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**OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

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**Public Notice Regarding Amendments to the Traumatic Brain Injury Waiver**

In accordance with public notice requirements established at 42 CFR 441.304(f), The Indiana Family and Social Services Administration (FSSA), Office of Medicaid Policy and Planning (OMPP) intends to submit proposed amendments to the Traumatic Brain Injury (TBI) waiver to the Centers for Medicare and Medicaid Services (CMS) for consideration.

A previous public comment period for this waiver was held from November 8, 2023, through December 14, 2023. Comments submitted during the initial public comment period were reviewed by the state. Additional changes are now being proposed to the waiver. Therefore, a second public comment period is being held to allow stakeholders an opportunity to provide input on the following modifications to this waiver.

**Newly Proposed Amendments to the TBI Waiver**

- Clarifies the policies surrounding the allowance of services provided by legally responsible individuals.
- Revises provisions for an annual rate adjustment.
- Makes other technical changes to waiver language to conform and align with existing waiver policies.
- Adds language for service definition clarifications.

**Previously Proposed Amendments Included in the Initial Public Comment Period**

- Makes minor changes to language in the waiver to align all 1915(c) waivers with matching language.
- Switches the government agency which oversees this waiver.
- Adds Structured Family Caregiving service.
- Adds Home Modifications Assessment service.

**Fiscal Impact (in millions):**

Federal Budget Impact:	FFY 2024 (\$0.03)	FFY 2025 (\$0.13)
State Budget Impact:	FFY 2024 (\$0.02)	FFY 2025 (\$0.07)
Federal Budget Impact:	SFY 2024 \$0	SFY 2025 (\$0.13)
State Budget Impact:	SFY 2024 \$0	SFY 2025 (\$0.07)

The effective date of the proposed amendments is July 1, 2024, pending approval from CMS.

The 30 day public comment period for the TBI amendments will run from January 17, 2024, through February 16, 2024. Comments can be emailed to [DDRSwaivernoticecomment@fssa.in.gov](mailto:DDRSwaivernoticecomment@fssa.in.gov) or mailed to:

FSSA Division of Disabilities and Rehabilitative Services  
RE: TBI AMENDMENT PUBLIC COMMENT  
402 West Washington Street, Room W453  
P.O. Box 7083  
Indianapolis, IN 46027

The TBI amendments are available for review and public comment on the DDRS Draft Policies for Public Comment webpage (<https://www.in.gov/fssa/ddrs/4205.htm>). Hard copies of the proposed amendments are available upon request at the address contained herein. Additionally, copies of the proposed amendments are available at local Division of Family Resources offices.

Daniel Rusyniak, MD  
Secretary  
Family and Social Services Administration

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