



[A Landmark Case for Brain Injury Victims Nationally](#)

by [John Demas](#) on 02/03/09 at 2:43 pm

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A young woman, age 29, suffered brain damage due to a car accident in 2006. She now lives in a nursing home facility. Although she's extremely lucky to be alive she'd rather be dead than have to spend another day in a nursing home where all the patients are elderly. If there was a program available to her with people within her own age group and she was able to live at home with medical assistance, life would be grand for her.

This woman's story is just one of many. According to advocates, who filed a lawsuit last year in the U.S. District Court in Massachusetts, reports revealed that there are approximately 8,200 nursing home residents of all ages with brain injuries. An estimated one-quarter preferred to live at home with medical assistance and not a nursing home facility. In recent past, the federal and state healthcare program, Medicaid, for disabled and low-income people, normally would pay for medical care in institutions - this is fading fast.

It's bad enough that patients who suffer from brain injury already have to struggle with the idea that they are unable to live their daily lives the way they were once able to prior to their injury. A person should be able to have full medical treatment within their home if they desire to. Under federal law, brain injury patients have the right to live a normal life as their medical situation allows them.

An upcoming court settlement just might be the remedy to help this young woman and as many as 2,000 other patients with brain injuries leave nursing home facilities. This new law suit demands improved community services from the state. According to sources, Arlene Korab, executive director of the Brain Injury Association of Massachusetts, said that "This is a landmark case for brain injury nationwide. We are the first brain injury association - and there are 47 across the country who have successfully litigated and won."