

February 13, 2024

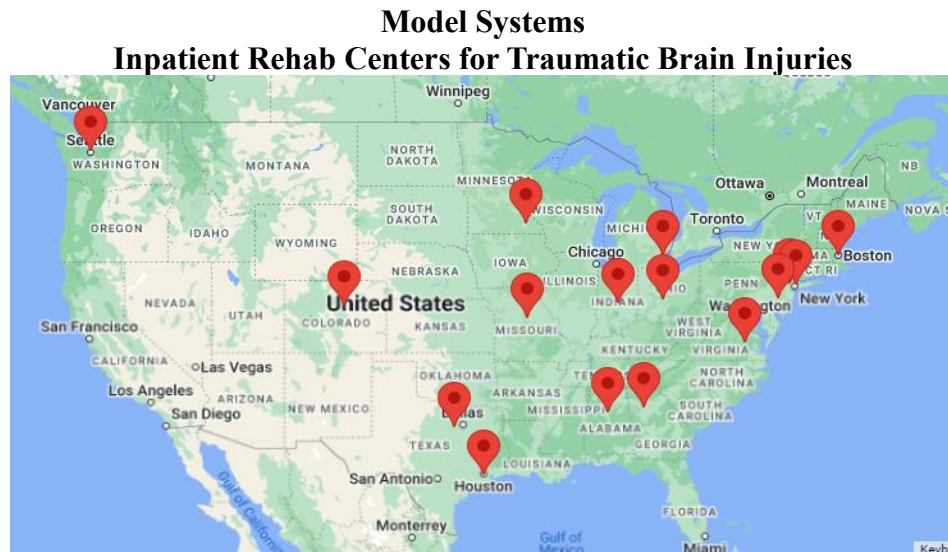
Chair Nosse and Members of the House Committee on Behavioral Health and Health Care

My name is Kathryn Nichols and I am here as the mother of a TBI survivor to support HB 4139.

**I specifically support the proposed Certificate of Need exemption for new Inpatient Rehab Facilities for those with Traumatic Brain Injuries.** For those of us in the TBI community (both patients and providers) the demand for Specialized Inpatient Rehab facilities in Oregon has been unmet for years. The existing Oregon providers have not expanded the in-state capacity despite the growth in population and the increasing demand. For many families like ours, we have had little choice but to travel out-of-state to find the services that are essential for our loved ones to recover.

Trauma Centers which serve some of the most critically injured patients are under constant pressure to find discharge options so that they can manage the press of new admissions. In 2017, when my husband and I were told to find discharge options for our son David after his 5-week stay at Harborview in Seattle, neither the Inpatient Rehab program there nor the largest one in Portland would take him. These facilities serve patients with a range of needs and their limited bed capacities do not allow them to serve those with severe brain injuries soon enough or long enough. Our only other option here in Oregon was to have him transferred to a skilled nursing facility. The medical team at Harborview did not endorse that option as David’s TBI was severe and his medical needs still very complex. It was clear that the best option was to take him to one of the specialized hospitals for severe brain injuries equipped to take patients upon discharge from a trauma center—the hitch was that all of them are out of state.

They are 16 specialty hospitals deemed “[Model Systems Centers](#)” which provide evidence-based inpatient rehab services for TBIs.



We chose to take our son to Craig Hospital in Colorado. Though it was costly to spend 5 months out-of-state without the support of family and friends, it was the right decision for us. I cannot speak highly enough of the facility and the high quality of the care received there. Looking back it is very clear that Dave would not be where he is today had he not had the opportunity to begin inpatient rehab when he did. And in a facility that could serve him for several months.

When we returned to Oregon in 2018 we were pleased to learn that two out-of-state hospitals had recently submitted applications to provide additional capacity in the Portland area, each proposing a new 50-bed Inpatient Rehab Center, one in Hillsboro and one in Tigard. It took close to 4 years for these hospitals to make it through OHA's Certificate of Need Process. But those of us in the brain injury community were heartened that in May of 2022 both applications were finally approved. But shortly thereafter Legacy and the Oregon Health Care Association filed a joint legal challenge to their certification. In July of 2023 after 6 years, both hospitals withdrew their applications while the case was still pending at the Court of Appeals. I have just obtained a copy of the opening brief in that case and it was 834 pages long! It should be clear that the costs and delay of the CON process are significant and in the case of Brain Injury services, CON is not meeting the goal of providing increased access to critically needed inpatient rehabilitation services.

Our son shared that we have connected with many other families struggling to find services after a brain injury. Close to 50 of them are from Oregon. Just since the first of the year there have been three new serious brain injuries to young Oregonians. Two teenaged siblings in Bend sustained TBIs in early January when the Mt. Bachelor ski bus hit them head-on. One is more severe and she has already been transferred to Craig Hospital in Colorado. Another college student from Medford had a massive brain bleed in early January and has also been transferred there. A third 12-year old girl is being treated at OHSU after a similar brain bleed. She too may need to be transferred out-of-state to start her recovery.

Our advocacy for the Brain Injury Community began with an article in the Willamette Week this time last year when our son agreed to tell his story and become the public face of brain injury to highlight the need for additional resources. That story and a recent update on HB 4139 is [here](#).

I know your time in the short session is limited and the demands are significant, but **I urge you to consider passing the specific exemption for inpatient rehab services.** For those who desperately need services for brain injuries, the stakes are too high. These issues affect all of us and the future of our state demands new solutions. **The exemption for Inpatient Rehab could be made a temporary "pause" for now.** A full-scale review of the Certificate of Need process may well be warranted, but we simply cannot afford to wait to bring these needed services on-line.

Sincerely,

*Kathryn Nichols* Portland, Oregon