STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES
350 Capitol Street, Room 251
Charleston, West Virginia 25301-7307
Telephone: (304) 558-1700 Fax: (304) 558-1451

Earl Ray Tomblin
Governor

Karen Bowling
Cabinet Secretary

To: TBI Providers

From: Susan Given, Program Manager

Re: Legal Representatives Serving as Direct Care Staff in the TBI Waiver Program

Date: October 24, 2013

Please be advised that per the CMS approved application for the Traumatic Brain Injury Waiver program, legal guardians are excluded from providing direct care services. Appendix C-2 e. of the approved application states:

Relatives may be paid for providing any TBI Waiver service. Any relative may provide services excluding the member's spouse. Payments cannot be made to legal guardians for TBI Waiver services.

The application can be found at
http://www.dhhr.wv.gov/bms/news/Documents/TBI_WaiverApplication.htm.

A relative who is also a legal guardian may not be employed as direct care staff. Therefore, if legal guardians have been employed as direct care staff, they must be replaced within 30 days of this memo.