



Fulcrum Intent

02/06/2025

Dear Chair and Members of the Committee,

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My name is Terrisa Langston, I am from Medford, Oregon. I am a Healthcare Business Partner Consultant and I am in support of HB 2670.

I provided remote verbal testimony on 02/05/2025. However, I was asked and wanted to take this opportunity to provide additional details and reference the terminology used to define brain injuries. I completely support the movement on this bill. However, I do believe it is essential to align the terminology between all governing entities from a global perspective to obtain the end result.

Senate Bill 420 used a broad term, "brain injury;" means damage to the brain from an internal or external source.

Our objective with SB 2670 is to have brain injuries recognized from an educational, funding and resource perspective regardless of the type of brain injury as expeditiously as the child's need requires. As you will see in the supporting documentation provided (with hyper-links) there are definite gaps in the alignment and provision of services.

An acquired brain injury (ABI) refers to any damage to the brain that occurs after birth. It is a broad term that covers a multitude of conditions globally. When we drill down for specificity, we can determine causes (mechanism of injury) and symptoms. An acquired brain injury can be categorized into two main categories; Traumatic Brain Injury (TBI), which results from an external traumatic event and Non-Traumatic Brain Injury (Non-TBI), which occurs due to an internal disease process leading to damage to the brain tissue.

The United States Department of Education only recognizes a "Traumatic brain injury" and a Non-Traumatic brain injury does not meet the criteria for other health impairment as it is specific to limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sick cell anemia and Tourette syndrome; AND adversely affects a child's educational performance.

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The Oregon Department of Education only recognizes Traumatic Brain Injury. However, does refer to the possibility of being eligible under a different category, but we know from United States Department of Education, other health impairment does not meet the criteria.

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CMS and Aging People with Disabilities and Developmental Disabilities recognize from a federal perspective acquired brain injury (non-traumatic brain injury) as well as traumatic brain injury for individuals who can benefit from Behavior Support Services.

Oregon Administrative Rule 411-046-0110 defines an acquired brain injury (non-traumatic) OR traumatic brain injury means individuals who have or who are at risk of developing challenging behaviors as a result of a recent or longstanding brain injury diagnosis and who can benefit from Behavior Support Services. Acquired brain injury may include individuals with cognitive and behavioral disorders related to stroke, spinal cord injuries or other neurological diseases that may benefit from Behavior Support Services.

I hope that you will find this information useful in your decision-making process. I look forward to the work that will be done between shareholders and the necessary tailoring to meet the needs in our educational system.

In Partnership,

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OAR 411-046-0110 – Definitions

“Acquired brain injury or traumatic brain injury” means individuals who have or who are at risk of developing challenging behaviors as a result of a recent or longstanding brain injury diagnosis and who can benefit from Behavior Support Services. Acquired brain injury may include individuals with cognitive and behavioral disorders related to stroke, spinal cord injuries, or other neurological diseases that may benefit from Behavior Support Services.

United States Department of Education

Sec. 300.8 (c) (12) - Individuals with Disabilities Education Act

(12) Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child’s educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking, judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Sec. 300.8 Child with a disability - Individuals with Disabilities Education Act

(9) Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child’s educational performance.

Department of Human Services

Aging and People with Disabilities and Developmental Disabilities – Chapter 411

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Division 46

BEHAVIOR SUPPORT SERVICES

411-046-0110

Definitions

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Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter

(2) "Acquired brain injury or traumatic brain injury" means individuals who have or who are at risk of developing challenging behaviors as a result of a recent or longstanding brain injury diagnosis and who can benefit from Behavior Support Services. Acquired brain injury may include individuals with cognitive and behavioral disorders related to stroke, spinal cord injuries, or other neurological diseases that may benefit from Behavior Support Services.

Oregon Department of Education

Chapter 581, Division 581 Special Education

581-015-2175

Traumatic Brain Injury

(1) Definition of Traumatic Brain Injury: For early intervention, early childhood special education, and school age special education, "Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking, judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category.

Oregon Administrative Rules

OAR 411-046-0110

Definitions

OAR 411-046-0110 – Definitions

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Brain Injury Association of America

ABI vs. TBI: What is the difference?

What is the difference between an acquired brain injury, non-traumatic brain injury, and a traumatic brain injury?

An acquired brain injury (ABI) is an injury to the brain that is not hereditary, congenital, degenerative, or induced by birth trauma. Essentially, this type of brain injury is one that has occurred *after* birth. The injury results in a change to the brain's neuronal activity, which affects the physical integrity, metabolic activity, or functional ability of nerve cells in the brain. An acquired brain injury is the umbrella term for all brain injuries.

There are two types of acquired brain injury: traumatic and non-traumatic.
Traumatic Brain Injury

A traumatic brain injury (TBI) is defined as an alteration in brain function, or other evidence of brain pathology, caused by an external force. Traumatic impact injuries can be defined as closed (or non-penetrating) or open (penetrating). Examples of a TBI include:

- **Falls**
- Assaults
- Motor vehicle accidents
- Sports injuries

Non-Traumatic Brain Injury

Often referred to as an acquired brain injury, a non-traumatic brain injury causes damage to the brain by internal factors, such as a lack of oxygen, exposure to toxins, pressure from a tumor, etc. Examples of NTBI include:

- Stroke
- Near-drowning
- Aneurysm
- Tumor
- Infectious disease that affects the brain (i.e., meningitis)
- Lack of oxygen supply to the brain (i.e., heart attack)

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