

**APPENDIX J TO 2009 STATE AND COUNTY CONTRACT
for Social Services and Community Programs
Title: Brain Injury Waiver Program (BIW)**

It is further understood and agreed by both parties, through this attachment to the CY 2009 "State and County Contract Covering Social Services and Community Programs" that both parties shall comply with all provisions set forth in this contract regarding the Brain Injury Waiver Program, herein after referred to as BIW.

I. Funds Provided/Period Covered

Funding Period and Amount: Funds in the amount identified in this contract are provided for the period January 1, 2009 through December 31, 2009. The initial value of this contract is the sum of the estimated funding the County can earn for each waiver slot assigned to it by the Department. New waiver slots may be assigned to the County during the term of the contract when a prospective waiver participant receives approval for their individualized service plan from the Department. The total number of slots assigned to the County may be reduced if a participant transfers to a different County or closes.

Brain Injury Waiver slots may be either "state matched" slots or "locally matched" slots. The "state matched" slots use state GPR funds to match the federal share of MA and "locally matched" slots use only local funds allocated by the County to provide the match. If the average daily claim for program participants equals less than the state per diem rate, any unused funds will be applied to local match slots to provide MA match. Funding for either type of slot may be used to reimburse the County for costs they incur if the costs are included in a valid claim submitted for an eligible BI waiver program participant and associated service coordination costs.

BRAIN INJURY WAIVER NON FEDERAL (CARS PROFILE 506)

Reimbursement shall be based on the claims for all program participants in comparison to the potential revenues earned by the following formula:

- A. the number of days during the contract period which BIW participants are anticipated to be eligible; times
- B. the maximum per diem rate established by the Division of Long Term Care (DLTC).

Funding for either type of slot may be used to reimburse the County for costs they incur if the costs are included in a valid claim submitted for an eligible BIW program participant and associated administrative costs. The per diem rates for BIW are established in the Medicaid Home and Community Based Services Waivers Manual and updated in DLTC Numbered Memos.

BRAIN INJURY WAIVER FEDERAL (CARS PROFILE 507)

The allocation of BIW Federal includes the total of earned federal funds as described in Number 1 and 2 below.

1. The federal portion of the state per diem rate multiplied by the maximum number of days in the year for each eligible BIW participant.
2. Locally matched slots where only local funds are allocated by the County to match the federal share of MA.

3. The federal share of costs exceeding the state per diem rate of BIW slots.

Total claims for all BIW participants should be reported on the Community Aids Reporting System (CARS) Profile BIW (501). The Department will allocate these costs based on the current federal percentage rate to payment lines. The federal amount will be allocated to CARS Profile 507 (BIW Federal), a sum sufficient payment line. The balance will be allocated to contract controlled CARS Profile 506 (BIW Non Federal). Costs over the amount of the contract will roll to the CARS Profile 561 (Basic County Allocation). To collect other match sources, the County must adjust the profile(s) through an amended CARS report or include them with the following month's claim.

Additional Funds: Any unused funds from BIW are applied to provide MA match for locally matched slots.

Reallocations: The Department may also reimburse the County for additional expenses exceeding their contract maximum if funds are available from other County agencies. Any potential earnings not used by the County for the cost of services are subject to reallocation.

Increases: The total value of this contract may be increased during this contract period if the County submits an individual service plan for a prospective BIW participant as specified in the MA Waivers Manual and receives approval permitting the County to use an additional slot. If the person approved replaces a person whose episode of services closed, the County will not receive an additional slot but will use the vacated slot for this person(s). The approved increase will be determined by applying the funding formula contained in this section.

The maximum amount of this contract may also be increased or decreased, if it is determined that said change would maintain the cost effectiveness of the waiver. The amount of such increases or decreases, if any, is at the discretion of and is set by the Division of Long Term Care.

As the BIW Program transitions to managed long term care, a county's BIW allocation will be reduced to reflect that individuals are no longer being served under the BIW Program; and instead are being served through the Family Care Program.

II. Purpose and Conditions on the Use of the Additional Funds

These additional funds may be used by the County in accordance with the following conditions:

1. The County agrees to comply with the requirements of s. 46.278 WI Stats., the MA Waivers Manual, applicable DLTC Numbered Memos and other policy communications.
2. Funds may only be used for community based services for persons eligible for the BIW which are specified in an approved Individual Services Plan.
3. Consumers shall be given a choice of all qualified providers for each service covered by the waiver.
4. The amount of funds earned is determined by actual allowable MA waiver services costs incurred up to the maximum amount by the contract. This amount is subject to upward revision if funds can be reallocated from other County agencies. This amount is also subject to revision based on the actual MA matching rate in effect on the date the service was provided.
5. These funds may only be used for persons who reside in the qualifying settings specified in the MA Waivers Manual.
6. Case Management services shall be provided to BIW participants.

7. Funds may be used for supported employment services only when they are not available from the Division of Vocational Rehabilitation.
8. Earnings shall be reduced by the full amount of the per diem rate for any day a participant receives MA funded services in an inpatient setting. Such settings include general hospitals, SNFs, ICFs, or ICF-MRs.
9. Funds cannot be used to cover any portion of room and board expenses for participants except when the cost of room and board is an integral but subordinate part of covered respite care services when such care is provided outside of the participant's home.
10. No consumer shall be required to contribute to the cost of BIW covered service beyond their cost sharing requirements pursuant to the Medicaid Home and Community Based Services Waivers Manual.

Failure to meet these purposes and conditions or requirements specified in the MA Waiver's Manual may result in the loss of these funds and their repayment to the Department by the County.

III. Fiscal and Client Reporting Conditions on the Earning and Use of the Additional Funds

1. **HUMAN SERVICES REPORTING SYSTEM (HSRS) REQUIREMENTS:** The County shall report according to the requirements specified for BIW contained in the HSRS Reporting handbook. The County's HSRS reporting of BIW and any matching funds used for services provided shall include the federal, state and local shares of all claims for all services covered by the BIW waiver provided to eligible participants. The County shall also report all units of service provided as a result of all funds reported and on all other required reporting elements contained in the Section of the HSRS Handbook covering the MA Waivers Module. Reports to HSRS shall be submitted to the Department monthly on the Long Term Support Module of HSRS in accordance with the instructions contained in the HSRS Handbook, and applicable DLTC Numbered Memos.
2. **FINANCIAL REPORTING ON 942:** Total actual costs incurred by the County for eligible BIW participants shall be reported monthly on Form 942 according to the schedule in the State/County Contract.
3. **COMMUNITY AIDS REPORTING SYSTEM (CARS):** The County shall report the expenditure of these funds monthly on the DMT Form #600 according to instructions for profile 501 contained in the "CARS ACCOUNTING REPORTS MANUAL." The amount reported on CARS is subject to adjustment if as a result of the contract reconciliation process, the total amount differs from the County's final adjusted claims contained on the HSRS.
4. Funds may be withheld if HSRS reporting is more than two months behind.

IV. Payment Procedures

The Department shall pay these funds to the County in accordance with the State/County Contract.