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THE VOICE OF BRAIN INJURY

April 30, 2021

Dear Governor Whitmer,

On April 13, 2019, over 1200 members of Michigan's brain injury community had the pleasure of hearing your remarks made at the Brain Injury Association of Michigan's 21st Annual Legacy Dinner. Your understanding of the complexities of brain injury rehabilitation and care inspired providers and survivors alike. You spoke passionately about how life for someone with a brain injury doesn't stop, but continues on because of continuing access to that rehabilitative care and the kinds of supports that ensure independence and a high quality of life. You emphasized how critical it was that we continue to protect health care, and *"partner with survivors and providers as any changes are contemplated in policy."*

Five weeks later, as the new no-fault legislation was signed into law, proponents of the new law admitted that it "wasn't perfect," but it represented a start in the right direction towards making auto insurance affordable for all while maintaining access to the quality of care afforded under the old no fault mandates.

Now, we are faced with the first and most damaging manifestation of the new law's imperfections; the 55% fee schedule provision set to go into effect July 1st of this year. Over 90% of the critical rehabilitation programs and services offered by providers will be subject to a 45% reduction of their rates as of January 2019. This will include (but is not limited to) family provided attendant care, private duty home care, residential rehabilitation and long-term care homes, case management, home modifications, and a myriad of other essential services. This reduction will make it impossible or impractical for many providers to continue to make those services available. For patients, only ultimate option will be a Medicaid-funded nursing home facility (of which there are just seven accredited homes in Michigan.)

The bottom line: Recent research conducted by ROI Insight has revealed this fee schedule provision will result in nearly 5,000 health care workers losing their jobs, and over 6,000 survivors losing their health care in the first year alone.

As you know, bipartisan bills HB 4486 and SB 314, which effectively address this issue and provide a suggested solution, are not being addressed because leadership in both chambers have decided to wait a year in order to gather data. This stubborn refusal to even discuss the merits of this legislation, while erroneously informing our concerned constituents that care for those already receiving it under their existing contracts will be grandfathered in (it won't - per MCCA Exec. Dir. Kevin Clinton, "There was no grandfathering") is nothing short of outrageous.

I know you are open to reviewing any proposals that make sure our most vulnerable receive the care they need. However, you can only review these solutions after legislative action has taken place.

Therefore, as Governor of this great state, I respectfully ask that you employ the same courage and leadership you've demonstrated during this Covid crisis; the same ability to stand up against petty politics and fight for what is right; the same commitment you pledged to our brain injury community back in April 2019 and, in particular, to some 17,000 catastrophically-injured accident survivors in the Michigan no-fault system currently in harm's way. For their sake, I implore you engage both Sen. Shirkey and Speaker Wentworth to break this logjam and quickly find a resolution to this avoidable crisis before it's too late.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Constand".

Tom Constand
President & CEO

Our Mission: To improve the lives of those affected by brain injury in Michigan and to reduce the incidence and impact of brain injury through advocacy, education and support.