

**DISABILITIES LAW PROGRAM  
PROTECTION & ADVOCACY FOR TRAUMATIC BRAIN INJURY  
(PATBI)  
FY19 PRIORITIES**

**INTRODUCTION**

The Disabilities Law Program (“DLP”) of the Community Legal Aid Society, Inc. provides services to address the advocacy needs of persons with traumatic brain injury (“TBI”) consistent with the Traumatic Brain Injury Act reauthorized in November, 2014. This document identifies the priorities, rationale, and projected outcome measures for the DLP’s Protection & Advocacy for Traumatic Brain Injury (PATBI) program for FY19.

**I. PREVENTION**

GOAL: The PATBI will promote TBI prevention and recourse options. SYSTEMIC ADVOCACY OBJECTIVE:

- 0100 Collaborate with the State Council for Persons with Disabilities [“SCPD”] Brain Injury and Policy & Law Committees in development and analysis of State legislation, regulations and selected policies with significant effect on TBI prevention and recourse options.

OUTCOME MEASURE:

As a result of PATBI composition or analysis, a minimum of 5 laws, regulations, or policies affecting TBI prevention and recourse options will be analyzed, with recommendations where appropriate.

RATIONALE:

In FY19, the PATBI will continue to focus on brain injury prevention through monitoring of bills, regulations or policies that promote highway safety and sports injury prevention. The PATBI will assist with implementation of recently enacted PATBI-authored legislation (“Concussion in Youth Sports Activities Act”) addressing concussions sustained in youth sports programs which will be effective in September, 2017.

**II. SPECIAL EDUCATION**

GOAL: The PATBI will advocate for access to appropriate special education services by students with TBI.

SYSTEMIC ADVOCACY OBJECTIVE:

- 0200 A. Collaborate with SCPD and Governor’s Advisory Council for Exceptional Citizens [“GACEC”] to promote the timely and valid identification of students with TBI.

INDIVIDUAL ADVOCACY OBJECTIVE:

- 0201 B. Provide legal advocacy services to students with TBI denied special education eligibility or essential direct or related services.

OUTCOME MEASURES:

- A. Through participation in councils and committees, the PATBI will positively influence the development of broader definitions of what constitutes a brain injury for purposes of securing educational services.
- B. As a result of PATBI intervention, a minimum of 3 students with TBI will secure special education identification or access to essential services.

RATIONALE:

The PATBI collaborated with the Developmental Disabilities Council, GACEC, the DuPont Hospital for Children, Delaware BIA, and SCPD to educate key public school staff in identification and program needs of students with TBI. These efforts resulted in increased identification of students with TBI through 2017. However, advocacy is still needed to prompt public schools to properly identify and program for students with TBI. Students with a TBI classification are currently categorically eligible for 12-month programs but this entitlement is regularly jeopardized by proposed changes in the funding system. The PATBI contemplates collaborating with the DOE and GACEC to analyze legislation, regulations and policies which preserve protections and improve access to special education services by students with TBI. The PATBI contemplates individual advocacy on behalf of students with TBI to secure special education identification and access to essential services.

**III. HEALTH & FINANCIAL BENEFITS**

GOAL: The PATBI will advocate for enhanced access to “safety-net” health and financial benefits for persons with TBI.

SYSTEMIC ADVOCACY OBJECTIVE:

- 0300 A. Collaborate with the SCPD Brain Injury and Policy & Law Committees in analyzing State legislation, regulations, Medicaid initiatives, and selected policies with significant effect on access to “safety-net” health and financial benefits.

INDIVIDUAL ADVOCACY OBJECTIVE:

- 0301 B. Provide advocacy services to individuals with TBI facing program eligibility or significant service denials/terminations in “safety-net” health and financial public benefits contexts (e.g. SSI; Medicaid; Food Supplement Program).

**OUTCOME MEASURES:**

- A. As a result of PATBI analysis, a minimum of 5 laws, regulations, or policies affecting access to health and financial benefits will be analyzed with recommendations where appropriate.
  
- B. As a result of PATBI intervention, a minimum of 5 individuals with TBI will secure enhanced access to “safety-net” public health or financial benefits.

**RATIONALE:**

The PATBI will provide advocacy and educational assistance to promote client-oriented implementation of the DDDS Lifespan Waiver and the Delaware State Health Plan waiver programs. DLP will participate in committees and councils that assess and improve Delaware’s behavioral and mental health services system. The PATBI will continue to serve on an application review committee for state-funded grants for individuals with TBI, otherwise assist with implementation of the program.

Finally, the PATBI envisions both systemic and individual advocacy to promote access to other financial and health care benefits.

**C. GOVERNMENT PROGRAMS & SERVICES**

**GOAL:** The PATBI will sustain and promote non-discriminatory and effective access to governmental programs.

**SYSTEMIC ADVOCACY OBJECTIVE:**

- 0400 A. Collaborate with the SCPD Brain Injury and Policy & Law Committees to reduce statutory, regulatory, and policy barriers and promote effective constituent access to governmental programs.

**INDIVIDUAL ADVOCACY OBJECTIVE:**

- 0401 B. Provide direct advocacy services if an individual has been prevented from effectively accessing important governmental programs based on systemic policy or barrier(s) contrary to Federal or State law.

**OUTCOME MEASURES**

- a. PATBI will analyze, and make recommendation with appropriate, 5 laws, regulations, or policies that address barriers to accessing government services for individuals with TBI.
  
- b. As a result of PATBI intervention, 3 persons with TBI will secure non-discriminatory or equal

access to governmental services.

**RATIONALE:**

This priority encompasses enforcement of Title II of the ADA, §504 of the Rehabilitation Act, and Delaware’s equal accommodation law, Title 6 Del.C. Ch. 45. It also encompasses improving the public service delivery system for persons with TBI. The PATBI can invoke enforcement options to remedy discrimination against persons with TBI through Delaware’s equal accommodations law. PATBI anticipates provision of on-going technical assistance to preserve TBI eligibility and influence services offered by both DDDS and the Division of Prevention and Behavioral Health and will represent individuals in eligibility and service denials on request.

**D. INAPPROPRIATE INSTITUTIONALIZATION; COMMUNITY LIVING**

**GOAL:** The PATBI will deter inappropriate institutionalization of persons with TBI and promote the availability of appropriate community-based housing options.

**SYSTEMIC ADVOCACY OBJECTIVES:**

- 0500 A. The PATBI will collaborate with the SCPD Brain Injury and Policy & Law Committees in analyzing State legislation, regulations, and selected policies with significant effect on diversion of persons with TBI to appropriate community-based housing options.
- 0501 B. The PATBI will continue to provide technical assistance and serve on the SCPD Housing Committee to enrich the community-based service delivery system.

**INDIVIDUAL ADVOCACY OBJECTIVES:**

- 0502 A. The PATBI will facilitate appropriate discharge planning for inappropriately institutionalized persons with TBI.
- 0503 B. In collaboration with CLASI’s fair housing program, the PATBI will provide direct advocacy services to individuals with TBI who have experienced housing discrimination in violation of fair housing laws.

**OUTCOME MEASURES:**

- a. PATBI will analyze, and make recommendations where appropriate, a minimum of 3 laws, regulations, or policies affecting the institutionalization and fair housing rights of persons with TBI.
- b. As a result of PATBI intervention, a minimum of 3 persons with TBI will secure or retain access to appropriate community-based housing.

**RATIONALE:**

The lack of community-based housing options for persons with TBI results in inappropriate institutionalization. The SCPD is engaged in systemic planning to enrich the service delivery system in the community. Individuals with TBI often experience difficulty living in the community due to the lack of support services or landlord denial of reasonable accommodations. The PATBI will promote access to support services and enforce fair housing rights. Recently enacted PATBI-authored legislation (S.B. No. 179) bars housing discrimination based on source of income. The PATBI anticipates advocacy to promote implementation.

**E. COMMUNITY EDUCATION**

**GOAL:** The PATBI will educate persons with TBI, their families, and professionals to understand the service needs of persons with TBI, civil rights protections, and sources of supports.

**SYSTEMIC OBJECTIVE:**

- 0600 A. The PATBI will co-sponsor or support training events which provide information on the service needs of persons with TBI, civil rights protections, and sources of supports.

**INDIVIDUAL OBJECTIVE:**

- 0601 B. The PATBI will provide technical assistance to persons with TBI, their families, and professionals in response to inquiries concerning service needs, civil rights protections, and sources of support for persons with TBI.

**OUTCOME INDICATORS:**

- a. The PATBI will co-sponsor or support a minimum of 3 training events which provide information on service needs, civil rights protections, and sources of support for persons with TBI.
- b. The PATBI will provide information, referral, and technical assistance to 10 individuals with TBI, family members, and professionals.

**RATIONALE:**

There is widespread misunderstanding of the needs of persons with TBI and the service delivery system. Consumer empowerment is enhanced through training of individuals with TBI and their families, including events such as the Delaware Brain Injury Association's annual conference and the LIFE conference. The PATBI will exhibit at the Association's conference. The PATBI will continue to serve on the design team of the LIFE conference which will convene in January, 2019 and include seminars of interest to persons

with TBI. The PATBI will also exhibit at the conference. Finally, the PATBI anticipates exhibiting at the Fall, 2018 NAMI-DE and Mental Health Association conferences.