

**West Virginia Bureau for Medical Services  
 Responses to Comments Received on the  
 Proposed Traumatic Brain Injury Waiver Application**

Comment		Response
We received two comments regarding the number of yearly slots decreasing in the application from 74 to 59 individuals over the five year renewal period.	No Change	The projections in the application are based on the current level of funding, accounting for increased costs. The number of slots can always be amended if needed.
We received one comment regarding the inability of the Durable Power of Attorney (DOA) , Medical Power of Attorney (MPOA) or Health Care Surrogate (HCS) to be paid as a care giver. We also received one comment that we should allow the spouse of the individual to be a paid employee.	Change	<p>Although this is not a change in the application, BMS has made a policy decision to allow the DOA, MPOA or HCS to be a paid employee.</p> <p>In the self-directed program, Personal Options, someone else must be the Program Representative for purposes of signing off on time-sheets and assisting the individual in self-direction. The Legal Guardian or the Legally Responsible Adult (spouse or parent of minor child) still may not be paid employees in this program. Please review WV Code 44-A-1-8 for more information</p>
We received four comments regarding the removal of participant-directed goods and services (PDGS). One commenter felt that PDGS should be able to be used to purchase computers. One commenter was in favor of removing PDGS.	No Change	A review of items purchased through the self-directed program over the past few years have shown that the majority of items purchased have not been to assist the individual in self direction, thus the decision has been made to remove this service.
We received four comments about the cap on Transportation of 3,600 miles per year, three were not in favor of the cap and one was in favor of the cap.	No Change	Waiver participants may utilize the Non-Emergency Medical Transportation (NEMT) service for medical appointments. NEMT when used through the broker is not counted toward the 3,600 miles per year. The 3,600 miles may be used for community activities, shopping, errands, etc.

**West Virginia Bureau for Medical Services  
 Responses to Comments Received on the  
 Proposed Traumatic Brain Injury Waiver Application**

Comment		Response
We received two comments regarding establishing financial eligibility prior to medical eligibility, one was not in favor of it and one did not think that finances should be considered at all.	No Change	Yearly financial eligibility is a requirement of the federal government that funds this program.
We received two comments in favor of adding the Physician Assistant and the Advanced Practice Nurse Practitioner as approved to sign the Medical Necessity Evaluation Request.	No Change	
We received two comments regarding adding anoxia other than due to near drowning. One comment was in favor of adding it and other other comment asked us to add other types of anoxia.	No Change	These types of anoxia are not included in the WV state code.
We received one comment from a psychologist who does not agree that Psychologists cannot be certified as Cognitive Rehabilitation Therapists.	No Change	This is a decision of the Society of Cognitive Rehabilitation and BMS has no jurisdiction over this entity.
We had five comments that did not agree with the removal of Cognitive Rehabilitation Therapy (CRT).	No Change	Speech Therapists, Occupational Therapists and Physical Therapists can provide CRT according to the individual Boards for each of these specialty therapies.
We received one comment that agreed with the removal of Cognitive Rehabilitation Therapy.	No Change	
We received one comment that the major changes list did not specify that the maximum budget per individual is \$35,000.	No Change	This did not change from the previous application, thus it was not listed in the Major Change list.
We received one comment on a member being assessed within 90 days of receiving a funded slot	Change	This has been re-worded to clarify the intent that the applicant will be assessed at least 90 days prior to receiving a funded slot.



**West Virginia Bureau for Medical Services  
Responses to Comments Received on the  
Proposed Traumatic Brain Injury Waiver Application**

Comment		Response
We received one comment asking to add Respite services to give primary caregiver a break.	No Change	An individual can utilize their budget to hire someone other than their primary caregiver to provide services in order to give the primary caregiver break.
We received three comments that disagreed with removing the requirement for the WVDHHR Protective Record Services Check. One comment was in favor of removing this requirement.	No Change	This record may still be checked if you request it of your agency or Personal Options. One in favor
We received three comments in favor of expansion the deficits, from 13-17.	No Change	
We received two comments asking that the number of deficit requirements be lowered from five to three.	No Change	Due to the expansion of the deficit criteria from 13 to 17 we did not feel it was necessary to lower the number of required deficits.
We received one comment in favor of the National Crime Investigation Check (NCIC).	Change	We did change the language to say that state and federal fingerprint-based checks are required. The term of NCIC is actually the type of system used to check state and federal fingerprints.
We received one comment regarding transportation being a stand alone service.	No Change	Before transportation was part of a bundled code and we have separated it out.
We received one comment in favor of lowering the age of eligibility to three.	No Change	
A total of 12 stakeholders made 39 comments.		