

Fact Sheet: Proposed Changes to the Traumatic Brain Injury (TBI) Waiver

August 2026

The Bureau of Disabilities Services (BDS) is proposing a series of changes to the TBI waiver that, if approved by the Centers for Medicare and Medicaid Services (CMS), would go into effect in August of 2026. Starting in mid-February, all interested members of the public have 30 days to review these changes and provide feedback. This process is known as a public comment period.

This Fact Sheet provides an overview of some of the changes that are being proposed as part of this waiver amendment. This list, although not comprehensive, outlines the types of changes that are included in this proposal and, in some instances, the reasons for these changes.

The full proposed waiver draft is available for review on the DDARS Draft Policies for Public Comment webpage located at <https://www.in.gov/fssa/ddars/bds-policies/ddars-draft-policies-for-public-comment/>.

The changes being made in the August 2026 amendments will help to get ready for Waiver Reset, but they are not Waiver Reset itself. Waiver Reset will happen later. You can find more information about the plans for Waiver Reset on the FSSA website at <https://secure.in.gov/fssa/ddars/bds-waiver-redesign/>.

❖ Case Management

- Case Management will be provided under contracted case management. People will have to select a case manager from an approved case management organization.
- Inclusion of value-based payment in contracted case management.
- Allowance for regional case management providers.
- Align the allowable activities and responsibilities of case managers and Case Management Organizations (CMOs) in service definition with upcoming changes to contracted case management.
- Revise participant-centered planning and service delivery provisions to align with upcoming changes to contracted case management.

❖ Waiver Access Changes

- Update waiting list procedures to align with how the waiting list is currently managed.

❖ Service Changes and Provider Qualification Changes

- Attendant Care – Implement live-in caregiver rate reduction.
- Behavioral Support Services – Reconfigure the Behavior Management / Behavior Program and Counseling Service and related restrictive intervention safeguards to align with Community Integration and Habilitation (CIH) model.

- Benefits Counseling – This service will have a new maximum of 6 hours per year.
- Community Transition Services – Align the definition of “own home” in this service with the definition of “own home” in Residential Habilitation and Support (RHS) in CIH waiver.
- Home Modifications and Assessments – Clarify bid requirements and allowable activities. Add new requirement for provider to give people written explanation of any non-covered costs.
- Specialized Medical Equipment and Supplies (SMES) – Clarify evaluation and bid requirements, including maximum cost markup of thirty percent (30%).
- Transportation Services – Clarify Adult Day Services (ADS) cannot utilize Level 1 and Level 2 to access community as part of ADS service provision.
- Revise/update documentation standards in service definitions. Update quarterly reporting requirements for selected services.
- Remove unused “individual” provider types.

❖ **Paid Family Caregiver Payment Policy Changes**

- The state will only allow payment to be made to relatives for the following services: Attendant Care, Home and Community Assistance, Residential-Based Habilitation, Skilled Respite, Structured Family Caregiving, and Transportation. Payment will not be made to relatives for the provision of any other services.
- The state will only allow payment to be made to legal guardians for the following services: Attendant Care, Residential Habilitation, Structured Family Caregiving, and Transportation. Payment will not be made to legal guardians for the provision of any other services.
- Revise reimbursement limitation for relatives/legal guardians – The maximum number of hours of RBH, ATTC, HCA and Skilled Respite services that may be reimbursed when provided by Relatives and Legal Guardians (who are NOT Legally Responsible Individuals (LRIs)) must not exceed an aggregate of forty (40) hours per week per paid Relative caregiver and/or paid Legal Guardian caregiver.

❖ **Technical Changes to Improve Clarity**

- Update quality improvement performance measures throughout.
- Update statewide BDS ombudsman provisions to align with revised Indiana law.
- Update and align incident reporting requirements.
- Revise Division of Aging (DA) references to Bureau of Better Aging (BBA).
- Revise Division of Disability and Rehabilitative Services (DDRS) references to Division of Disability, Aging and Rehabilitative Services (DDARS).

❖ **Operation and Oversight Changes**

- Update oversight of Level of Care Assessment Representative (LCAR) contractor from Division of Aging (DA) to Bureau of Disabilities Services (BDS).