

**DEPARTMENT OF SOCIAL SERVICES
NOTICE OF INTENT TO ADOPT REGULATIONS**

In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, notice is hereby given that the Commissioner of Social Services, under subsections (a) and (b) of section 17b-260a of the Connecticut General Statutes, proposes to establish in regulation, the policies for the administration of the Acquired Brain Injury (ABI) waiver program. The Department, in accordance with section 17b-10 of the Connecticut General Statutes, will implement and operate under the proposed regulations effective July 1, 2016 while it is in the process of adopting the regulations.

Statement of Purpose:

(A) The purpose of the regulation is to adopt, in regulation form, the policies necessary to conform with requirements of the approved federal ABI waivers, ABI Waiver I and ABI Waiver II, and amendments thereto. The ABI waiver program is currently administered through an operating policy, in accordance with section 17b-10 of the Connecticut General Statutes, and as further set forth in approved waiver applications and amendments thereto. The proposed regulation would supersede the operating policy implemented on April 1, 2013.

(B) The main provisions of the regulation include: (1) A description of the purpose and scope of the ABI waiver program; (2) definitions of necessary terms; (3) eligibility requirements and determination of need; (4) a description of the home and community-based services available under the ABI waiver program; (5) assessment and development of a cost-effective service plan; (6) the responsibilities of the individual, the Department and ABI waiver providers; and (7) provider participation requirements.

(C) The legal effects of the regulation: The proposed regulation incorporates the requirements contained in 42 CFR 441.301, as amended, effective March 17, 2014, including those pertaining to person-centered planning and home and community-based settings. It also reflects the initial state and federal approval of ABI Waiver II, and subsequent amendments to ABI Waiver I and ABI Waiver II. The proposed regulation also includes changes to: eligibility requirements; definitions of necessary terms; descriptions of available services; the assessment process and service plan development; the responsibilities of the individual, the Department and providers; and the requirements for provider participation in the program.

A copy of the complete text of this regulation is available on the Connecticut eRegulations System website at <https://eregulations.ct.gov/eRegsPortal/>, and on the Department of Social Services' website at <http://www.ct.gov/dss> by selecting "Publications," then "Policies and Regulations," then "Notices of Intent, Operational Policies, and Proposed Regulations." In addition, copies of the proposed regulation, as well as the small business impact and regulatory flexibility analysis, may be obtained at no cost by request to the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 55 Farmington Avenue, Hartford, Connecticut 06105; email: michael.slitt@ct.gov.

All written comments, questions, and concerns regarding this regulation may be submitted within 30 days of the publication of this notice to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 55 Farmington Avenue, Hartford, Connecticut, 06105. Attention: Brenda Parrella, Director. Comments may also be submitted electronically on the eRegulations System website referenced above. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision of an agency or by an association having not less than fifteen members, if notice of the request is received by the Department within fourteen days after the date of posting of this notice on the eRegulations system.

When submitting correspondence, please refer to Regulation Tracking Number PR2015-169.