

brain injury definition expansion

HF 1383/ SF 1032



addressing the issue

Fetal Alcohol Spectrum Disorders (FASD) are a range of effects from prenatal alcohol exposure, including brain injury, birth defects, and physical problems that develop after birth. Contrary to popular belief, FASD is a lifelong medical condition, not a treatable mental health disorder—although most people with an FASD also live with co-occurring mental illnesses. Brain injury is the most consequential aspect of the disability, too often leading to adverse outcomes such as school failure, juvenile or criminal justice involvement, and early death.

Currently, people with an FASD who qualify for a waiver to help them live in the community typically receive a Developmental Disability (DD) waiver or a Community Access for Disability Inclusion (CADI) waiver. While CADI and DD waivers help many people with an FASD, others have an even higher level of need.

There is a third type of waiver—the Brain Injury (BI) waiver—that could help people with some of the most severe brain injuries from prenatal alcohol exposure stay in the community. Due to language in the statutes, only people who have had a brain injury after birth can qualify for a BI waiver.

Expanding the definition of “brain injury” would create access to possible brain injury-focused services. Moreover, changing the definition of brain injury would establish an opportunity to educate professionals who work with people with an FASD, such as mental health, school, corrections, and healthcare staff.

recommendation

To better serve people with an FASD, MOFAS recommends changing the brain injury definition in state statute to include brain injuries associated with prenatal alcohol exposure so they can qualify for BI waivers when otherwise eligible.

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the reality



FASD is a medical condition that encompasses a range of conditions caused by prenatal alcohol exposure.



FASD is a lifelong condition, and there is no cure. The most adverse outcome that prenatal alcohol exposure can cause is a brain injury on the developing brain.



FASD-related brain injuries have major implications for individuals on the spectrum who often need supportive community resources.



With access to diagnostic services and appropriate interventions and supports, people on the spectrum can lead successful and fulfilling lives.