

# Brain Injury Commission

## Meeting Minutes

July 9, 2019

10:00 a.m. – 12:00 p.m.

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Date of meeting: July 9, 2019

Start time: 10:05 a.m.

End time: 11:57 a.m.

Location: Massachusetts State House, Room 428, Boston, MA 02108

Members present (sorted by last name):

Beth Adams – *Massachusetts General Hospital*

Dorothee Alsentzer - *for Dan Tsai, Assistant Secretary, MassHealth*

Rep. Gerard Cassidy – *MA House of Representatives*

Senator Harriette Chandler – *Massachusetts State Senate*

Rep. Kimberly Ferguson – *MA House of Representatives*

Nicole Godaire – *Executive Director, BIA-MA*

Dr. Swathi Kiran – *Boston University*

Carole Malone – *Assistant Secretary, Office of Elder Affairs*

Josh Mendelsohn - *on behalf of Toni Wolf Commissioner, MA Rehabilitation Commission*

Undersecretary Lauren Peters – *Executive Office of Health and Human Services*

Yves Singletary – *Department of Public Health*

Secretary Francisco Uréna – *Department of Veteran Services*

Marilyn Price Spivack – *Family Member, Founder of BIAA& BIA-MA, Spaulding Rehabilitation Hospital*

Senator Dean A. Tran – *Massachusetts State Senate*

Members participating the meeting through conference call line:

Helene Robillard – *Brain Injury Survivor*

Members absent:

Dr. Imiogele Aisiku – *Brigham and Women's Hospital*

Adelaide Osborne – *MA Rehabilitation Commission*

Dr. David K. Urion - *Boston Children's Hospital*

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## Proceedings

Time was 10:05 a.m. when Senator Chandler called the room to order and gave a quick introduction of the commission. Members then introduced themselves around the table. Members recognized Ted Johnson, who is a new commission member. At 10:08 a.m., the audience was given the chance to introduce themselves.

At 10:08 a.m., Representative Ferguson sought for motions to approve last meeting's minutes. Assistant Secretary Lauren Peters abstained from the vote, as she was not present at the last Commission meeting. The Commission casted a vote by voice and passed the motion without opposition.

Eileen Chernoff and Ann Gillespie, the owners, president and vice president of the Community Rehab Care of Watertown started their presentation to the Commission at 10:10 a.m. They explained Community Rehab Care is licensed as an Outpatient Rehabilitation Clinic offering Physical, Occupational and Speech Therapy and Wellness Programs for Neurological and Orthopedic clients in a Community Reintegration Model. The clinic is licensed by Massachusetts DPH and Medicare Certified as a Rehab Agency, SDO. The clinic is accredited with the Commission for Accreditation of Rehab Facilities (CARF) for Interdisciplinary Medical Rehab Programs: Brain Injury Specialty (Adults, Children and Adolescents). The clinic has operated for 23 years, as a woman owned business. The

presenters noted that they are the only independent clinic of its kind in MA. The presenters stated they accept Acquired Brain Injury from all causes, including referrals from Massachusetts Veterans Affairs.

Secretary Uréna commented on the Massachusetts Veteran Affairs' current procedures of caring for veterans with brain injuries. Marilyn Spivack commented on the VA's case management situation and expressed concerns for its current case management methods, calling for better case management.

The presenters, Ms. Chernoff and Ms. Gillespie resumed their presentation and gave a general overview of the Post Acute healing journey for brain injured patients. The presenters expressed difficulties in the last year to help patients applying for case management services.

Marilyn Spivack highlighted the difficulties of having capable clinics sustain themselves financially. She noted that there is only a few qualified providers in the whole Commonwealth who are capable to cover the needs of brain injured patients. Ms. Spivack stressed that there is a serious lack of funding, medical personnel, and facilities. Nicole Godaire expressed similar concerns and supported Ms. Spivack's sentiments.

Ms. Chernoff shared a real-life example of one of her patients to illustrate the serious lack of money for long-term management care service.

Senator Chandler acknowledged the gravity of the situation and expressed that the Commission can establish a subcommittee to look into the difficulty of long-term care services and the lack of funding. Ms. Spivack shared a story of her daughter to show the difficulty of adequately funding the transportation, education, medical, prevocational, and supported living expenses. She stressed the importance of the SHIP program and called for all agencies to voluntarily support brain injured patients. Senator Chandler noted that private insurance agencies were also ought to be considered in the process. Assistant Secretary Peters suggested that the whole spectrum of the services be considered and the services that should be covered by private agencies should be differentiated from the services that should be provided by MRC.

The presenters resumed with a successful example of a patient's post-acute treatments to illustrate the post-acute healing processes and services needed at different stages. Representative Ferguson asked the presenters to clarify what High Frequency Care was referring to in the example, to which the presenters responded with different scenarios of treatment.

The presenters then used another real-life example to demonstrate the whole process of brain injured patients' rehabilitation journey. Josh Mendelsohn commented on the waiver programs mentioned in the presentation. He stated that SHIP has been operating for approximately 30 years with a stable population, but currently there is a large number of qualified people on the waiting list. On the other hand, the state government has been expanding the MICPCL waiver program, so the waivers will be able to help with a larger number of patients. Dorothee Alsentzer also mentioned that she witnessed cases where funding is provided for other waiver programs, while SHIP still requires additional funding. Marilyn Spivack highlighted that one of the biggest issues with the waiver application is the 90-day requirement. She commented that the designers of the waivers did not anticipate or understand the changing situation of insurance. She stated that currently it is extremely rare for patients to stay in the hospital for more than 90 days, which was how rehabilitation was previously operated. Ms. Spivack also expressed her concerns that capable medical personnel are facing a lot of unnecessary hurdles to open a care facility in the state.

Presenters then summed up the current insurance, facility and licensure trends; there are currently limited benefit plans with high co-pays. Additionally, the authorization process can be very repetitive with unreasonable documents demanded for reimbursement, which results in repetitive application preparation. The presenters concluded the hardship of sustaining a business of its kind in the Commonwealth.

Representative Ferguson asked for some examples of the presenters' past experience with waiver applications. The presenters shared that they had difficulties with meeting the regulations required to accept waiver patients.

It was the consensus of the commission that a presentation by MRC on waiver applications and the process associated with them would be made at a subsequent meeting in the fall.

Assistant Secretary Peters commented that the timing of the conversations was great because the Executive Office of Health and Human Services was proposing changes to the current regulations and that there would be a public comment period, which she would notify the presenters to participate in.

The presenters then showed the Commission a PowerPoint slide detailing a real-life example of a patient's treatment process; to demonstrate the insurance impact on healing. The presenters then shared their perspectives on running an Outpatient Clinic and providing services to individuals with brain injuries. The presenters noted that the reimbursement rates hardly change for any payer. MassHealth has not increased rates in many years and that small independent clinics are paid far less than large hospital based outpatient services. The presenters believed that there was currently a shortage of money for keeping clients in the community and out of institutional settings, and that there was a lack of assistance with navigating systems, including: healthcare, financial, MRC, SHIP, guardianship, legal, and housing. The presenters also noted that the state lacked programs for young to middle aged patients, who do not fit into other programs. They suggested that Council on Agings are not well versed in this area and their hands are tied if one does not have MassHealth. The presenters emphasized the need for the state to cover the transportation cost for brain injured patients.

The presenters read a letter from a brain injured survivor to show the potential benefits and differences that a comprehensive care system can make. The letter, which contains the brain injured survivors' successful story of re-educating himself and reintegrating to the community, was circulated by the Commission members. The presenters concluded their presentation at 11:34 a.m.

Senator Chandler solicited general questions from the members of the Commission and audience. Representative Ferguson announced in the fall the Commission will be addressing the topics that still need to be covered and sort out an appropriate timeline for presentations. She listed the topics including, concussion, sports-related brain injuries, research on new medicines and treatments.

Senator Chandler called the room to attention to discuss the scheduled listening sessions. Representative Cassidy stated that the listening sessions are Monday, July 15, 2019 at VA Boston, Brockton Campus; Monday, July 22, 2019 at Gloucester; Monday, August 12, 2019 at Pittsfield, Berkshire Community College; and Monday August 26 at Worcester City Hall.

Senator Chandler stressed the importance of the listening sessions, and highlighted that those would be wonderful opportunities for the public to communicate directly with the Commission. She encouraged members to participate in the hearings closest to them. Representative Cassidy commented that an email would be sent subsequent to the meeting to share information regarding logistics for those listening sessions. Senator Chandler thanked every member and the audience for their participation and asked for comments and insights. Mr. Johnson expressed his willingness to help with the Commission's mission and wished to be a resource that the Commission can rely on. He is open to share his personal stories and his personal experiences with experiencing brain injuries through sports. Senator Chandler commented that it should raise major attention from the Commission and the Commission should be allocating a whole meeting session to review and understand the situation with youth experiencing brain injuries.

Time was 11:55 a.m., Senator Chandler stated that the Commission shall meet informally at the Brockton Listening Session, on Monday July 15, 2019 at 11 a.m. A motion to adjourn was voiced in the room and passed unanimously through a voice vote.