**Compliance Guide for New Regulations for Small Businesses**

* ***What does this regulation do?***

The purpose of this action is to update Home and Community-Based Waiver for Individuals with Brain Injury regulations to align with approved waiver application and ensure regulations reflect approved methods and language. Specifically, the proposed action updates the formal name of the operating State agency and the accrediting entity and their associated acronyms where they appear in regulations, removes the word ‘traumatic’ from the required diagnosis of a brain injury, amends the service definition of Individual Supports Services, and changes the billable increment for Individual Supports Services from one hour to 15 minutes.

* ***Who is Subject to the new regulation?***

Brain Injury Waiver services providers

* ***Why were the new regulations adopted?***

The new regulations are being adopted to align the brain injury regulations with the waiver application approved by CMS and to update terms to align with current practice.

* ***When are the regulations effective?***

The proposed action will take effect 10 days after publication of Final Notice in the Maryland Register.

* ***Is funding available to implement new requirements established by the regulation?***

N/A

* ***Are there other resources available for implementing the requirements of the regulation?***

N/A

* ***Is there assistance available to help understand the requirements of the regulation?***

Yes. The Division of Community Long term care is available to explain changes to existing requirements and new requirements made by this regulation. Questions about specific provisions of the regulation should be directed to Jarrod Terry at (410)767-3014 or jarrod.terry@maryland.gov.

**Key Terms and Definitions**

“Behavioral Health Administration (BHA)” means the administration of the Department that:

(a) Is charged with responsibility for providing services to individuals with behavioral health conditions as defined by Health-General Article, Title 10, Annotated Code of Maryland;

(b) Is designated as the State’s lead agency for service delivery to individuals with brain injury; and

(c) Manages the BI waiver, in collaboration with the Program and in accordance with a memorandum of agreement signed with the Program.

"CARF" means the Commission on Accreditation of Rehabilitation Facilities, a non-profit accrediting body which promotes quality, value, and optimal outcomes of services through a consultative accreditation process that centers on enhancing the lives of individuals receiving services.

"Individual support services (ISS)" means individual supports provided to the participant to support independence in a participant’s own home or community.