



Summary

In 2017, Minnesota began work on expanding the eligibility for the brain injury waiver to extend to individuals with a Fetal Alcohol Spectrum Disorders. The legislation was not successful, but the sample language is included below.

Purpose

FASD is often misunderstood; typically there is a misconception that it is a mental health condition. However, it is not: it is a medical condition. Therefore, a mental health approach does not take into account or address the lifelong implications of the disability. With mental health services the goal is often on stabilizing an individual with a condition. It is critical to understand that FASD is a primary disability and the brain injury associated with prenatal alcohol exposure must be addressed.

Currently, some individuals with an FASD do qualify for developmental disability (DD) services because they meet the IQ cut-off for services. However, some individuals with an FASD who do not meet the IQ cut-off for DD services could be well served under the Community Access for Disability Inclusion (CADI) waiver, or when warranted, the brain injury (BI) waiver.

With some individuals qualifying for DD services and some qualifying under CADI or BI we would be in a better position to address the spectrum of the condition.

Beyond creating access to possible brain injury-focused services through expanding the definition of brain injury by removing the congenital exemption, there is opportunity for educating providers in other arenas, including the education, corrections, and health care systems.

A bill for an act

1.2 relating to human services; directing the commissioner of human services to seek
1.3 an amendment to the brain injury waiver; modifying eligibility for traumatic brain
1.4 injury administrative case management and consultation; appropriating money for
1.5 programs related to reducing fetal alcohol syndrome and related effects; amending
1.6 Minnesota Statutes 2016, section 256B.093, subdivision 2.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: 1.8 Section 1.
Minnesota Statutes 2016, section 256B.093, subdivision 2, is amended to read: 1.9 Subd. 2.

Eligibility. Persons eligible for traumatic brain injury administrative case 1.10 management and
consultation must be eligible medical assistance recipients who have 1.11 traumatic or certain
acquired brain injury, including a brain injury acquired by fetal alcohol 1.12 exposure, and are at risk
of institutionalization. 1.13

Sec. 2. DIRECTION TO THE COMMISSIONER. 1.14 The commissioner of human services shall seek
to amend the brain injury waiver to 1.15 include, as eligible persons, individuals with a fetal alcohol
spectrum disorder diagnosis 1.16 who are not being served under the developmental disability
waiver