

# Proposed Population Definitions for TCM, Waiver, and Neurobehavioral Science Unit

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## I. Population for Targeted Case Management (TCM) for State Medicaid Plan

### A. Required elements

- **State of Virginia mandate:** DMAS was directed to establish and implement a new State Medicaid Plan targeted case management (TCM) service for “individuals with severe Traumatic Brain Injury” [Va. Code § 32.1-325\(A\)\(31\)\(2022\)](#).
- **Federal Centers for Medicare and Medicaid Services (CMS)** - State Plan TCM [Preprint](#) along with SPA [toolkits](#)

### B. Examples from other states

Our research revealed few examples in other states. Below is what we found. Notes are also in the Appendix at the end of this document.

Population	Source	State	Date	Link
TCM-ABI	SPA	WY	2014	<a href="#">WY-14-001.pdf (medicaid.gov)</a>
TCM-TBI	Provider Manual	KS	2007	<a href="#">KANSAS (kmap-state-ks.us)</a>
TCM- children BI	Service Regulations	ME	2014	<a href="#">c2s013.docx (live.com)</a>

### C. Description of severe TBI for TCM State Plan Amendment

Note: Since few examples exist, this proposed definition is based on our understanding of the legislative requirements, and judgment from experience in Massachusetts.

VA Medicaid beneficiaries 18 years of age or older that reside in the community and meet *all* the following requirements.

- 1.) The eligible beneficiary has physician or PCP documented diagnosis of traumatic brain injury defined as brain damage due to a blunt blow to the head; a penetrating head injury; crush injury resulting in compression to the brain; severe whiplash causing internal damage to the brain; or head injury secondary to an explosion. Brain damage secondary to other neurological insults (e.g., infection of the brain, stroke, anoxia, brain tumor, Alzheimer’s disease, and similar neuro-degenerative diseases) is not considered to be a traumatic brain injury;
- 2.) The TBI is severe and has resulted in chronic, residual deficits and disability including significant impairment of behavioral, cognitive and/or physical functioning the resulting in difficulty managing everyday life activities;
- 3.) The beneficiary due to the TBI requires ongoing assistance with accessing needed medical, social, educational, behavioral health, and other services;
- 4.) The beneficiary is not receiving case management through any other Medicaid service or state-funded program.

## II. Population for Waiver Program for Legislative Report

### A. Required elements

- **State of Virginia mandate:** Virginia’s budget enacted in 2022 provides, “The Department of Medical Assistance Services, in conjunction with relevant stakeholders, shall convene a workgroup to develop a plan for a neurobehavioral science unit and a waiver program for “individuals with brain injury and neuro-cognitive disorders”. The neurobehavioral science unit shall be considered as one of the alternative institutional placements for individuals needing these waiver services. The workgroup shall make recommendations in the plan related to relevant service definitions, administrative structure, *eligibility criteria*, reimbursement rates, evaluation, and estimated annual costs to reimburse for neurobehavioral institutional care and administration of the waiver program. The department shall include a rate methodology that supports institutional costs and waiver services. Virginia State [Budget 308 CC.1](#)
- **Federal Centers for Medicare and Medicaid Services (CMS) – 1915(c)** [waiver application](#) along with waiver [toolkits](#)

### B. Examples from other states

HCBS Population	Authority	State	Date	Link
HCBS– Brain injury	1915(i) SPA	ND	2021	<a href="#">ND-21-0025.pdf (medicaid.gov)</a>
HCBS -ABI- I	1915(c)	CT	2022	<a href="#">Connecticut (Self-Directed PCA)ABI waiver</a>
HCBS -ABI-II	1915(c)	CT	2019	<a href="#">Connecticut (Agency-based PCA) ABI waiver</a>
HCBS	1915(b)(c)	MN	2022	<a href="#">Minnesota HCBS Brain Injury Waiver</a>
HCBS-TBI	1915(b)(c)	NC	2021	<a href="#">North Carolina TBI Waiver</a>
HCBS-TBI	1915(c)	MA	2023	<a href="#">Massachusetts TBI waiver</a>
HCBS-ABI non-Residential	1915(c)	MA	2018	<a href="#">Massachusetts ABI Non-residential waiver</a>
HCBS – ABI Residential	1915(c)	MA	2019	<a href="#">Massachusetts ABI Residential waiver</a>

### C. Description of eligible waiver population for legislative report

Individuals 22 years of age through age 64 that reside in the community or a nursing facility, are eligible for VA Medicaid, and meet *all* the following requirements:

- 1.) The eligible beneficiary has physician or PCP documented diagnosis of brain injury or neuro-cognitive disorder resulting in impaired cognition and, due to physical, cognitive, or neuro-behavioral deficits, that require the provision of at least one waiver service, at least monthly, as documented in the assessment and service plan, to meet their needs.
- 2.) Has any form of brain injury including strokes, infection of the brain, anoxia, brain tumor, or brain injuries caused by external force which are often referred to as traumatic brain injuries or TBI and neurocognitive disorders that occurred after attaining the age of 22, but not including Alzheimer’s Disease and similar neuro-degenerative diseases the primary manifestation of which is dementia.
- 3.) The eligible beneficiary meets VA Medicaid nursing facility level of care as defined by [12VAC30-60-316](#) and [12VAC30-60-318](#); and
- 4.) Have moderate to severe functional deficits resulting from the brain injury .

### III. Population for Neurobehavioral Science Unit for Legislative Report

#### A. Required elements

- State of Virginia mandate:** Virginia’s budget enacted in 2022 provides, “The Department of Medical Assistance Services, in conjunction with relevant stakeholders, shall convene a workgroup to develop a plan for a neurobehavioral science unit and a waiver program for individuals with brain injury and neuro-cognitive disorders. The neurobehavioral science unit shall be considered as one of the alternative institutional placements for individuals needing these waiver services. The workgroup shall make recommendations in the plan related to relevant service definitions, administrative structure, *eligibility criteria*, reimbursement rates, evaluation, and estimated annual costs to reimburse for neurobehavioral institutional care and administration of the waiver program. The department shall include a rate methodology that supports institutional costs and waiver services. Virginia State [Budget 308 CC.1](#)

#### B. Examples from other states

Neuro-Behavioral Unit Population	Authority	State	Date	Link
HCBS -ABI-II	1915(c)	CT	2019	<a href="#">Connecticut (Agency-based PCA) ABI waiver</a>
HCBS-TBI	1915(b)(c)	NC	2021	<a href="#">North Carolina TBI Waiver</a>
Special Contract	State Plan	MA	2012	<a href="#">2012 Massachusetts Amended and Restated Request for Applications for Neurobehavioral Services to be provided in Nursing Facilities</a>

#### C. Description of individuals with “brain injury and neuro-cognitive disorders” meeting neurobehavioral unit level of care for legislative report

Individuals 22 years of age or older, that reside in the community or a nursing facility, are eligible for VA Medicaid, and meet *all* the following requirements:

- 1.) The eligible beneficiary has physician or PCP documented diagnosis of brain injury or neuro-cognitive disorder resulting in impaired cognition and, due to physical or cognitive deficits, that require the provision of at least one waiver service, at least monthly, as documented in the assessment and service plan, to meet their needs.
- 2.) Brain injury and neurocognitive disorders include those sustained after attaining the age of 22, as an insult to the central nervous system which includes brain injury due to one or more of the following: traumatic, vascular, metabolic, infectious, neo-plastic or toxic insults but does not include brain injuries that are degenerative or dementia-related disorders, or congenital brain injury.
- 3.) Requires intensive program of neurobehavioral and neurocognitive services because of the brain injury.
- 4.) Present with significant neurobehavioral sequelae that are clinically unmanageable in the community or standard nursing facility setting and require a level of care and behavioral support available in a neurobehavioral unit. This is a higher level of service than nursing facility level of care available in the community through other waivers due to cognitive and behavior impairments.
- 5.) Exhibit reasonable expectations for measurable improvement.