



# Access to brain injury services in long-term care facilities

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July 17, 2024

# Purpose

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Members requested an informational presentation about access to traumatic brain injury services in Virginia, including services for individuals in long-term care settings

# Key Takeaways

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- Brain injuries are chronic conditions that may have a long-lasting impact on the survivor and family
- Two state agencies provide brain injury services in various settings
- Virginia assisted living facilities are not currently eligible for Medicaid reimbursement for any long-term care services
- DMAS has developed two programs that could expand access to brain injury services

DMAS = Department of Medical Assistance Services

# Agenda

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Overview of brain injury and brain injury services

State-funded brain injury services available in Virginia

Considerations for Medicaid coverage of services provided in assisted living facilities

Proposals to expand access to Medicaid coverage of brain injury services in Virginia

# Brain injuries damage the brain and alter brain function

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- Traumatic brain injury (TBI) results from external forces such as falls, motor vehicle accidents, or sports injuries
- Non-traumatic brain injury is the result of other events such as stroke, virus, tumor, drug abuse, or chemical exposure
- Brain injury can present as an “invisible disability” since the effects of brain injuries may not be apparent

# Brain injury can be a chronic condition that has lasting impact on the individual and family

- Some individuals with brain injury may need ongoing services in home, community, or long-term care setting
- Individuals with brain injury may experience negative life events
  - The unhoused and incarcerated populations are more likely to have a brain injury compared to the general population

SOURCE: 2023 Department for Aging and Rehabilitative Services Annual Report

# Brain injury services generally fall into two categories

## Acute Services

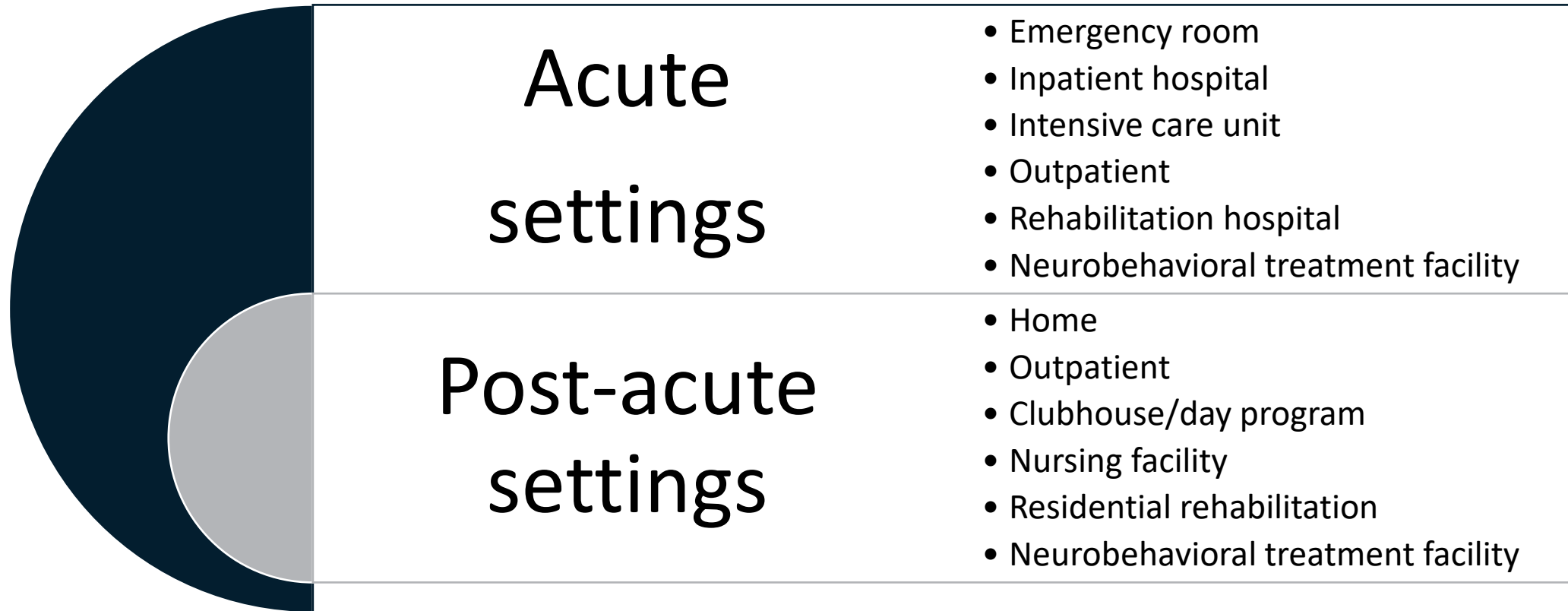
- Emergency evaluation
- Physician services
- Skilled nursing
- Resource coordination

## Post-Acute Services

- Physical therapy
- Occupational therapy
- Speech and language therapy
- Psychological care
- Skilled nursing
- Home health services
- Social support
- Case management

SOURCE: JCHC analysis of peer-reviewed literature

# Individuals access brain injury services in different settings



SOURCE: JCHC analysis of peer-reviewed literature



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# Two state agencies provide brain injury services in Virginia

- DARS provides community-based, non-residential state-funded brain injury services
- DMAS covers certain brain injury services under:
  - Medicaid State Plan
  - Commonwealth Coordinated Care Plus (CCC Plus)

DARS = Department for Aging and Rehabilitative Services

DMAS = Department of Medical Assistance Services

# DARS provides services through a network of nine brain injury service providers

- DARS coordinates rehabilitative services for persons with significant “physical or sensory disability” including brain injury
- Brain injury service providers must offer at least one of these core services:

Case  
management

Clubhouse/day  
program

Resource  
coordination

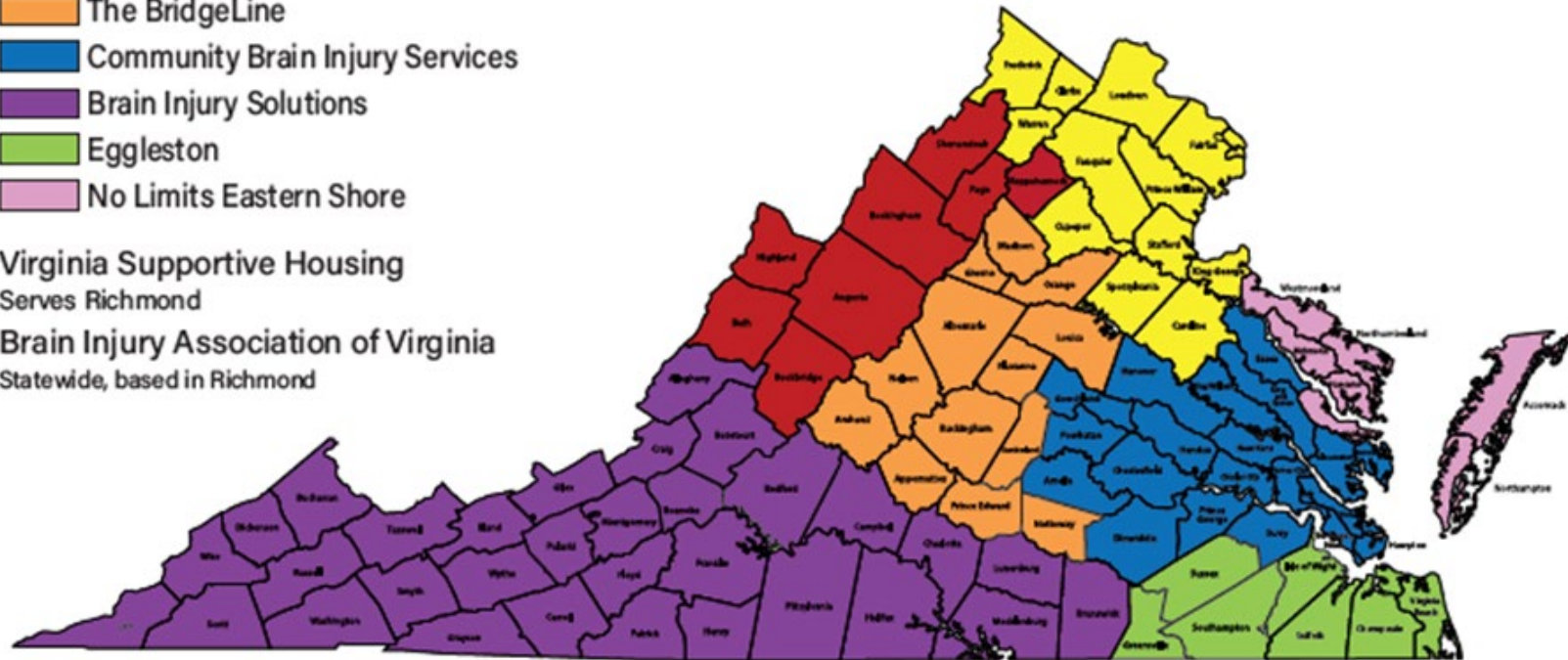
# As of FY2024, every locality is served by a brain injury service program, although the depth of services is limited in some areas

## Virginia State Funded Brain Injury Organizations and Their Service Areas



- Brain Injury Services
- Brain Injury Connections of the Shenandoah Valley
- The BridgeLine
- Community Brain Injury Services
- Brain Injury Solutions
- Eggleston
- No Limits Eastern Shore

Virginia Supportive Housing Serves Richmond  
Brain Injury Association of Virginia Statewide, based in Richmond



# Virginia Medicaid covers brain injury services for eligible individuals

- Virginia Medicaid covers most brain injury services when they are needed in the short-term
- As of January 1, 2024, Virginia Medicaid now covers access to targeted case management (TCM) for individuals with severe traumatic brain injury
- Virginia Medicaid covers post-acute brain injury services provided within the home, community, or nursing facility for individuals who are eligible for the CCC Plus program

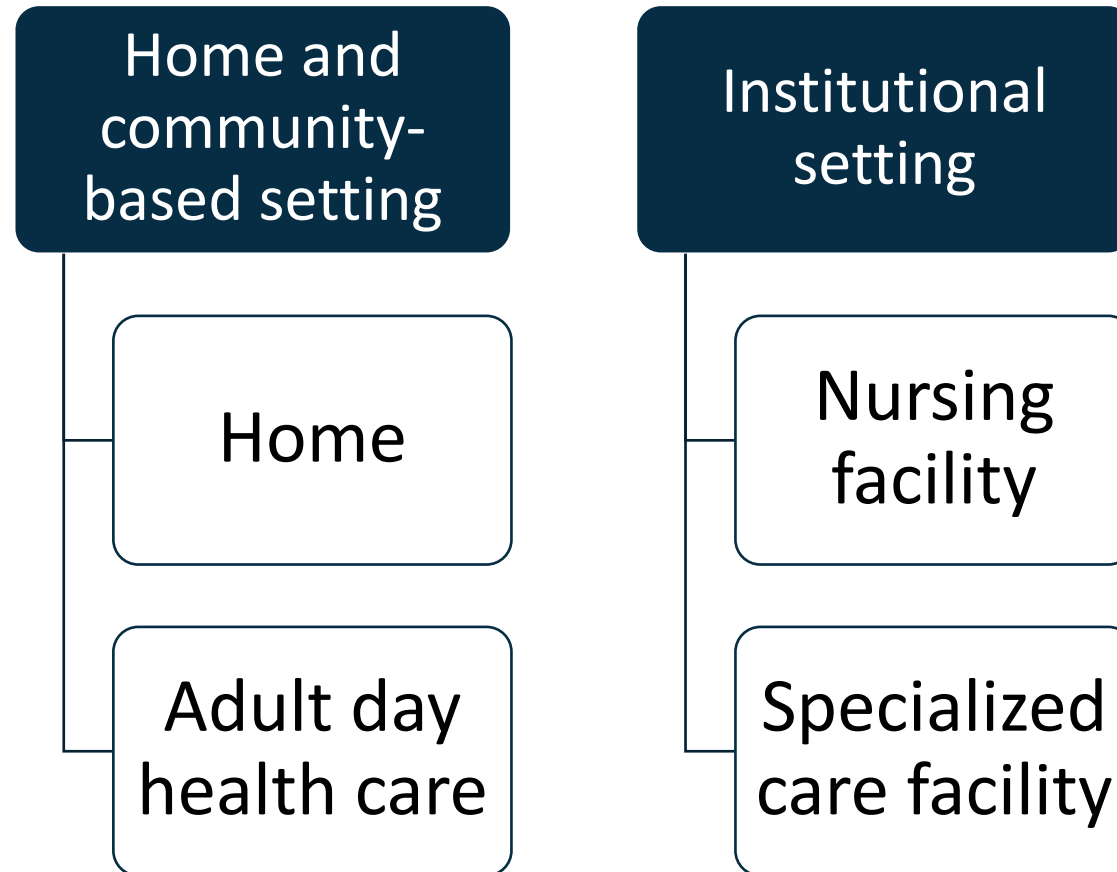
# Individuals with brain injury must meet CCC Plus eligibility criteria

Commonwealth Coordinated Care (CCC Plus) includes Medicaid members who:

- Are 65 years of age or older or are children or adults under 65 years of age with disabilities
- Receive Medicare and full Medicaid benefits (dual eligible)
- Meet NF level of care criteria and receive Medicaid long-term services and supports (LTSS) in a facility or through one of the home and community-based waivers (HCBS)
- Are medically complex (have a medical or behavioral health condition or functional impairment)

NF = Nursing facility

# CCC Plus covers long-term care services in two types of settings



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# In Virginia, services in ALFs are not eligible for Medicaid reimbursement

- Virginia ALFs are not required to adhere to federal criteria to qualify as a home and community-based setting
- Virginia could amend regulations to require ALFs to meet HCBS criteria but ALFs face barriers to compliance

ALFs = Assisted living facilities

HCBS = home and community-based setting

# ALFs would have to comply with federal rules to be eligible as a HCBS

- CMS requires all the following conditions to be met for the setting to be considered an eligible HCBS:
  - It is integrated in and supports full access to the greater community
  - It is selected by the individual from among a variety of setting options
  - It optimizes autonomy and independence in making life choices
  - It facilitates individual choice in selecting both services and service providers
  - It ensures individuals rights of privacy, dignity, respect, and freedom from coercion and restraint

CMS = Centers for Medicare & Medicaid Services

# DSS indicates that ALFs may not meet additional criteria for provider owned and operated residential settings

<b>Federal HCBS criteria</b>	<b>State statutory or regulatory provisions</b>
Resident has a lease or other legally enforceable agreement	ALFs are not required to adhere to the Virginia Landlord and Tenant Act
Resident has privacy in their unit including lockable doors	ALFs are not required to provide lockable doors in resident rooms
Resident can have visitors at any time	ALFs are allowed to establish a visitation policy
Setting is physically accessible	ALFs could restrict access to the facility or limit resident movement for health and safety reasons

DSS = Department of Social Services

# States that cover services provided in ALFs require compliance with HCBS criteria

- Virginia would have to amend ALF regulations to reflect HCBS standards to cover services in ALFs
- Federally authorized transition period allowed state Medicaid programs to cover services in ALFs working towards compliance with HCBS standards
- With transition period expired, Virginia ALFs would have to meet all HCBS standards prior to receiving reimbursement

# ALFs compliance with federal HCBS criteria does not guarantee access to brain injury services

- Most states that cover services in ALFs specifically do not allow brain injury services to be covered in ALFs
- ALFs are not required to directly provide brain injury services
- Medicaid reimbursement would need to be sufficient to encourage ALFs to provide brain injury services

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# DMAS proposed programs could expand access to brain injury services

- Proposed programs could expand access to brain injury services for individuals who need long-term care
  - Home and community-based program
  - Alternative institutional placement program would provide services in a setting that qualifies as neurobehavioral treatment facility
- Proposed programs could allow Medicaid-eligible individuals with brain injury who do not meet CCC Plus program criteria to access a core set of brain injury services
- Neither program has received state funding or federal approval

# Home and community-based program would serve individuals with brain injury

- Available to Virginia Medicaid eligible individuals 18 years or older who:
  - Have a documented diagnosis of traumatic or non-traumatic brain injury with significant neurobehavioral needs
  - Require at least 1 waiver service, at least monthly, as documented in the individualized assessment and service plan to function at their optimal level



# Home and community-based program could expand access to brain injury services in approved settings

## Home Support

- In-home support services
- Residential support services
- Supported living
- Transitional living program services

## Community Support

- Personal assistance service
- Non-medical transportation – *employment and community*
- Respite care
- Club house – *work ordered day club house*
- Employment specialist services – *supported employment*

## Specialized rehabilitation, counseling, and training supports

- Cognitive rehabilitation
- Consultation services
- Family counseling and training services
- Assistive technology/environmental modification/electronic home-based supports

Alternative institutional placement program would serve individuals who could not be served in the community

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- Available to Virginia Medicaid eligible individuals 18 years or older who:
  - Have a documented diagnosis of traumatic or non-traumatic brain injury with significant neurobehavioral needs
  - Require intensive program at an inpatient neurobehavioral treatment facility

# Alternative institutional placement program would cover services in neurobehavioral treatment facilities

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- Neurobehavioral treatment facilities include:
  - Nursing facilities
  - Community-based rehabilitation facilities
- Services under this program include:
  - Assessments
  - Service plan
  - Neurocognitive treatment
  - Rehabilitation therapy
  - Community-based activities

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# Joint Commission on Health Care

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