



**NATIONAL ASSOCIATION  
OF STATE HEAD INJURY  
ADMINISTRATORS**

## NASHIA Celebrates the TBI Act and the ADA

Dear NASHIA Member,

Two dates this week are significant with regard to brain injury and disability legislation: **The Traumatic Brain Injury (TBI) Act of 1996 and the American with Disabilities Act (ADA) of 1990**. Read more about the history of the TBI Act and how NASHIA plans to celebrate the 25<sup>th</sup> anniversary over the course of the year. On Monday, President Joe Biden held a Press Conference on the 31<sup>st</sup> anniversary of the ADA outlining his Administration's priorities for improving the lives of individuals with disabilities, as well as a new guidance with regard to how the ADA and other disability rights legislation may apply to long COVID. Read further for more information.

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### Today is the 25<sup>th</sup> Anniversary of the TBI Act!



Today, July 29<sup>th</sup>, marks the **25<sup>th</sup> Anniversary of the Traumatic Brain Injury (TBI) Act**, which was signed by President Bill Clinton. Cong. James C. Greenwood (R-PA) sponsored the legislation, H.R. 248, which had 35 co-sponsors. Senators Orrin Hatch (R-UT) and Edward (Ted) Kennedy (D-MA) introduced an identical bill (S. 96) and Senators Paul Simon (D-IL) and Chuck Grassley (R-IA) were co-sponsors.

The TBI Act is the *only* legislation that specifically authorizes funding to the U.S. Department of Health and Human Services



View the video above to learn more how NASHIA plans to celebrate over the coming year, as explained by Rebecca Wolfkiel, NASHIA Executive Director.

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to the Centers for Disease Control and Prevention (CDC), and the National Institutes of Health (NIH) to address the needs of individuals with TBI and their families. State grants are to be used to improve access to service delivery and P&A grants are to assist with individual and family advocacy, information, referrals and resources, and assistance with self-advocacy. The legislation authorized NIH to conduct TBI research and authorized CDC to conduct data surveillance,

(HHS) for State grants, state Protection & Advocacy (Disability Rights) grants; and funding injury prevention, and public awareness.

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## **About the TBI Act**

### **The TBI Act of 1996 (P.L. 104-166):**

- Defined traumatic brain injury (TBI).
- Authorized funding to HHS' CDC, NIH, and Health Resources and Services Administration (HRSA) to conduct TBI studies and to improve access to service delivery through State demonstration grants.
- Required State demonstration grants to have an advisory board and State match (changed later in reauthorizing legislation to allow soft match).
- Directed NIH to conduct a national consensus conference on managing TBI and related rehabilitation outcomes, which was conducted by the National Center for Medical Rehabilitation Research within the National Institute for Child Health and Human Development and held in 1998.
- Authorized CDC to carry out projects to reduce the incidence of TBI through surveillance systems; injury prevention programs; and public awareness.

### **Reauthorizing legislation:**

- The Traumatic Brain Injury Amendments of 2000, as part of the Children's Health Act of 2000, also signed into law by President Clinton (P.L. 106-310).
- The TBI Reauthorization Act of 2008, signed by President George W. Bush (P.L. 110-206).
- The TBI Reauthorization Act of 2014, signed by President Barack Obama (P.L. 113-196).
- The TBI Program Reauthorization Act of 2018, signed by President Donald Trump (P.L. 115-377).

The 2000 Amendments added the P&A grant program. The 2014 reauthorization removed HRSA as the administering agency for the State and P&A grant programs and allowed the HHS Secretary to name the administering agency. The HRSA program was then transferred to the newly created ACL in 2016 and the 2018 legislation named ACL as the administering agency.

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## **NASHIA Celebrates the 31<sup>st</sup> Anniversary of the ADA!**

### ***President Issues New Guidance on Long COVID & the ADA***

Monday marked the **31<sup>st</sup> anniversary of the Americans with Disabilities Act (ADA)**, the landmark civil rights law signed into law by President George H. Bush that prohibits discrimination based on disability in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. In recognition of this important legislation, President Joe Biden held a Press Conference announcing a proclamation with regard to the ADA; a [Fact Sheet](#) regarding the Administration's priorities for inclusion, accessibility and equity; and a new [guidance](#) suggesting long COVID could be considered a disability in some cases under federal civil rights laws.

This guidance explains that long COVID can be a disability under Titles II (State and local government) and III (public accommodations) of the ADA; Section 504 of the Rehabilitation Act of 1973; and Section 1557 of the Patient Protection and Affordable Care Act. Each of these federal laws protects people with disabilities from discrimination. This guidance also provides resources

for additional information and best practices. The document, however, does not address when long COVID may meet the legal definition of disability. Read [ACL's guide](#) to community-based resources that can help people needing assistance to live in their own home, go to work or school, and to participate in the community.

### **Education Releases Resources on Long COVID and Education Laws**

The U.S. Department of Education's Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) issued a new resource following the President's announcement on the new guidance: [Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#). The resource from OCR and OSERS builds on [guidance issued by the Departments of Justice and Health and Human Services](#) concerning long COVID as a disability and clarifies that, for young children and students, long COVID can be a disability that gives rise to Individuals with Disabilities Education Act (IDEA) eligibility and may also be a disability under Section 504 of the Rehabilitation Act and the ADA. The resource reminds all members of the education community that existing procedures and protections under IDEA, Section 504, and the ADA apply to students of all ages whose long COVID is a disability.



President George H.W. Bush signs landmark legislation establishing the Americans with Disabilities Act on July 26, 1990.



Watch President Joe Biden's Press Conference on the ADA anniversary where he announced his priorities for community inclusion and a new guidance on long COVID and the ADA.

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### **Resources on the ADA**

- The National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) at the ACL funds the Americans with Disabilities Act (ADA) National Network that provides information, guidance, and training on how to implement the ADA to support its mission to "assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." Visit their [website](#) to learn more.
- The Department of Labor's Office of Disability Employment Policy's [website](#) features resources for individuals with disabilities and employers related to job accommodations.
- The Department of Justice may file lawsuits in federal court to enforce the ADA. Information on the ADA and DOJ technical assistance is available on its [website](#).

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The National Association of State Head Injury Administrators assists State government in promoting partnerships and building systems to meet the needs of individuals with brain injuries and their families.

**Support States. Grow Leaders. Connect Partners.**

