
- Survivor of a spinal cord injury appointed by the governor
- Relative of a survivor of a traumatic head injury appointed by the governor
- Relative of a survivor of a spinal cord injury appointed by the governor
- President of the Louisiana State Medical Society or designee
- President of the Louisiana Hospital Association or designee
- Director, Louisiana Rehabilitation Services, Louisiana Workforce Commission or designee

For information about current membership, please visit the Louisiana Boards and Commissions Webpage: <http://legis.la.gov/Legis/BoardMembers.aspx?boardId=392>

The major functions of the Advisory Board are:

- Serves in an advisory capacity to LDH-OAAS in the implementation and administration of the Trust Fund program.
- Monitors and reviews quality of services funded through the Trust Fund program.
- Participates in quarterly Board meetings.
- Provides impartial decisions based on the provisions of the Trust Fund policy manual and the law for recipient appeals.

### **Eligibility for Services**

In order for an individual to be determined eligible for services, an individual must:

- Meet the definition of traumatic spinal cord injury or traumatic brain injury as defined in law:
  - Traumatic Spinal Cord Injury - an insult to the spinal cord; not of a degenerative or congenital nature, but caused by an external physical force resulting in paraplegia or quadriplegia.
  - Traumatic Head Injury - an insult to the head, affecting the brain, not of a degenerative or congenital nature, but caused by an external physical force that may produce a diminished or altered state of consciousness, which results in an impairment of cognitive abilities or physical functioning.
- Be a resident of Louisiana an officially domiciled in the state at the time of injury and during the provision of services;
- Have a reasonable expectation to achieve improvement in functional outcome with assistance (per their treating physician);
- Have exhausted all other Medicare and Medicaid sources (as attested to by the applicant);
- Provide proof of denial from other sources (if requested);
- Be willing to accept services from an approved facility/program;
- Complete and submit appropriate application for services.

### Services

A traumatic brain or spinal cord injury can affect every aspect of an individual's life (e.g., education, employment, social and family relationships, emotional health and mobility). As a result, individuals and their families must often find and gain access to an array of services. Because individual needs are different and can change over time, it is important that programs provide person-centered services and supports. Programs should be flexible enough to meet the unique needs of individuals and their families.

The Trust Fund greatly enhances the ability of an individual to access both their home and community through the provision of services such as various assistive technology devices, personal care attendant services, and home and vehicle modifications.

Monies from the Trust Fund are distributed for the sole purpose of funding the cost of care, which may include, but are not limited to:

- Post-acute medical care rehabilitation;
- Therapies;
- Medications;
- Attendant care; and
- Equipment necessary for activities of daily living.

### Case Management Oversight

Case management agencies provide a connection between individuals and the services and supports they need and assure that these services meet reasonable standards of quality and lead to improved outcomes for the participants. Case management services are provided by contracting with three vendors to allow participants easier access to the Trust Fund program.

- The Program
  - Established multi-year contracts with case management agencies, to ensure continuity of benefits of case management services.
  - Implemented monthly reporting to maintain closer supervision of consumer needs and service provision.
  - Continues to review contracts and procedures in order to streamline processes.
  - Continues to emphasize ongoing training and development of case management services through conference calls and annual trainings with the case managers.
  - Performs case management agency site visits to review programmatic procedures and standards of service delivery.

### Management Initiatives

- Continue with the program objective of assisting survivors of traumatic head and/or spinal cord injury who receive services through the Trust Fund to maintain independence and to return to a reasonable level of functioning.
- Continue to monitor the THSCI Trust Fund Resource Center to ensure information is distributed and updated on a regular basis.
- Continue and expand existing and develop new procedures that identify the needs of the participants that can be addressed through the Trust Fund.
- Continue to research ways to streamline the process through automation of workflows.
- Continue to monitor for duplication of services with other programs.
- Continue to monitor and ensure all municipalities that should be sending in funds are doing so.

### Program Status

#### Participants Served

The Trust Fund program provided services to 708 eligible participants in FY19. The average expenditure per participant is \$5,083 for FY19. There are 175 persons waiting for services.

The THSCI contracted case managers provide direct consumer contact in the nine departmental regions of the state. Each region has an average of 45 participants. In addition to the participants assigned to the THSCI contracted case managers, there are 225 participants assigned to waiver case managers. The participants' case managers prepare all requests for goods and services. The requests are forwarded to the Trust Fund Program Manager via the program email account for review and approval.

#### Expenditures and Deposits

Motor vehicle accidents are the leading cause of both traumatic brain and spinal cord injuries in Louisiana. Funding for the Trust Fund is provided through fees and surcharges from moving traffic violations such as driving while intoxicated, speeding and reckless operation of a vehicle. Funds are deposited into the State Treasury and drawn down by OAAS as expenditures are made.

Below is a chart of the deposits and expenditures since the implementation of the program. The Trust Fund program was transferred to LDH-OAAS July 1, 2010 as part of the governor's streamlining committee recommendations. Highlighted on the next page represents the years- which can be

accounted for by OAAS. Funds that are not spent in any given year are carried forward to the next year to provide services to as many participants as possible.

<b>Traumatic Head and Spinal Cord Injury Trust Fund Collections</b>		
<b>Time Frames</b>	<b>Deposits</b>	<b>Expenditures</b>
June 30, 1994	\$403,087	\$0
June 30, 1995	\$1,349,546	\$0
June 30, 1996	\$1,588,515	\$20,114
June 30, 1997	\$1,485,021	\$313,233
June 30, 1998	\$1,461,162	\$1,737,861
June 30, 1999	\$1,423,633	\$1,935,541
June 30, 2000	\$1,682,006	\$1,655,101
June 30, 2001	\$1,769,188	\$1,458,661
June 30, 2002	\$1,716,891	\$998,816
June 30, 2003	\$1,541,616	\$778,215
June 30, 2004	\$1,555,798	\$1,262,362
June 30, 2005	\$1,651,170	\$1,723,356
June 30, 2006	\$1,752,286	\$1,541,659
June 30, 2007	\$1,950,031	\$1,979,467
June 30, 2008	\$2,005,258	\$2,387,062
June 30, 2009	\$1,845,451	\$3,228,448
June 30, 2010	\$1,554,006	\$3,238,531
June 30, 2011	\$1,670,613	\$1,628,590
June 30, 2012	\$2,161,090	\$1,753,283
June 30, 2013	\$1,552,680	\$2,232,479
June 30, 2014	\$1,654,596	\$2,293,095
June 30, 2015	\$1,658,198	\$1,820,464
June 30, 2016	\$1,740,695	\$1,879,039
June 30, 2017	\$1,655,948	\$1,700,263

June 30, 2018	\$1,583,811	\$1,672,254
June 30, 2019	1,642,603	\$2,283,939

\*Note: Although more was spent than collected in FY19, the program has reserved funding specifically for this reason as we open more cases to serve more participants and reduce the waitlist.

## Conclusion

The need for services continues to be essential for participants who sustain traumatic brain and/or spinal cord injuries. Hundreds of individuals sustain these types of injuries each year in Louisiana with the Trust Fund receiving approximately 100 new applications from Louisiana citizens each year. The Trust Fund strives to serve as many participants as possible with the limited funds available.



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