

**DISABILITIES LAW PROGRAM
PROTECTION & ADVOCACY FOR TRAUMATIC BRAIN
INJURY (PATBI)
FY22 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”). This document identifies the priorities, rationale, and projected outcome measures for the DLP’s Protection & Advocacy for Traumatic Brain Injury (PATBI) program for FY22. Completion of targets may be impacted by the coronavirus pandemic and restrictions placed on operations of CLASI, service providers in the TBI community and the state legislature and regulatory agencies.

I. PREVENTION

GOAL: The PATBI will promote TBI prevention and resource 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 resource options.

OUTCOME MEASURE:

As a result of PATBI composition or analysis, a minimum of 3 laws, regulations, or policies affecting TBI prevention and recourse options will be analyzed.

RATIONALE: In FY22, the PATBI will continue to monitor of bills, regulations or policies that promote brain injury prevention.

II. SPECIAL EDUCATION

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

SYSTEMIC ADVOCACY OBJECTIVE:

0200 A. Collaborate with SCPD Brain Injury Committee and Policy and Law Committee, 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 and evaluate Delaware Department of Education efforts to identify and serve students with TBI.
- 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 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 and Access to Government Services

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

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 and reduce statutory, regulatory, and policy barriers and promote effective constituent access to governmental programs.

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; Veterans’ Benefits and Services) or 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. As a result of PATBI review, a minimum of 10 laws, regulations, or policies affecting access to health and financial benefits or access to government programs and services will be analyzed.
- B. As a result of PATBI intervention, a minimum of 6 individuals with TBI will secure enhanced access to “safety-net” public health or financial benefits or have barriers to access to government programs removed.

RATIONALE: The PATBI will provide advocacy and educational assistance to promote access to and utilization of the DDDS Lifespan Waiver and the Delaware State Health Plan waiver programs. This priority also 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. DLP will participate in committees and councils that assess and improve Delaware’s behavioral and mental health services system. PATBI will monitor access to the state-funded assistance for unmet needs of individuals with TBI funded through state “tobacco funds.” Finally, the PATBI envisions both systemic and individual advocacy to promote access to other financial and health care benefits.

IV. 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:

- 0400 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.
- 0401 B. The PATBI will continue to provide technical assistance to enrich the community-based service delivery system.

INDIVIDUAL ADVOCACY OBJECTIVES:

- 0402 A. The PATBI will facilitate appropriate discharge planning for inappropriately institutionalized persons with TBI.

0403 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 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.

V. 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:

0500 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:

0501 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. The PATBI will also exhibit at the conference. Finally, the PATBI anticipates exhibiting and participating in 2021 NAMI-DE and Mental Health Association conferences.