



STATE OF MARYLAND

**DHMH**

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Memorandum

To: Brain Injury Waiver Providers

From:  Stefani O'Dea, Director, Office of Older Adults and Long Term Services and Supports

Date: April 24, 2017

Subject: Policy clarification related COMAR 10.09.46

CC: Denise Farmer, Rebecca Oliver, Maryland Medicaid

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The purpose of this memorandum is to provide clarification related to the Brain Injury Waiver program regulation COMAR 10.09.46 for the purpose of ensuring compliance with the home and community based settings rule implemented by CMS. The Brain Injury Waiver Program model in 10.09.46.04 is described below:

#### **.04 Program Model.**

A. The program services and supports shall:

- (1) Maximize the level of functioning of an individual with brain injury through assistance and support with independent living, self-care skills, and social skills in an environment which encourages the participant's ability to make decisions about the individual's life and create opportunities for choice regarding home, school or work, and community activities;
- (2) Promote the use of community resources to integrate the individual into the community;
- (3) Provide services that are:
  - (a) Appropriate to the age of the populations being served;
  - (b) Offered at times and places suitable to the individuals served;

This intent of this regulation is to emphasize the importance of choice and control over one's schedule and activities as well the importance of community integration opportunities. Waiver participants should have the opportunity and flexibility to make choices about their daily schedules and activities as

well as meal times. The annual plan of service meeting is an opportunity to capture each participant's interests, likes and dislikes. However, it is also important that Brain Injury waiver participants have an opportunity throughout the day to exercise choice and control over their schedule, with support provided by agency staff.