Home and Community-Based Services for People with Brain Injury

What is "brain injury?"

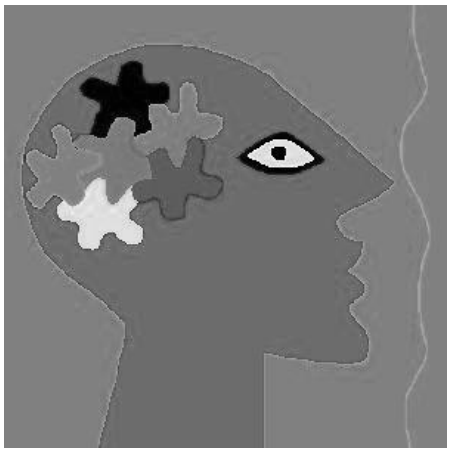
There are several legal and medical definitions for "brain injury" (BI) or "traumatic brain injury" (TBI). For most social service programs in Minnesota, TBI includes any "sudden insult or damage to the brain or its coverings" as long as it happens after birth.

BI is a broader term that includes "acquired" brain injuries, like those caused by seizures, infectious diseases, or strokes. BI can also include degenerative diseases that cause cognitive damage like multiple sclerosis (MS). Recently, Minnesota has begun to use BI to describe the services available for persons with any brain injury sustained after birth.

What services can I get from Medical Assistance (MA)?

There are many programs that provide home and community-based services and supports for eligible people with BI disabilities. People with BI who qualify for Medical Assistance, may be able to get:

- cognitive rehabilitation therapy
- home health aide and nursing services
- various home health therapies
- personal care assistant services - now called Community First Service and Supports - CFSS
- medical supplies and equipment, and
- medical transportation services

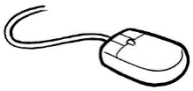


Are there other support services available?

♦ Minnesota has a "Family Support Grant" (FSG) program that provides state funds in the form of vouchers or direct payments to a vendor. These are payments of up to $3,113.99 per year to families of children with certified disabilities. The goal of the FSG program is to prevent or delay out-of-home placement of children with disabilities and promote family health and social well-being by providing access to family-centered services and supports.

Note: you can't get FSG and BI Waiver or CFSS (see next section) at the same time.

For more information about the FSG program go to www.mn.gov/dhs.



→ Click on *Disability and aging communities*
→ Click on *Home and community services*
→ Scroll down and click on the box *Find Programs and services*
→ Click on *Family Support Grant*

Apply at your local county agency.

♦ Counties offer some home and community-based services through their "Vulnerable Children and Adults Act" programs. Check with your local county to see if it has programs or services specific to BI.

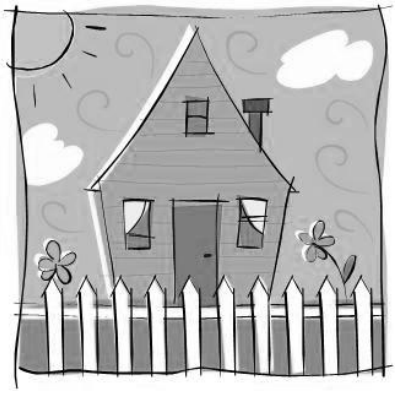
♦ The Minnesota Department of Employment and Economic Development, Rehabilitation Services branch, also offers vocational services and supports.

♦ If you are over 65, you might also be able to get services through the "Essential Community Supports" program if you need help to live in the community. You have to meet certain eligibility rules. It is designed for people who don't need the level of care provided in a nursing home. You may qualify for up to $452 a month for services and supports.

What is the BI Waiver?

The BI Waiver is the main program providing home- and community-based services for persons with BI. The BI Waiver is part of the Medical Assistance program. The Disability Services Division of the Minnesota Department of Human Services administers the waiver with help from county social service agencies.

The Waiver gives services and support, so people can live in the community and be more independent instead of in hospitals or nursing facilities.



The Waiver covers services and support that you might not be able to get under regular Medical Assistance. Both children and adults can use the waiver.

With the Waiver you can live in your own home or:

- in a biological or adoptive family's home
- in a relative's home
- in a family foster care home
- in a corporate foster care home
- in a board and lodging facility
- in an assisted living facility.

If you are married, you can get BI Waiver services while living at home with your spouse.

What services can I get with a BI Waiver?

It depends on your abilities and needs. The following are some services and supports available with a BI Waiver:

- 24-hour emergency assistance
- Adult day service/Day service bath
- Caregiver living expenses
- Case management and case management aide
- Chores
- Community Residential Services
- Consumer-directed community supports
- Crisis respite
- Customized living
- Day Support Services
- Employment development
- Employment exploration
- Employment support
- Environmental accessibility adaptations
- Extended home care nursing
- Extended Home Health Care Services
- Extended personal care assistance
- Family residential services
- Family training and counseling
- Home-delivered meals
- Homemaker
- Independent living skills therapies
- Independent Living Skills Training
- Individualized home support
- Integrated community supports
- Night supervision
- Positive support services
- Prevocational services
- Respite
- Specialist services
- Specialized equipment and supplies
- Transitional services
- Transportation

These services can change often. Find a complete list and details on www.dhs.state.mn.us.

Who is eligible for the BI Waiver?

Eligibility depends on a screening process. To be eligible for the BI waiver, you must meet all these criteria:



- Be on Medical Assistance (MA) or be eligible for MA
- Have a documented diagnosis of:
  - traumatic or acquired brain injury, or
  - an acquired or degenerative disease where cognitive damage is present. But it cannot be "congenital" (present at birth)
- Have significant/severe behavioral and cognitive problems because of the injury
- Be under the age of 65 when you apply
- Be certified as disabled by the State Medical Review Team or by the Social Security Administration
- Need the kind of care you get in a nursing facility (NF) or neuro-behavioral (NB) hospital

- Choose services in the community instead of services in a nursing facility or neuro-behavioral hospital
- Be assessed at Level IV or above on the Rancho Los Amigos Levels of Cognitive Functioning Scale (this measures how a person functions after experiencing a BI).
- The rehabilitation services could really help your situation. This is figured out through screening.
- Need a higher level of service than you could get through other waivers because of cognitive and behavior impairments.

How do I apply for the BI Waiver?

You can apply through your local county social service agency. The county sets up a comprehensive assessment of your eligibility and service needs and can help you get any necessary health evaluations completed. To find your local office, go to www.mn.gov/dhs and click on *Contact Us* for a link to a list of county agencies.

Do I automatically get BI Waiver services if I am found eligible for the Waiver?

Usually, yes. The county asks the following questions to be sure that you need waiver services:



- Are the services necessary to ensure your health, welfare and safety?
- Have all options been reviewed and does this option meet your needs and preferences?
- Is the cost of the service considered reasonable and customary?
- Is the service covered by any other funding source, like Medical Assistance state plan services, private health care coverage, Medicare, education or Vocational Rehabilitation Service funding?

What can I do if the county decides I am not eligible for the BI Waiver?

If your county refuses to assess you for the BI Waiver or says you are not eligible, and you disagree with them, you can ask for an administrative appeal with the Department of Human Services (DHS).

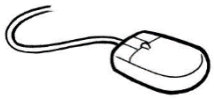
Ask for your appeal from the county or from the Appeals and Regulations Division of the Department of Human Services. You have to ask in writing within 30 days of getting the notice from the county that you were denied. You have 90 days if you have a good reason why.

If you want to keep getting your benefits during the appeal process, you must file your appeal within 10 days of the "effective date" listed on the notice.

How do I appeal?

There are different ways you can get your appeal in.

Online: You can fill out a form and submit your appeal online. Go to: https://mn.gov/dhs/.



→ Click on the "How do I" box towards the right top of page
→ Under "Find" click on "edocs and forms"
→ Click your language
→ Type 0033 in the search bar

There are instructions and the form. Read everything carefully, fill the form out completely and click "Submit" on the bottom right. It is a good idea to print a copy for yourself.

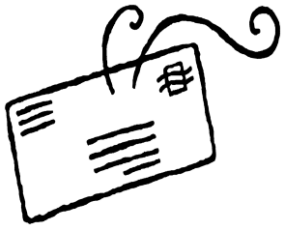
By mail or fax:

You can print out a blank form from the website or you can get one from the county. If you don't want to use a form it is okay to just write a letter and mail or fax it. Say you want to appeal a decision and why.

Make sure you put your case number and the date on your letter. Keep a copy for yourself. You can give the appeal letter to your county worker. You can also mail or fax your appeal to:

Minnesota Department of Human Services Appeals Office
PO Box 64941
St. Paul, MN 55164-0941

Fax (651) 431-7523



How can the Minnesota Disability Law Center help?

The Minnesota Disability Law Center (MDLC) is the state's protection and advocacy system for persons with disabilities. MDLC gets federal funds for that purpose.

If you have a BI, MDLC staff can help you find the right services. MDLC can also help you with other civil legal issues like abuse, neglect, and rights violations.

How do I contact the Minnesota Disability Law Center?

The Minnesota Disability Law Center provides free legal help to people with disabilities in Minnesota. To apply for help, call:

Metro: (612) 334-5970
Toll Free: 1-800-292-4150
For all other calls: 612-332-1441

Minnesota Disability Law Center
111 North 5th Street, Suite 100
Minneapolis, MN 55403

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