



HCBS/TBI

**CMS Approved the HCBS/TBI Waiver
Application Renewal on November 28, 2022**



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Dear Traumatic Brain Injury (TBI) Waiver Providers:

The Centers for Medicare and Medicaid Services (CMS) approved the Home and Community-Based Services (HCBS) Traumatic Brain Injury (TBI) Waiver (waiver number NY.0269.R05.00) **application renewal** on November 28, 2022. The Waiver has been approved for a five (5) year period with an effective date of September 1, 2022. This HCBS waiver provides services to individuals who have experienced the onset of a TBI between the ages of eighteen (18) and sixty-four (64) and who meet a nursing facility level of care.

Modifications to note in this Waiver approval include:

- To assure services are provided in the most integrated and efficient manner, it is necessary for providers to participate in regularly scheduled Team Meetings to discuss progress and impediments toward the participant's goals. Regularly scheduled Team Meetings with the participant and service providers are an essential part of assuring the participant's health and welfare. Participants will be explicitly afforded flexibility in the team meeting modality: the option to conduct the meeting virtually, via telephone, or in person. NYS is implementing additional flexibilities for remote technology use to ensure participant choice, convenience and flexibility. NYS will not utilize remote monitoring as a form of supervision or support. It is used to facilitate convenient and efficient communication with the participant, their caregivers and support team.
- Provider qualifications for Respite and Home and Community Support Services (HCSS) have been modified so that the requirements for Nursing Supervision are consistent with Licensed Home Care Service Agency (LHCSA) regulations. This will not have a negative impact on applicants/participants. Respite providers are currently required to be a LHCSA and adhere to their assigned regulations. The changes are implemented to ensure compliance with amended state LHCSA regulations.
- Service Coordination (SC) contact will be required at least monthly with a quarterly in-home face-to-face visit, or more frequently as needed.

- A single template for Cost Reporting has been applied to be used across all applicable waiver providers.
- The statewide \$15 minimum wage was enacted as part of the 2016-17 State Budget. As of December 31, 2016, the first in a series of wage increases went into effect. Rates differ based on region and industry in order to provide businesses ample time to adjust. The minimum wage rates are scheduled to increase each year on 12/31 until they reach \$15.00 per hour. Future increases will be based on an indexed schedule to be set by the Director of the Division of Budget in consultation with the Department of Labor following an annual review of the impact and until such time that state reaches statewide compliance with the law.

A copy of the approved TBI Waiver Application is posted on the Department website here: [MRT 90 Policy Documents \(ny.gov\)](#)

Any questions regarding the TBI Waiver may be submitted to: tbi@health.ny.gov

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