

## Comments for Chapter 512, Traumatic Brain Injury Waiver

Effective Date: August 1, 2023

<u>Comment Number</u>	<u>Date Received</u>	<u>Comment</u>	<u>Action</u>
1.	5/8/23	Can a Personal Attendant Provider meet with the member in advance of the formal Service Plan meeting to assess the member's needs and develop a Draft PA Worksheet?	<b>No change</b> -Personal Attendant (PA) Agency staff are not required to attend initial Service Plan development meetings. PA Agency staff are required to attend the six-month and Annual Service Plan development meetings. PA Agencies do not perform assessment activities in the TBIW program. The member's needs for formal support by the PA worker is documented in the Person-Centered Service Plan. The PA Agency uses this information to develop the Personal Attendant Worksheets.
2.	5/22/23	Can the TBIW program follow ADW policy in no longer requiring the Annual MNER?	<b>Change-Section 512.23</b> Yes, the TBIW Policy Manual now reflects that it is not necessary to submit the Annual MNER.
3.	5/23/23	What annual training would a CNA be required to have?	<b>Change- Section 512.16.5</b> CNAs would be required to complete all annual personal attendant trainings listed in policy.
4.	5/28/23	Are agencies going to be required to continue to do the "No Incident Report" in IMS?	<b>Change</b> -Agencies are no longer required to complete a "No incident Report" in IMS.
5.	5/16/23	In Section 512.6.4 Pg 30 "Personal attendant safety training (how to keep safe in the workplace) and must be provided by an RN, social worker/ counselor, a documented specialist in this content area or an approved internet training provider. Statewide Transition Plan Rules training found on the BMS Learning Management System."  Should this be a reference to the "Extreme Situations guide" due to the Extreme situations guide being recently made a requirement and STP is listed below?	<b>No change</b> - The "Extreme Situations Guide" referred to is a document used in the ADW program. It is not used in the TBIW program.

6.	6/1/23	The section numbers are incorrect.	<b>Change-</b> Section numbers have been corrected.
7.	6/1/23	[REDACTED] believes the 25 mile radius is too restrictive for the CFCM exception. DRWV suggests this be changed to “surrounding counties” or extend the miles limit.	<b>No Change-</b> This radius was submitted and approved by CMS in the STP. We cannot make a change. The 25-mile radius is actually less restrictive than requiring members to obtain services through agencies in surrounding counties or located more than 25-miles from the member’s home.
8.	6/1/23	There was an addition of Medicaid Fraud and Reporting Requirements, however the Fraud appears to only need to be reported to BMS & OPI, not the Medicaid Fraud Control Unit at the Attorney General’s office.	<b>No Change-</b> This step was put in place by OPI to reduce inappropriate Medicaid Fraud Referrals. Medicaid Fraud is aware of this change.
9.	6/1/23	[REDACTED] applauds the addition of EAA and that the budget was expanded so that if EAA is accessed that their PA and other services are not decreased.  [REDACTED] appreciates the addition of suspected sexual abuse or assault to the Incident Classification section.	<b>No Change-</b> Thank you.
10.	6/1/23	[REDACTED] would like to suggest that public notices for the manuals also be posted on the HCBS website.  The section for Public Notices and comments for all the Waivers are on BMS default page but there is no tab for Public Notices or any mention of the Public Notices/Comment Period on the HCBS Site or the TBIW section:	<b>No Change-</b> BMS appreciates this suggestion and will consider it for future public comment postings.