

TestimonyInterim TBI Study – Human Services DivisionRepresentative Chuck Damschen, ChairmanJanuary 7, 2014

Chairman Damschen, members of the Interim Committee - Human Services Committee Divisions. Thank you for the opportunity to testify today at the Interim Study regarding Traumatic Brain Injury. I am Rhonda Boehm; my son Eric sustained a Traumatic Brain Injury in 2002 at the age of 14 in a tragic motor vehicle accident. Today he is 26 years old, and has become a young energetic adult; although his adulthood will be different than most his age, because he is living with a Traumatic Brain Injury with numerous cognitive impairments and challenges for the rest of his life.

I had the opportunity to speak to you at the previous Interim Study Meeting on October 29, 2013 regarding the financial and emotional stress that “Mid-Functioning” TBI survivors constantly deal with. I sincerely appreciate receiving emails from you committee members with comments/questions. I have a great deal of personal knowledge with Eric’s TBI, have researched, and discussed with others options to present a proposed suggestion regarding this financial/emotional challenge for Mid-Functioning TBI Survivors.

In the past years and recent months now again, I have visited and completed applications for Eric with the Department Of Human Services, State Medicaid Department, SNAP, Burleigh County Housing Authority, Grand Forks Housing Authority, Vocational Rehab, UND School Of Medicine and have mentored and talked with TBI survivors.

I am proposing a state funded “Flex-Fund Plan”: This would be for TBI Individuals that are “Mid-Functioning Survivors” capable of working. We are aware of the rising numbers of TBI survivors that are returning to work at their individual working level capacity. There is a tremendous need for a specialized program to assist these Traumatic Brain Injury Survivors that will encourage/guide them to continue working, enabling them to live independently and comfortably (in their own home).

Would a “Flex-Fund Plan” for Adult “Mid-Functioning” Traumatic Brain Injury Survivors be a feasible option, to help these individuals maintain a good quality of life? Yes it would be a very beneficial option; was the general consensus as I did my research and visited with others.

The “Flex-Fund Plan” would have criteria to meet like other State Assistance Programs. First the individual would have to “qualify” as a “Mid-Functioning” TBI Survivor whom has exhausted other options pursuing to provide a good quality of life financially for themselves.

Examples for qualifying would be such as: 1) Attended College, but were unsuccessful in achieving a college degree because of cognitive/ TBI related issues. 2) Achieved a degree, but only with an enormous amount of private tutoring and IEP Plans; and then cannot obtain and maintain a job in their field. 3) They are not capable cognitively or physically to perform a “Higher Functioning” job

within the higher pay scale with paid benefits. 4) They are completely capable of independent living (in their own apartment, trailer, home. 5) Their TBI residual impairments prevent them from the opportunity of having roommates (most often anxiety/social/ other TBI residual issues). The individual would need to qualify for at least two of the five items.

The application for the “TBI Flex Fund” could be something like this:

The TBI Survivor would complete an application with the State of North Dakota that would include such items as the following:

Section 1: The applicant would include all necessary personal information, TBI history and work performance levels, and other pertinent information.

Section 2: Include the Net Income they are currently earning and list all current assistance programs enrolled in with dollar amounts received for each, other types of beneficial programs enrolled in such as Voc Rehab. (See note 2 below regarding net income earning).

Section 3: List all expenses the individual has including but not limited to: rent, electricity, heat, all insurances, medical (not covered by insurance), groceries, gas and other necessary living expenses.

Section 4 (Qualifying): The monthly calculation would be: The income the individual earned plus any funds from assistance programs, then subtract the individuals living expenses. There would then be the balance of income left. This could be for example “Monthly Remaining Income”. Next the allowable monthly flex fund (example \$500) monthly would then be the basis to subtract the “Monthly remaining Income” for that month. Then the Financial Assistance the TBI Survivor would receive would be the difference of the two.

This could be set up several different ways: The TBI Individual provides a monthly list of items their TBI Flex Fund Money was spent on the previous month, or set up as General Daily Living Expenses without a monthly report. This may seem like a substantial amount of money at first; so let’s take a look at what this funded money could provide. This TBI Flex Fund money would be spent on things like bills that are due, clothing, personal hygiene items, things needed in their home such as kitchenware, furniture, maybe a new mattress, pillows, maybe a used vehicle payment, entertainment such as movies, bowling or other interests. Realistically this TBI Flex Fund (\$500.00 maximum per month) wouldn’t allow for any extravagances, but it would be a very substantial amount to the TBI individual that is barely making ends meet financially.

Several notes to these four sections I would like to add:

Note 1): Many TBI Individuals receive some funds through the assistance programs such as Medicaid, SNAP, Heating, Housing, and so on...but it is often a very minimal amount.

Note 2): (Refer to Section 2 – why we suggest net income) The reasoning why Net Income should be used rather the Gross Income is because most TBI Survivors work as an employee for a company. They do not usually own their own business or own items they can use as tax deductions when filing their

income tax returns. Because of this they do not qualify for any substantial amount of “tax refund” if any, when filing their income tax. Therefore they are basically are “living on” their net income. Their “Gross Wage” is referenced to on most assistance programs applications, and it seems most often it should be the “Net wage” (taking into consideration only employee requested deductions such as 401Ks).

The Minimum wage in all states is mandated at the Federal Level, and the Federal Poverty Level is set by federal law, but North Dakota has considerably higher living expenses than many other states. Even jobs where wages are above minimum wage (Mid-range wage); are often still very difficult to meet financial obligations when living independently. TBI Survivors had dreams of providing a sufficient living for themselves; but most often they are not able to achieve this due to their TBI impairments.

Regarding employment: I would like to clarify an oversight about TBI survivors that are Mid-Functioning and working: they have only a select few jobs they can sufficiently and safely perform so therefore they don’t qualify for many different careers or jobs. Another factor to consider is these lower end paying jobs are okay for students and individuals earning some “extra money”; but these wages are not feasible to support a household. In addition many TBI Survivors will continue to live at a single status for many years and therefore do not have dual income households. (This is almost always due to their social issues and differences following a TBI). They would give anything to have careers that better provide for themselves financially and emotionally, they would love jobs with higher pay and paid benefits, jobs that have more opportunity and so on; but unfortunately this isn’t the reality of living life with a Traumatic Brain Injury.

I’d like to give examples of several plans that are state mandated which are “similar” to what we are proposing:

I have some general information regarding the 1915i state Medicaid plan amendment, States can offer a variety of services under a State Plan Home and Community-Based Services (HCBS) benefit. Individuals must meet State-defined criteria (meaning the state can develop their own criteria) based on need and typically get a combination of acute-care medical services (like dental services, skilled nursing services) and long-term services (like respite, case management, supported employment and environmental modifications).A specific population of individuals can be the focus or target, for example, individuals with TBI could be an added focus target. The state can select and define the services that are needed and would be provided; and are not limited to anything and can develop new service which is a great option.

For example, a current program that the state is currently working on is for children with mental health issues, where the state has added “customized goods and services” which would be similar to the flex fund option we are proposing. Another state mandated program is The “Workers with Disabilities Program”. The state can make adjustments regarding income levels and qualifying requirements; that could also be more beneficial to the TBI Survivor.

**As a "reference" I have attached a sample of Eric's' monthly income and expenses for you to see the actual amounts of income and expenses regarding his financial status. This is comparable to most all "Mid-functioning TBI survivors.**

**Remember this is to help the TBI Survivor who is working, (rather than them taking the route of not trying to work and applying for total disability/assistance). Most "Mid-Functioning TBI Survivors" who are capable of working have many life-long cognitive/physical impairments that they in reality would most likely qualify for "Complete Disability" including SSI, SSDI, and all federal and state assistance programs at a very high level. This is much more costly to the state and federal government and most importantly this is "NOT" what all "Mid-functioning" TBI Survivors want as a way of living their lives; therefore.....**

**It is in the best interest of the many TBI Survivors who are capable of working to continue to do so. They need to have a reason to get up every morning, to have social opportunities at work, to provide for themselves the best they can. They also need to receive ample assistance to allow them to live at a level that is above poverty proudly and to improve and maintain their quality of life.**

**In closing I would like us to remember: A Brain Injury Does Not Discriminate and more than 13,000 North Dakotans are currently living with a long term disability from a TBI; (each one with many different impairments/cognitive issue). This disability is often called the invisible disability because all too often individuals show no outward signs of the long term ramifications of the injury. So often it's the TBI Survivors that are "in the middle" or the "Mid-functioning" range that are the ones that "fall between the cracks," when they could actually be very productive citizens of North Dakota.**

**I appreciate your time and ask that you consider our proposal to begin the process to adopt a "Flex Fund Plan" for "Mid Functioning" Traumatic Brain Injury Survivors. They want to work and are capable and they want to move forward and maintain a good quality of life. Thank you very much for the opportunity to speak to you today. I will be happy to answer any questions you may have at this time.**

**Eric's Income and Expenses**

**Example Draft**

**Mid-Functioning TBI Survivor - Working**

**December 2013**

**Income from work:**

- 1) \$ 11.80 per hour approximate @ 35 per week = \$413.00 x 4 = \$1,652.00 Gross Wage Per Month  
Less Taxes for Net Wage average of \$ 1,400.00 per month  
Eric does not qualify for any paid health insurance benefits but as of January 1, 2014 has just been notified he qualifies for the Medicaid Expansion Plan.
- 1) Average annual wage of \$24,000.00 Gross and average annual Net wage of \$ 17,000.00. The net wage is actual finances to live on for the year. There is a very little tax refund (explained in testimony).

**Expenses**

- 1) Rent home –trailer home – small/older/single wide one bedroom/one bath - \$ 700.00 per month
- 2) Electricity – MDU – Gas charges (Nov - \$48.83 – Electric - \$46.16) Burleigh County is assisting by paying for gas charges from October 2013 – March 2014
- 3) Eye Doctor/Dr. Schindler - \$ 200.00 Annual checkup and contacts
- 4) Aggissiz Associates and Sanford – Psychologist therapy for OCD - 2 sessions per month at \$175.00 each time = \$ 43.00 per month Eric's share after BCBS – Eric needs to go once or twice a week but doesn't.
- 5) Monthly Prescriptions - \$ 456.52 per month for Clomipramine – in November switched to Fluvoxamine because could not afford the Clomipramine. \$ 72.12 Eric's share paid to CVS after insurance.
- 6) Monthly Other medical – Sanford Health – Wart removal/shots 3 appointment - \$ 569.32 Eric's share after BCBS payment

**Monthly Chart:**

Income (Net/available to pay living expenses)..... **\$ 1,400.00 Sams Club**

Expenses.....Rent	\$ 700.00	Rent Trailer Home
Electricity	46.16	MDU – Electricity
Medical Therapy	143.00	Therapies for OCD/Anxiety
Prescriptions	72.12	Prescriptions for OCD/Anxiety

Sanford/Medical	50.00 Average payment for Sanford
Groceries	250.00 per Month (plus \$ 16.00 SNAP)
Gas – to & from work	60.00 Per Month (Low average)
Telephone – Cell Phone only	50.00 per Month (Share on Family Plan)
Personal Hygiene Items	<u>30.00</u> per Month
	- 1.28 – None remaining

Note: The following expenses are paid for by Eric’s parents: Lee and Rhonda Boehm

Car Expenses.....Ownership – Lee and Rhonda Boehm – Older car with 160,000 miles on, parents pay for car, all repairs, most gas

Car Insurance – \$ 165.00 per year – Paid by Lee & Rhonda Boehm

Car Title & License - 28.00 per year Paid by Lee & Rhonda Boehm

Health Insurance – on parents (Lee & Rhonda Boehm) family plan until January 2014 –

On December 28 Eric received a letter that he now qualifies for the Medicaid Expansion Plan as of January 1, 2014. He is currently waiting for the booklet with benefit explanations, cards and coverage information.

**Eric's Assistance Qualifications as of 1/1/2014:**

- 1) SNAP – Food Assistance - \$ 15.00 per month until March 2014 when his next review is
- 2) LIEHP – Low Income Energy Assistance Program – 70% of approved heating bills (Gas Only) will be paid by Burleigh County Social Services directly to MDU from October 2013 – March 2014. This averages out to about \$35.00 per month for gas only.
- 3) Medicaid: Denied 11/02/13; pending 12/1/2013; qualifies 1/1/2014 (Pending receipt of cards, benefits information) from Medicaid.
- 4) Housing: Qualified in Grand Forks for \$67.00 per month; denied ineligible in Burleigh County to misunderstanding between Eric and County office that he needed a review in Grand Forks Housing in his apartment before moving. Following phone calls and meeting with Burleigh County Housing Authority, Eric has now reapplied for Housing Assistance in Burleigh County which has a possible 1-3 year waiting period.