

TBI NEWS & VIEWS



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John and Karen at Kessler Institute for Rehabilitation before a support group meeting.



John working on his upper body strength.

CAREGIVER CORNER: AFTER AN ACCIDENT, A CALLING FOR CAREGIVING

By Karen Tiseo

In 2015, my husband, John, was in a serious motorcycle accident and sustained a severe traumatic brain injury (TBI) and other life-threatening injuries. He was medevacked to Morristown Medical Center ICU where he remained in a coma for four weeks.

I remember feeling like a 'deer in headlights' the first time I walked into John's hospital room, where he lay in critical condition. The outcome was out of my control, and John was in God's hands.

Once John's condition was stabilized, he was transferred to Kessler Institute for Rehabilitation in West Orange for intensive occupational, physical, and speech therapy. He progressed from Kessler to sub-acute rehab to a nursing home, and after nine months he wanted (as he put it) to go home to watch TV and listen to music.

As a child, I'd dreamed of becoming a nurse just like my grandmother, volunteering as a candy striper in a local hospital when I was a teenager. I was ready to put myself to the test, even though I was also working full-time. John wanted to come home, and I was determined to make that happen.

For the first year-and-a-half, we had a live-in home health aide. Having someone to care for John 24/7 gave me the time I needed to get acclimated to this "new normal." I did a lot of reading about TBIs, found support groups, and attended the Abilities Expo held annually in Raritan. I participated in a caregiver research program through Kessler Foundation and learned the importance of caring for myself, too.



John working on his strength and balance training.

In November 2017, I made the decision to leave my job to become John's full-time caregiver. I felt that being more involved in his day-to-day care would benefit both of us.

My faith gets me through the rough times in my life, as it always has. Every morning I take our dog, Scrappy, for a walk as I pray for guidance. At the end of the day, I count my blessings and I'm grateful for another day.

I am wholeheartedly committed to John's care. He knows that, and it makes us happy. It's really that simple. ■

EXPERT OUTLOOK

Understanding New Jersey Law and Traumatic Brain Injury

By Steven Benvenisti, Esq.

Q: Am I responsible to pay the medical bills I incurred because of my injury, even if I have insurance?

A: Yes. Patients are always primarily responsible for payment of their medical bills, even if they are covered by health, car, or other insurance. If insurance doesn't pay, the patient is responsible and failure to pay can result in a collection action, lawsuit, judgment, etc.

Q: My brain injury was from a car accident that wasn't my fault, so why should MY car insurance be asked to cover the medical bills?

A: NJ is a *no-fault* state. This means that payment of medical bills will not be based on which driver was at fault. Typically, the primary car insurance coverage for medical bills follows this order: The injured person's own policy, the policy of a relative who lives with them, the policy covering the car they were occupying, New Jersey Property Liability Insurance Guaranty Association (NJPLIGA), or commercial vehicle insurance (for pedestrians or cyclists). When health insurance is selected as primary coverage, then car insurance may be secondary.

Q: As a result of my brain injury, I can't afford my rent. Can my landlord be forced to accept less?

A: No. Having a disability does not change the terms of your lease or rental payment. New Jersey does allow a tenant to apply for a *Hardship Stay* for up to six months, which is granted in limited situations.

The tenant must first pay the landlord all back rent and accrued costs of the landlord-tenant action.

Q: My brain injury happened while I was working. Can I file a lawsuit against my employer?

A: Generally, no. In New Jersey, other than for intentional conduct, you cannot sue your employer for negligent conduct resulting in your injuries. Injured workers are restricted to workers' compensation claims, which includes: Medical treatment paid for and directed by the employer or its workers' compensation carrier, a portion of the injured worker's lost wages, and an award for the permanent injury suffered by the worker. If the injury results in death, the spouse and/or dependents might also be entitled to a separate benefit. If the injured worker's accident was caused by a person or entity outside the employment relationship, then the worker can sue the other person or entity for pain, suffering, and other losses.

Q: Insurance is so expensive; do I really need so many insurance policies?

A: Yes. I have been an attorney for more than 20 years, and in my experience, the worst outcomes usually affect my clients who are either uninsured or underinsured. For auto insurance, I recommend that everyone carry the maximum insurance coverages. In the event of an accident, this will insure coverage for medical bills, protection from uninsured/underinsured motorists, protection if you are sued, etc.

If you are a renter, purchase renter's insurance. If you own a home, make sure you have current homeowner's insurance and umbrella coverage. It's also important to have adequate life, disability, and health insurance.

Chances are you will make insurance claims throughout your lifetime. The right coverage can provide you and your family with the protection you deserve. ■

Disclaimer: Most legal and insurance matters have important deadlines, limitations, monetary limits, etc. If you need counsel specific to your situation, it is highly recommended that you seek assistance from an attorney.



Steven Benvenisti, Esq. is a Partner at the Law Firm of Davis, Saperstein & Salomon, P.C., and is the Board President of The Brain Injury Alliance of New Jersey. While in college, Steven was a pedestrian in a motor vehicle crash caused by a drunk driver, resulting in a severe TBI. He fully recovered, graduated Magna Cum Laude from The College of New Jersey, and earned his Juris Doctorate in 1993. Mr. Benvenisti's law practice is devoted to personal injury, representing persons with TBI, spine injuries, and victims of drunk driving.

NURSE'S CORNER

Screen Time and Your Health

By Daryl Blewett, MSN, RN, CRRN, and Bonnie Tillman, BSN, RN, CRRN



How did we ever live without our cell phones and other electronic devices? Despite our increased dependency on these devices, it's critical that individuals who sustain a mild traumatic brain injury (mTBI) – commonly called a concussion – take a break from technology.

Research has shown that decreasing mental stimulation by not using electronic devices – smart phones, computers, gaming systems, and even television – and resting the brain for several days can help in recovery. Most physicians recommend a gradual return to the use of these devices. However, at any time that symptoms occur, such as headaches, fatigue, dizziness, memory issues, sensitivity to light or noise, or vision problems, it's time to stop, turn off the technology, and rest. And certainly if symptoms persist, you should seek medical attention.

Without sufficient rest, you may be at risk for further complications, including:

- Screen addiction that may cause a restructuring of your brain and could lead to cognitive changes.

- Vision impairments, such as blurry or double vision, dry eyes, eye irritation, dry red eyes, or even damage to the retina.
- Sleep issues that may develop due to glare, brightness of the screen, surrounding light, and even the time of day the device is used.

When on your devices, create a comfortable, supportive environment to help decrease eye strain. For example, rearrange your work space, have adequate lighting, and change the brightness, contrast, and font size settings on your screen.

Limiting the time spent on devices will also help to increase the time for face-to-face interactions, which have a positive emotional impact and build your ability to communicate effectively.

Some tips to help reduce screen time include:

- Turn off devices during mealtimes
- Allot specific times for watching TV or using your phone, computer, etc.
- Remove the TV from the bedroom

- Be more physically active; get out and get moving.

Understanding the signs and symptoms of a concussion, seeking medical treatment, and modifying your tech-habits can make a difference in your recovery and life ahead. ■



Bonnie Tillman



Daryl Blewett

NNJT BIS

NORTHERN NEW JERSEY
TRAUMATIC BRAIN INJURY SYSTEM

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Editorial

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SAVE THE DATE: Moving Forward: Improving Emotional, Physical, and Cognitive Health after Brain Injury

A consumer conference for individuals with brain injury, family members, and friends

Friday, September 27, 2019, 8:30am-3:00pm | Kessler Conference Center, 1199 Pleasant Valley Way, West Orange, NJ

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Volunteers are the heart of research.

Kessler Foundation research helps people with disabilities live better lives.

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