



STATE OF NEW MEXICO
ALTSD
**AGING AND LONG-TERM SERVICES
REGISTER**



I. DEPARTMENT

AGING AND LONG-TERM SERVICES DEPARTMENT

II. SUBJECT

SERVICES FOR PERSONS WITH TRAUMATIC BRAIN INJURIES

III. PROGRAM AFFECTED

TRAUMATIC BRAIN INJURY TRUST FUND PROGRAM

IV. ACTION

FINAL REGULATIONS

V. BACKGROUND SUMMARY

New Mexico Aging and Long-Term Services Department Register Vol. 1, Number 1, dated November 15, 2007, issued proposed regulations for the Traumatic Brain Injury Trust Fund Program. The Brain Injury services fund was created in 1978 and placed in a trust fund for use by persons who have sustained a traumatic brain injury. The Trust Fund Program provides TBI unique services to treat persons with documented traumatic brain injuries. The proposed regulations for the TBI Trust Fund ensure that services to consumers are clear and concise and accessible to the public for inspection.

A public hearing was held on August 30, 2007 to receive public comment of the proposed regulations. There were 15 people in attendance to give verbal and written comments. A total of eleven comments were submitted: three verbal comments were given at the hearing, two via email, two via fax and four via postal service.

Based on the verbal and written comments, the following recommendations have been addressed in the final regulations:

1. While the program is designed to be short term, the definition of short term is expanded to include 90 days of crisis interim services and may include three additional reassessments at 90-day intervals for a total of no more than one consecutive year.
2. Service coordinators will be the gateway for any and all services offered by the TBI Trust Fund and are responsible for obtaining documentation to establish eligibility before life skills and crisis interim services are initiated.
3. The final regulations have been modified to provide additional clarification to TBI Program individuals to access services, goods and supports.
4. Section 8.326.10.15 has been added to include specifications for grievance and appeals processes for individuals with the Traumatic Brain Injury Trust Fund Program.
5. While one commenter suggested major expansion and change to the program, the department considered the request and determined that the existing program definition and services be maintained.

These regulations impose requirements on contracted provider agencies. The requirements will be enforced on existing and new contracted service providers.

These regulations apply to the general public and specifically to those individuals who are determined as eligible for TBI Trust Fund Services.

The requirements contained in these regulations will become effective November 15, 2007.

VI. REGULATIONS

These final regulations will be contained in 8.326.10 NMAC of the Aging & Long-Term Services, Elderly & Disability Services Division Program Manual. A copy of the regulations may be requested by contacting the Elderly & Disability Services Division at 476-4509 or they can be found on our website at www.nmaging.state.nm.us.

VII. EFFECTIVE DATE

The Department proposes to implement these regulations effective November 15, 2007.

VIII. PUBLICATION

Publication of these regulations approved October 15, 2007 by:



DEBORAH A. ARMSTRONG, SECRETARY
AGING AND LONG-TERM SERVICES DEPARTMENT