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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/07

SPONSOR Chasey LAST UPDATED \_\_\_\_\_ HB 259

SHORT TITLE Day Program for Persons With Brain Injuries SB \_\_\_\_\_

ANALYST Geisler

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$130.0	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Aging and Long-Term Services Department (ALTSD)  
Developmental Disabilities Planning Council (DDPC)

### SUMMARY

#### Synopsis of Bill

House Bill 259, for the Legislative Health and Human Services Committee, appropriates \$130,000 from the general fund to the Aging and Long-Term Services Department (ALTSD) in Fiscal Year 2008 to fund day programs that assist persons with traumatic or acquired brain injury in learning social and life skills. The bill also directs ALTSD to create and replicate an effective statewide services delivery model for persons with brain injury. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the general fund.

### FISCAL IMPLICATIONS

ALTSD notes that this appropriation is not included in the ALTSD FY08 operating budget request. However, both the executive and Legislative Finance Committee budget recommendations provide \$1.9 million in expansion funding to establish permanent funding for long-term brain injury services.

ALTSD currently administers the statewide Traumatic Brain Injury Trust Fund Program and the Medicaid Self-Directed Waiver (Mi Via) program that includes home and community based services, goods and supports to persons with brain injury. The appropriation contained in House Bill 259 would be integrated into one or both of the aforementioned programs to provide a more comprehensive delivery of services to individuals with brain injury. ALTSD believes the appropriation is sufficient to create a separate or stand alone program or service.

### **SIGNIFICANT ISSUES**

ALTSD notes that the Center for Disease Control (CDC) estimates there are approximately 36,000 New Mexicans are living with the consequences of traumatic brain injury alone and significantly more people living with acquired brain injuries. Individuals with brain injury frequently require assistance to learn or relearn social and life skills. Adults often experience difficulty in obtaining access to services that assist them in acquiring these skills, unless family members are available and willing to provide the needed support. Even when family members provide support, there are times when family members need immediate day services due to some emergency within the family. The program envisioned by House Bill 259 would help meet these needs.

Currently, the Traumatic Brain Injury (TBI) program, the only state-funded program for persons in New Mexico with brain injury, has limited funding and is only able to provide crisis or short term services. Day service is not a service that is available through this program. The Medicaid Self-Directed Waiver Program, Mi Via, provides long-term services, goods and supports to eligible persons with traumatic or acquired brain injury. The Mi Via participant could purchase day services from his/her budget if day service were available in a given community. Day services are not readily available in many communities, are relatively expensive and emergency day services are even less available. Based on the Medicaid Mi Via Waiver application that serves persons with brain injury that was approved by the Centers for Medicare and Medicaid Services in September 2006, in FY07, up to 200 people with brain injury may have the opportunity to access Mi Via Waiver services. To the extent that day services are available in a community, the Mi Via participant would be able to purchase day services with the approved budget.

### **TECHNICAL ISSUES**

ALTSD notes that House Bill 259 does not provide sufficient information to identify the intent or expectation of creating a day care program for individuals with brain injury. House Bill 259 does not provide adequate information on the number of individuals expected to be served or the number of programs expected to be established around the state. House Bill 259 does not specify income eligibility requirements for individuals with brain injury needing day services. It is not clear if the intent is to limit this funding for day service to low income or Medicaid eligible individuals or to anyone with brain injury needing day services.

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