



Nicholas, an 11-year-old who sustained a traumatic brain injury as a toddler, has limited use of his body and still requires intensive, specialized care. The new fee schedule would be devastating to Nicholas.

Nicholas was 14 months old, on his way to daycare, when we were rear-ended by a speeding car. He sustained a traumatic brain injury on the left side of his brain. The doctor said she couldn't predict what would happen to Nicholas long-term because each injury is different.

Today, he is 11 years old and we still don't know what to expect; as his brain grows and muscles develop, his condition changes and presents new challenges. He is hearing impaired and has limited use of the right side of his body. He can walk holding hands or with a walker, but is unsteady and easily falls when unassisted. At home, he scoots on the floor. He needs help with toileting, which means we change a lot of diapers. We monitor him 24/7 for life-threatening seizures.

The new fee schedule would be devastating to Nicholas. He has made a lot of progress, but I fear if he loses access to specialized care, he will quickly regress. He has weekly physical, occupational, and speech therapy. In recreational therapy, he learns to interact with peers and develop appropriate responses to social cues.



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Nicholas has a 5-year-old sister, Angela, who inspires him to try new things every day. We try to spend special time with her, but that's a challenge because Nicholas needs additional support. When the new fee schedule kicks in on July 1, the home attendant care we will desperately need for Nicholas may disappear, as providers are forced to shut their doors. That will have long-term consequences for both of our children.

HB 4486 and SB 314 provide critical fixes that will help ensure Nicholas gets the care he needs. **Please pass these bills to allow our family to endure.**

- Megan Jenkins, mother of Nicholas
Resident of Holt, MI

WHY WE NEED ACTION NOW

Nicholas is **one of roughly 6,000 patients expected to lose care** if HB 4486 and SB 314 are not passed well before July 1, 2021.

HB 4486 and SB 314 provide a narrow fix. **They do not rewrite Michigan's entire fee schedule or undo reforms.**

HB 4486 and SB 314 **preserve the cost controls implemented** in the auto insurance law passed in 2019.

According to a member survey by the Michigan Brain Injury Provider Council, **86% of post-acute care facilities have little or no confidence they will be able to remain open** after July 1 without HB 4486 and SB 314.

Support HB 4486 and SB 314

Put vulnerable Michigan citizens first

HB 4486 and SB 314 provide a **narrow, technical fix** to an unintended consequence of Michigan's 2019 auto insurance reform package — **without rewriting the entire fee schedule, adding costs to the system, or changing any other element of auto no-fault reform.**

This technical issue must be addressed well before the fee schedule written into the 2019 package goes into effect after July 1. If it isn't, 9 out of 10 post-acute centers do not have confidence they can continue to operate. Without access to these services, patients with horrific injuries from life-altering accidents will lose access to care, and face chaos and disruption in their recovery process. Your constituents deserve better!

What does this proposed legislative solution do?

- **Preserves access to specialized rehabilitative care** for people with serious injuries sustained in auto accidents — often as a result of somebody else's negligent driving.
- **Saves thousands of caregiver jobs**, according to a recent survey by the Michigan Brain Injury Provider Council.
- **Maintains cost controls** implemented as part of the 2019 insurance reform legislation.

Why should you support HB 4486 and SB 314?

- The bills offer a fair and reasonable cap on providers — no more than 200% of what Medicare will pay, just as the reforms dictate. **Providers are still held to their 2019 rates, if these rates are lower than the new fee schedule.**
- They allow **ethical practitioners** to remain in business.
- **They don't add costs to the system** while maintaining the long-term beds and services required to meet the needs of Michigan's patient population.
- **Time is of the essence**—even if the bills are passed quickly and immediate effect is granted, the 90-day waiting period puts additional strain on small businesses trying to keep their doors open to continue providing care.

Who supports it?

Affected patients and their families. If the new fee schedule goes into effect as is, even family caregivers able to keep their loved ones at home will see their reimbursement rates gutted.

Michigan voters. In a 2018 statewide survey, nearly two-thirds of voters said we have a responsibility to continue our long-honored promise to provide care for auto accident victims with catastrophic injuries.

The Christopher and Dana Reeve Foundation, a national nonprofit organization supporting the paralysis and spinal cord community.

The Michigan Assisted Living Association, a nonprofit organization with members providing services to over 42,000 persons throughout the state.

Disability Rights Michigan, a nonprofit that advocates and protects the legal rights of people with disabilities in Michigan.

The Brain Injury Association of America, a national organization serving and representing individuals, families and professionals who are touched by a traumatic brain injury.

Small businesses. The MBIPC survey found that 86% of providers had little to no confidence that they would be able to keep their doors open after July. Nearly 5,000 jobs are on the line — many in rural areas — in an already shaky pandemic economy.