

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT C. CLARK, on March 12, 1993,
at 3:30 p.m.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Karyl Winslow, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)
Rep. Tim Whalen (D)

Members Excused: Rep. Ewer (D)
Rep. Ryan (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Kimberlee Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 145
Executive Action: None.

HEARING ON SB 145

Opening Statement by Sponsor:

SEN. MIGNON WATERMAN, SD 22, Helena, stated SB 145 provides a -
definition in statute of traumatic brain injury (TBI) and would
establish a TBI trust fund. This would help cover the tremendous
cost of medical bills related to TBI. These people will need

care for the rest of their lives. TBI is the fastest growing medical condition in the state of Montana. There are few services for the survivors of TBI.

The funding source would be the daytime fuel conservation speed limit. This bill would have a fifteen dollar increase in the current five dollar speeding fine. The fifteen dollars would go into the TBI trust. The offense would still not go on the driver's record and would not affect their insurance. She also stated this bill is modeled after the Arizona law. EXHIBITS 8, and 9.

Proponents' Testimony:

SEN. FRED VAN VALKENBURG, SD 30, Missoula, stated these traumatic brain injuries could happen to anyone. The fifteen dollar increase is well worth it to provide services to the TBI survivors.

Mary V. Morton, University of Montana, stated SB 145 will help fund community-based programs and will solve the desperate search for programs. Fifty traumatic brain injury patients are in nursing homes and some are in mental hospitals. These people receive inappropriate treatment. This bill would also provide employment services for TBI patients.

Greg Engellant, TBI survivor, spoke in favor of SB 145. EXHIBIT 1

Lorie Wallace, TBI survivor, spoke in favor of SB 145. EXHIBIT 2

Stacy Crockett, TBI survivor, stated most of these injuries are caused by car accidents involving speed. If there were community based programs to teach financial skills and assist in finding employment, it would help tremendously.

Joe Matthews, Administrator, Vocational Rehabilitation Program, Department of SRS, stated SB 145 would provide services necessary for TBI survivors. Presently there is not sufficient treatment available for these people.

Bob Johnson, TBI survivor, spoke in favor of SB 145. EXHIBIT 3

James Meldrum, Montana Independent Living Project, spoke in favor of SB 145. EXHIBIT 4

Cathy Ward, Executive Director, United Way of Lewis and Clark County, spoke in favor of SB 145. EXHIBIT 5

Rebecca Lester, TBI survivor, said she feels if the speeding fine were raised it would control speeders because it would affect their pocketbooks. She also said TBI survivors often feel victimized because people think they are crazy or developmentally disabled.

Daniel Cochran, TBI survivor, spoke in favor of SB 145.

Dan Shea, citizen, stated these TBI survivors had no control over what happened to them. This bill would provide programs after the victims have been released from the hospital. He also stated we have a commitment to victims of TBI, and we do have an obligation to these people.

Mary Ellen Denton, TBI survivor, spoke in favor of SB 145.

Greg Daly, private provider of services to adults and children with a TBI, stated the cost to the family of TBI victims is tremendous. There are currently inappropriate services or not enough services for these people. TBI survivors need assistance for the rest of their lives.

Carla Arnott, Easter Seals, stated TBI survivors need five to 10 years of extensive services. EXHIBITS 6 and 7

Bopper, TBI survivor, stated he currently lives in a nursing home and donates his time to Easter Seals.

Sue Englert, Community Medical Center, Missoula, stated the average survivor of TBI has forty-four years of productive life. Rehabilitation costs on the average of \$42,000. There is no funding out there to help these people. TBI is devastating to families, emotionally and financially. If this bill passes it will help provide day treatment programs, employment, and independent living.

Kris Kleinschmidt, Facilitator, Great Falls Head Injury, spoke in favor of SB 145.

Brenda Rasmussen, TBI survivor, stated the majority of traumatic brain injuries are from automobile accidents.

Jim Smith, Montana Head Injury Association, spoke in favor of SB 145.

REP. RANDY VOGEL, HD 86, Billings, stated speed kills and often destroys people who survive the accidents. He also stated violators of the speed limit should pay.

Bob Jahner, citizen, presented written testimony. EXHIBIT 10

James Lee Laidlaw, Jimmy Lee's Restaurant, presented written testimony. EXHIBIT 11

Mary Lee Dietz, Fallon County Clerk & Recorder, presented written testimony. EXHIBIT 12

Opponents' Testimony:

Craig Hoppe, Montana Magistrates Association, stated he is not opposed to raising the speeding fine. He does oppose using this as a funding source. If this bill passes, it would create a bookkeeping nightmare for the Montana courts.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. WINSLOW said pages two and three of the bill talk about what the trust fund will do. She asked why doesn't it say anything about providing these services. Mr. Smith said there are plans to conduct a study to determine what services already exist and what services need to be developed.

REP. WINSLOW asked what if we would find an alternative funding source for you other than the speeding fine. She also asked why a different source hadn't been identified. SEN. WATERMAN stated this bill was designed based on legislation passed in Arizona. She also stated she feels this is an appropriate funding source because speeding causes most of these traumatic brain injuries.

REP. TASH said that on the fiscal note there is an assumption made that the number of tickets would decrease and asked why this would happen. Mr. Smith stated the increase in the fine would result in fewer speeders, thus we would have fewer speeding tickets.

REP. VOGEL stated there is an overwhelming number of people in favor of increasing the fine for speeding.

REP. ANDERSON stated 50% of the TBI accidents are related to speeding. He asked of that 50%, how many are alcohol related. Col. Bob Griffith stated 48% to 50% of all auto accidents are alcohol related.

REP. CLARK asked how many of these TBI survivors were not wearing a seat belt. SEN. WATERMAN stated they were not basing the funding on the safety aspects and statistics.

REP. ANDERSON asked if this has come up for consideration in previous sessions. SEN. WATERMAN stated no, it has not been before the Legislature in previous sessions.

REP. BARNETT asked if this would generate a lot of money and increase revenue to the state of Montana. Col. Griffith said no.

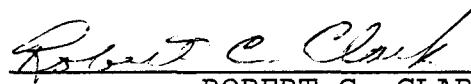
REP. TASH asked if there were any other models besides the Arizona legislation. SEN. WATERMAN stated we were impressed with the Arizona legislation, and did not look beyond that program. Arizona feels it has been a successful program.

Closing by Sponsor:

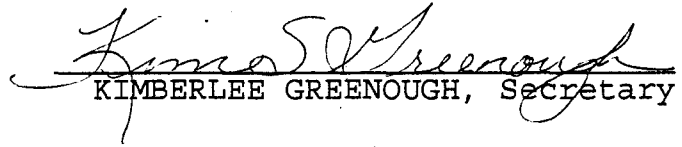
SEN. WATERMAN stated the support for SB 145 has been tremendous and believes there is a lot of hope for this bill. She also stated we have to be careful not to burden local employees. We currently use magistrates and judges throughout the state as tax collectors. In SB 145 there is a tough decision, but, she feels it would be worth it.

ADJOURNMENT

Adjournment: 5:35 p.m.



ROBERT C. CLARK, Chair



KIMBERLEE GREENOUGH, Secretary

RC/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE March 12, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN			✓
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

~~Mr. Dora~~ ~~Chatt~~ ^{PERSON} ~~Best~~ of Mom Bets of
Mr. Charrmew the Committee

My name is Greg Engellant and I am recovering from a traumatic brain injury.

On September 20, 1982 I was in a farming accident and received a blow to the left temporal lobe of my brain. I was unconscious for 6 weeks and two days and in the hospital for a 1 1/2 ^{year} I could not walk and was using a wheel chair when I returned from Craig Hospital. I do not remember anything when I was in the hospital. Some people thought that I would not live. As you can see I have recovered from an accident that even though it has left me with a permanent disability. I feel very lucky to be here today to tell you that I am one of the lucky ones who has seen a variety of success in my life. I am thankful for the opportunity to be able to share with you my experience. Initially I could barely dress my self and needed a lot of assistance from my family. I remember that I went through a lot of depression and anger over what had happen to me. I did not have control over my temper and was frustrated with the fact I couldn't remember things very well. I had to face the fact that I would probably never be able to use my college education. ^{FOR my work} My dreams would have to be smaller and my life would take a slower pace.

I eventually moved back to Montana and started receiving services from Helena Industries. They helped me to prepare myself :

for employment. I currently work for the Department of Administration
^{as a File Clerk for the Classification Bureau}
and have a job coach who assist^{me} in organizing my work activities.

Through a lot of persistence and perservance I am now able to work independently most of the time with out direct supervision.

EXHIBIT 1
DATE 3-12-93
SB 1169

Without there help I do not know if I would have had the opportunity to feel what I do today. I feel a personal accomplishment in being employed and to be able to help pay my way by being competitively employed. The ability to work has been a major part of my life. Equal to having a job is being able to live independently. I could not have done that with out having someone work with me at home to help organize my life and assist me in remembering all the daily responsibilities that keeps my life organized. After the accident I moved home for awhile and was unable to maintain the smallest of task such as cleaning and organizing my apartment, paying bills, cooking meals, doing laundry and all the other responsibilities that are important in my life. Through the help of having a independent living Counselor I was able to start the climb up hill to re learn over again all the independent living skills I took for granted.

I now have my own apartment and feel I have regained some of the skills I once had.

I ALSO use a memory book to help me maintain my independent living skills BY developing a weekly ROUTINE

None of this could have happen without the appropriate and timely

services to get me on the right track. I would not be speaking

to you today without the help. I feel very lucky in what I have accomplished. I am very thankful for the help.

Those of us without these services would have lost part of ourselves with the injury. I would appreciate if you would consider passing

Senate

~~House~~ Bill 145.

Thank you

SQUINONES

may have the same effect as NIT-5

Senate Bill # 145

March 12, 1993

Chairman and members of the committee:

My name is Lorie Wallace and I am for Senate Bill #145.

Seventeen years ago, January 29th 1976, a day after my eighteenth birthday, my life changed. An eighteen year old drunk driver was traveling at a speed of 80 mph up central avenue in Great Falls. I was attempting to go across 19th street in my car. Due to his excessive speed he hit me before I even saw him. He hit my car on the passenger side. The impact was so great that my car went head on into a tree. As a result of the collision, I was comatose for 3 days and remained in a semi-coma for 21 days. I suffered a broken clavicle, a 3 inch crack in my skull and a severe blow on my left cerebellum which left me partially paralyzed on my right side and very uncoordinated.

After a head injury a person's whole life changes. The so called dear friends I had before the accident were no longer there for me. If they had only known how much I hurt inside, would of they been there for me? The emotional hurt was as severe to me as the pain from the accident.

Many people I know, have asked, "why are you so involved with head injuries?" When I explain to them that I have a head injury they are very surprised. There are a few that after I tell them back away and do not want anything to do with me. Before, that used to hurt, but now I have realized that they are very ignorant. A Head Injury is not contagious. It has taken many years of hard emotional, physical work and a lot of patience from my family and friends to get where I am at today.

After I left the hospital, there was no help available for me. The first help that I received was seven years later when I moved from Great Falls to Helena with my family. It took many phone calls for any place to even come close to helping a person with a head injury. There are many programs developed to help the person with a head injury, but only few of these programs are able to help the real needs of a TBI (traumatic brain injury) survivor. Many people fail to realize a TBI survivor needs a different approach to dealing with their disability.

No, I did not ask to be hurt and the accident was not my fault. But it did happen and yes I do have to go on with my life. But it is awfully tough learning how to do things before the accident and then having to learn things over again after. I mean from day one, when we were first born, walk, talk, eat, I even had to learn how much toilet paper to use after I went to the bathroom and also how to tie my shoes again. Oh, how embarrassing it is when your 18 years old and know that you use to know it but you can't find it any where in there.

People do not understand why we have to learn everything back over again when we look fine. Well, you know when there is something really important on a chalk board, computer or a piece of paper and it is erased or destroyed, it takes time to get it back. Well, our brains were destroyed and erased so we have to find some way to put it back in there. It might not be the same and it might take longer but it will still end up to be the same result if You give us a chance.

It takes a lot of courage to live a life and I am glad to be alive.

By helping us you are helping yourself.

Thank-You!

EXHIBIT 3
DATE 3-12-93
SB 145

NAME Bob Johnson

ADDRESS 4905 Carol Dr. Helena

HOME PHONE 445-2637 WORK PHONE _____

REPRESENTING Self

APPEARING ON WHICH PROPOSAL? _____

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

I support SB 145 because as a
survivor of a T.B.I. I am very aware
of the need for the funding & services
provided for by this bill

Bob Johnson

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Members of the committee, My name is James Meldrum, I live in Helena.

I represent myself and Montana Independent Living Project. We are speaking in support of Senate Bill 145 which establishes a trust fund for individuals who have a traumatic brain injury.

Each year, in the United States, more than 700,000 people who were perfectly normal suffer brain injuries. These injuries may occur to any one of us at any time. We may hit our heads during a car crash, during a motorcycle accident, bicycle accident, falling down or slipping on the ice. The brain may also be injured from violent movement such as whip lash, with out ever having anything strike the skull.

Traumatic Brain injury is the leading killer and cause of disability in children and young adults (under 30 years of age) and is more prevalent in males than in females. An estimated 100,000 deaths occur each year as a result of trauma to the head.

Approximately 50,000 people who survive a traumatic brain injury are left with intellectual impairment of such a degree as to preclude their return to normal life.

The average life long cost for a traumatic brain injured person is 4.5 million dollars.

This is the reason for my appearing before you today. The establishing of a fund to be dedicated and set aside for the helping of the traumatically brain injured individual is very essential and important. Not only is it important to the individual with a brain injury, it is important to all Montanans. This bill provides a workable definition for traumatic brain injury, and provides a satisfactory mechanism to assist survivors with the purchase of services such as learning daily living skills, case management and vocational training.

National data has shown that speed, alcohol, drugs and motorcycle riders without helmets are the major source of Traumatic Brain Injury. I firmly believe these data will hold true in Montana.

Many survivors of traumatic brain injuries are innocent in the events

which lead to their brain injury. But their costs are just as great as those who might have been the cause of the injury. There are those who have lost their homes, their life's savings, their farms, their ways of making a living to pay for the continued expensive treatment of a loved one who has suffered a traumatic brain injury. Much of that 4.8 million dollars of life time cost per individual will be coming right from your pockets and mine as the costs of medicaid continue to rise.

Members of the committee, you are in a unique position to be able to provide some assistance for individuals who suffer from traumatic brain injury. You can do this with very little, if any, support from the General Funds of this State. The fund will be continuous. It will be funded by those who are most likely to be in need of these funds at a later date. Those who speed. I for one plead with you to search the inner most feelings of your heart and soul, and evaluate this bill on it's own merits and what it is really capable of doing for citizens of this great State. When you do bring this bill up for a committee vote I ask that this bill be sent out of this committee with a recommendation of DO PASS.

I thank you for your support.

EXHIBIT 5
DATE 3-12-93
SB 145

March 12, 1993

To: Representative Clark
Members of the Highways & Transportation Committee

From: Cathy Ward, Spouse of a Victim of TBI

My name is Cathy Ward. I am Executive Director of the United Way of Lewis and Clark County.

On June 9, 1987, I arrived home from work to find my 45-year old husband John sprawled on the kitchen floor. He said, "call an ambulance, I've had a stroke or a heart attach". Within hours a CAT-scan revealed that an aneurysm had burst in his brain and he was flown via helicopter to St. Patrick's Hospital in Missoula. He lapsed into a coma and wasn't expected to live 24 then 36 then 48 hours. Two months later, surgery was performed and he was then transferred to Missoula's Community Medical Center for rehabilitation. Two days after the transfer, he had a shunt inserted in his head. On October 12, he was put in the Rehav Unit which costs more than \$20,000 per month. Since our health insurance was limited to \$20,000 per year for rehabilitation, I brought John home on November 6, after the one-month period had

expired to avoid the risk losing our home. With the help of our two daughters, family, friends, some of John's former students, St. Peter's Hospital outpatient services and West Mont, he was well cared for at home. In mid-January, John became ill and required more surgery followed by pneumonia.

Throughout this time, we watched this man be transformed from a self-sufficient, independent, hard-working professor at Carroll College where he served as Head of the Psychology Department for 17 years to a person totally dependent upon others. And after we came home, we found no appropriate or affordable services outside hospitals or rehabilitation settings.

In order to keep my job, I took John to a rest-home where they were beginning an adult day program. He was their only client and after two months, they said it wasn't working. John was no longer able to keep track of things. He got turned around, sometimes lost. He wore hearing aids in both ears, specially ground prisms on his glasses, had periodic seizures and talked in a whisper as a result of the brain injury.

In June 1988, I found a couple who were willing to care for John in their home. They also run a regular day care. That bothered me but it did turn out to be the best placement I could find. They treated John with dignity and respect, provided activities to stimulate his injured brain and they were affordable.

Since then, we started the Helena Head Injury Support Group and began working with professionals and family members who recognize the need for community-based, appropriate, affordable services for people with traumatic brain injury.

TBI is the fastest growing disability in the country, thanks to medical technology. But it has tremendous difficulties for survivors and their families because appropriate services don't exist after hospitalization. Providers for other disability groups provide what services they can. But usually, it is limited to very few people and it is not appropriate.

My husband died on December 9th -- just seven weeks ago. On behalf of his life and those who continue to work on their recovery, I urge you to support Senate Bill 145.

EXHIBIT 5
DATE 3/12/93
SB 145

Call
1-444-4800

Questions or suggestions? Call Eric Newho

Our view

Lawmakers must hike state's speeding fine

The issue: Montana's \$5 daytime speeding fine costs the state money because it costs \$15 to write and file each ticket.

Our opinion: Increase the fine.

It's been an engaging joke, but now it's time to quit laughing.

The joke is the \$5 speeding ticket, Montana's way of thumbing its collective nose at the federal government, which threatens to withhold highway funding from states that don't enforce a 65 mph national speed limit.

And it's been genuinely funny. Comedians in San Francisco laugh about buying a book of \$5 coupons at the Montana border to hasten them through our wasteland.

But that horse laugh is also costing us about \$875,000 a year — because the \$5 ticket costs the Montana Highway Patrol about \$15 to issue and to file.

And the state only gets half the revenue; counties get the other half. So the state wrote 70,000 violations last year, spent \$1,050,000 issuing them, and made about \$175,000 in revenue.

That's a pretty expensive joke.

And it gets even worse when you consider the message we're passing on to our kids — that we condone, if not encourage, breaking the law.

Sen. Mignon Waterman, D-Helena, has a bill that would increase the fine to \$20. It passed the Senate by a vote of 29-21 last month and will be considered by the House Highway Committee.

The bill would designate the additional money for a fund that would assist people who have

Speeding Fines

In Montana, it costs a speeder a mere \$5 if caught driving 80 mph on an interstate highway in the daylight. Here's what our neighboring states charge for a similar violation.

Idaho	\$98
North Dakota	\$40
South Dakota	\$105
Wyoming	\$80

suffered traumatic brain injuries, which are some of the most expensive injuries funded by Medicaid.

Last year alone, Waterman says, Montana spent \$14 million providing for brain trauma victims — and that treatment doesn't begin to meet the needs of those victims. The additional money would, however, go a long way toward defraying some of those costs.

The problem: It still wouldn't reimburse the state for the cost of issuing the tickets.

And at a time when the state faces a \$215 million biennial deficit, legislators should do everything they can to make such programs self-sustaining.

The House Highway Committee should amend the bill, adding \$12.50 to the \$20 speeding fine. That would reimburse the state for the cost of the ticket. And it would alleviate soaring Medicaid costs by \$15 for each ticket written.

Even at \$32.50, our fine would be the cheapest in our region.



1776 MASSACHUSETTS AVENUE, NW, SUITE 100, WASHINGTON, DC, 20036 (202)296-6443

FACTS ABOUT TRAUMATIC BRAIN INJURY

- * A conservative estimate puts the total number of traumatic brain injuries at over 2 million per year, with 500,000 severe enough to require hospital admission.
- * Every 15 seconds someone receives a head injury in the U.S.; every five minutes, one of these people will die and another will become permanently disabled.
- * Traumatic Brain Injury (TBI) is the leading killer and cause of disability in children and young adults.
- * Each year 75,000 to 100,000 Americans will die as a result of a TBI. Most deaths occur at time of injury or within the first two hours of hospitalization.
- * Of those who survive, each year approximately 70,000 to 90,000 will endure lifelong debilitating loss of function. An additional 2,000 will exist in a persistent vegetative state.
- * Young men between the ages of 15 to 24 have the highest rate of injury. Males are more likely to suffer serious head injuries than females.

CAUSES

- * Motor vehicle accidents cause one-half of all traumatic brain injuries: falls accounting for 21%; assaults and violence 12%, and sports and recreation 10%.
- * Child abuse accounts for 64% of infant head injuries.
- * Each year in the U.S. 50,000 children sustain bicycle related head injuries, and of these over 400 die.

CONSEQUENCES

- * *Physical:* impairments of speech, vision and hearing loss, headaches, muscle spasticity, paralysis, and seizure disorders.
- * *Cognitive:* Memory deficits (short and long term), limited concentration, impaired perception and communication, difficulties with reading, writing, planning, and judgment.
- * *Psycho-Social-Behavioral-Emotional impairments:* fatigue, mood swings, denial, anxiety, depression, sexual dysfunction, lack of motivation, problems with interpersonal skills.

COSTS

- * The economic costs alone approach \$25 billion per year.
- * A survivor of a severe brain injury typically faces 5 to 10 years of intensive services; estimated lifetime costs can exceed \$4 million.

TRAUMATIC BRAIN INJURY

"The mission is to change public policy to prevent traumatic brain injuries, and assist them to live independently, participate fully in life, and be treated with dignity".

-Rocky Mountain Regional Brain Injury Center

Every fifteen seconds someone in the United States sustains a traumatic brain injury (TBI). Every five minutes one dies and another becomes permanently disabled. Of the two million Americans who sustains a TBI annually, two-thirds are under the age of 34. A survivor of a severe brain injury typically faces five to ten years of intensive services at an estimated cost in excess of four million dollars.

Montana has a high rate of substance abuse related to accidents resulting in head injuries. Motor vehicle crashes cause one half of all TBIs.

565 IN-PATIENTS WERE TREATED IN THIRTY MONTANA HOSPITALS IN 1991.
374 OF THESE WERE PUBLICALLY FUNDED.

A majority of the TBI residents in nursing homes in Montana are under the age of forty.

Survivors of TBI require many services, after the acute injuries have been treated. Today only one in twenty people with TBI receives necessary rehabilitation services.

Post acute in-patient rehabilitation is a critical, but lacking, service for people with head injuries. Individuals with TBI may need physical, speech, occupational therapies, and psychological counseling. Secondary disabilities can surface throughout a survivors lifetime, and appropriate interventions for those must be made available.

Five out of the top ten clients for Medicaid expenditures in FY 92 had a primary diagnosis related to head injury.

Medicaid spent \$13,954,800 in FY 92 for services to individuals with head injuries (projected on an annual basis).

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

EXHIBIT 9
DATE 3-12-93
S# 145



MARC RACICOT
GOVERNOR

PETER S. BLOUKE, PhD
DIRECTOR

STATE OF MONTANA

P.O. BOX 4210
HELENA, MONTANA 59604-4210

January 22, 1993

Senator Mignon Waterman
Capitol Station
Helena, MT 59620

Dear Senator Waterman:

This is in response to your request to Nancy Ellery regarding Medicaid costs for persons with head injuries.

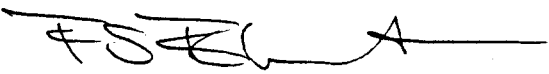
In the last six months of 1992, Medicaid paid a total of \$6,977,400 for services to clients with head injuries. Projected on an annual basis, Medicaid spent \$13,954,800 in FY 92 for services to individuals with head injuries.

Claims were only included if the provider listed one of the diagnostic codes relating to head injury. Claims submitted for secondary complications resulting from a head injury would have a different diagnostic code and not show up in this count. Claims for pharmaceuticals are not included in this count.

In addition, we looked at the top ten clients for Medicaid expenditures in FY 92. Attached is a summary of their costs. These top ten clients cost \$2,799,263 in FY 92. Fifty percent of these clients had a primary diagnosis related to head injury.

I hope this information is helpful. Please let me know if I can be of further assistance.

Sincerely,


Peter S. Blouke, Ph.D.
Director

c: Nancy Ellery, Medicaid Division
John Chappuis, Medicaid Division
C. Cowie, Medicaid Division
Joe Mathews, Voc. Rehab. Division
Bob Jahner, Voc. Rehab. Division

February 16, 1993

Bob Jahner
636 North Benton
Helena, Montana 59601

Dear Editor

If you are in a highway accident and survive it with a head injury your life could become a tragedy of complications as you seek help in Montana. Senator Mignon Waterman has introduced Senate Bill 145 which would establish a trust fund to help survivors of Traumatic Brain Injury and their families. It has passed the Senate and is on the way to the House. This letter is to the members of the Montana House.

I read in the Independent Record that this bill which relies on upping the highway speeding fine from \$5.00 to \$20.00 may not survive because members of the House traditionally oppose increases to this fine. The reason as I understand it is because the federal fuel conservation laws tie the speed limit to federal funding for Montana highways. The five dollar fine is a token imposed by this state to frustrate the federal intent without actually risking the federal income. Here is what I do not believe about the elected members of the Montana House of Representatives. I cannot believe they would act in a manner that was disrespectful of the national and state constitutions and laws. They are elected to create and uphold law and would not promote affordable civil disobedience. That would be a cynical attitude not worthy of leadership. Since every car pulled over represents some increase of risk for highway patrol, I cannot believe any public servant would deliberately promote a public law or policy that places law enforcement officials at unnecessary risk. Because traffic accidents increase with speed I cannot believe any elected official would vote in such a way to increase the risk of death or injury to the traveling public.

I believe when Senator Waterman's bill is introduced in the House, the our representatives will see the bill as long overdue relief for survivors of traumatic brain injury. I believe they will set aside some of the casual attitudes of the past and vote with leadership and integrity.

Sincerely

Bob Jahner

**JIMMY
LEE'S**

Chinese Restaurant

SB

EXHIBIT 11
DATE 3-12-93
SB 145

6550 Hwy. 93 South
Whitefish, MT 59937
(406) 862-5303

February 15, 1993

Representative Robert Clark, Chair
Highways and Transportation Committee
House of Representatives
Helena, Montana

Re: Traumatic Brain Injury (TBI) Bill

Dear Representative Clark:

I am writing you as a family member directly involved with TBI through an auto accident my 25 year old son Chris sustained four years ago.

While I realize this bill carries some very controversial language with regard to the 55 mph daytime speed limit, the bill goes far beyond that issue.

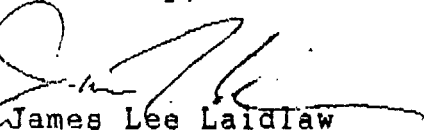
Montanans who have sustained TBI must continue to advocate for a rethinking and, in turn, a reshaping of our States medical delivery system. Most persons who have sustained TBI will never be cured in the traditional medical sense. Their related health care needs include ongoing services that will not only cure illness but also will maintain health and promote life-long abilities to capably function at their most optional daily level.

The passage of a Traumatic Brain Injury Bill would be significant toward reshaping the traditional medical and hospital insurance model, which does not cover these critical ongoing services.

In your deliberations please consider what we are really asking for and not just look at the issue of whether Montanans should be allowed to speed above 55 mph for only \$5.00.

For TBI it is imperative we have a definition in place before any work at all can be done.

Sincerely,


James Lee Laidlaw

Donald Rieger, Chairman, Imray
Allen Rustad, Baker
Ronald D. Shepherd, Baker

CLERK & RECORDER
Mary Lee Dietz
Box 645 - Phone 778-2883

COUNTY ATTORNEY
Denzil R. Young
Box 620 - Phone 778-2406

JUSTICE OF THE PEACE
Charles O. Linton
Box 205 - Phone 778-2883

CLERK OF COURT
Carol Wade
Box M - Phone 778-2883

SHERIFF
Leland Gundlach
Box 899 - Phone 778-2878

SUPT. OF SCHOOLS
Marlene A. Ferrel
Box 1117 - Phone 778-2883

TREASURER
Faye M. Koenig
Box 787 - Phone 778-2883

FALLON COUNTY

BAKER, MONTANA 59313

EXHIBIT 12
DATE 3-12-93
BY 145

March 4, 1993

Highways and Transportation
Bob Clark, Chairman
House Room 420
State Capitol
Helena, Montana 59620

Honorable Bob Clark and Representatives;

Please support SB145 the "Traumatic Brain Injured" bill.

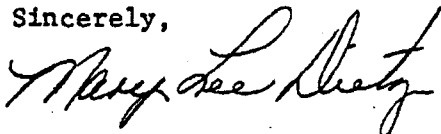
SB145 is a very important bill as there are more and more "TBI" survivors almost every day due to advanced medical technology. Here in Fallon County we have just started a "TBI" support group and have eight survivors that we are aware of from our population of 3100 and are quite sure there are people whom we are unaware of.

In reviewing legislation I see there are various groups looking at funding from an increased fuel conservation speed limit fine; so realize it may be hard or impossible to support the financing end of this bill. If you can not support the bill in its entirety, PLEASE do not kill it completely as even getting Traumatic Brain Injury defined at this time is very important. The demonstration project is also very important; however, I realize this would be hard to implement without funding.

Any consideration you can give this bill will be greatly appreciated as "TBI" not only completely changes the survivors life but all of their families as well.

Your consideration is greatly appreciated.

Sincerely,



Mary Lee Dietz
Fallon County Clerk & Recorder
"TBI" Survivors spouse

cc: Representative Tunby

FAX Memo		4 Pages
Date: <u>3-4-93</u>	Time: <u>12:05 PM</u>	
To: <u>Highways & Transportation</u>		
Location: <u>Rm 420</u>		
FAX #: <u>1-444-4195</u>		
From: <u>Mary Lee Dietz</u>		
Location: <u>Baker</u>		
FAX #: <u>778-3431</u>	Phone #: <u>778-2883</u>	

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways COMMITTEE BILL NO. SB 145
DATE 3/12/93 SPONSOR(S) Sen. Waterman

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Gregory Engellawr	MYSELF	X	
Newton L. Glaser		✓	
Kris Kleinschmidt	Facilitator G. Falls Head Injury	X	
Jackie Allen	G. FALLS MT. Head Injury Assoc.	X	
Carla Bennett	G. FALLS MT. Head Injury Assoc.	X	
Ralph Axelsen	G. FALLS MT. Head Injury Assoc.	X	
Ellen Vogelvang	MT. H. I. A		
Sue Englert	Community Medical Center	X	
Mary Ellen Denton	MYSELF	X	
Lacy Crockett	MT Head Injury	X	
Rachel Ranieri	Helena Head Injury	✓	
Ken Ranieri	myself		
Louis Williams	Helena Head Injury	✓	
Jim Melchrum	MYSELF	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways COMMITTEE BILL NO. SB145
DATE 3/12/93 SPONSOR(S) Sen. Waterman

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dolores 4705 Carroll	Self	X	
G. Scott Lockwood P.O. Box 353 - Helena	Self	X	
Rebecca Lester	SELF	X	
Roy Wheat	Self	X	
Jo Wheat	Self	X	
MAXINE HOMER	Mt. Christian Church (DOC) CWF	X	
DORDEAN COOK	" "		
BARBARA ROOF	" "		
DORA MAHUGH	" "		
CORA MOE	" "		
ILAH DARLINGTON	" "		
Rosemary Healey	Self Borgman	X	
Ragn Harley	Self Belgrade	✓	
Sylvia McCulloch	Self Belgrade	X	

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**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Highways & Transportation COMMITTEE

BILL NO. SB145

DATE 3-12-93 SPONSOR(S) Sen. Waterman

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John & Mary Perumasser	MNLA & self	X	
Brande Perumasser	Self - MH14	X	
M.V. Morton	Self	X	
Maria Beveridge Sloe	H.H.I.	X	
Ed Beveridge	Services	X	
Willy M. Miller	H.I. M.H.I.A	X	
Becky	Helena Industries	X	
Janet McDonald	Helena Industries	X	
Kenzie Biddlebach	Helena Industries	X	
Joe Benvenuti	Helena Industries	X	
Leonard Healey	Pamper for Firefighters of Head Injury	X	
Bob Johnson	Montana Head Injury Assn	X	
Kevin McCann		X	
Ken Kimball		X	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Transportation COMMITTEE

BILL NO. SB 145

DATE 3-12-93 SPONSOR(S) Sen. Waterman

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Don Stea	Interested Citizen	✓	
Greg Daly	Bozeman Adult Services	X	
Daniel Cochran		X	
Tom Smith	Interested Citizen	✓	
Cathy Howard	United Way	✓	
Rich Brown	Self	✓	
Bob Hathaway	Self	✓	
Ken Waterman	Self	✓	
Jim Smith	Mt. Head Inj. Assoc	✓	
Keith L. Colbo	Self	✓	
Ann Patrick 415 W Cleveland Bozeman	Bozeman Care Center	X	
CRAIG L. HOPPE	MT MAGISTRATES ASSN		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.