

Family Support Waiver Tour

Division of Developmental Disabilities

Norfolk | Omaha & Online | Lincoln | Grand Island

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Agenda

- LB 376 System Evaluation
- Family Support Waiver
- Legally Responsible Individuals
- Fiscal Intermediary

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LB 376 System Evaluation

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LB 376 System Evaluation

The Nebraska Department of Health and Human Services has contracted with Optumas and Myers and Stauffer, who are performing an evaluation of Nebraska's developmental disability (DD) service system for Legislative Bill 376.

We want to learn more about the experiences of individuals with disabilities, their family members, advocates, providers, and other members of the public who support them. We invite you to participate in a virtual listening session. We encourage people who are new to the system, those on the Medicaid Aged and Disabled Waiver and waiting for or on the DD Waiver, people who have never provided feedback on services, or those with ideas on how to improve disability services in Nebraska, to join us.

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LB 376 System Evaluation

To Register

Please use the QR code below or this link to fill out a short sign-up form and select your meeting preference(s). You will then receive an email from NE_DDSystemEval@mslc.com confirming registration details. Sessions will be limited to 30 participants each to allow for meaningful, focused feedback. If sessions are full, we will notify you and send a link from the Optumas and Myers and Stauffer team to complete a voluntary electronic feedback survey.

Please use the QR code or access
https://mslc.qualtrics.com/jfe/form/SV_9oZCuB9H8UC4ddI
to fill out a short sign-up form.



Family Support Waiver

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A New Nebraska HCBS Waiver

The Family Support Waiver will be the fifth Nebraska HCBS Waiver.

- Legislature called on DHHS to develop the waiver in LB376.
- The waiver is intended to provide support for the child and their family.

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Family Support Waiver (FSW) – Demographics

- The Family Support Waiver will:
 - Serve up to 850 children with developmental disabilities; and
 - Provide each child with a maximum annual budget of \$10,000.
- Participants will be:
 - Children ages birth to 21 years old;
 - Eligible for DD services per NE statute; and
 - Meet ICF/IID level of care.

Family Support Waiver Funding Priorities

To receive funding on this waiver, LB376 lists the following priorities:

1. Children with disabilities and family units in crisis situations in which the child tends to self-injure or injure siblings and other family members.
2. Children with disabilities who are at risk for placement in juvenile detention centers, or other institutional settings, or out-of-home placements.
3. Children with disabilities whose primary caretakers are grandparents because no other family caregivers are available to provide care.
4. Families who have more than one child with disabilities living in the family home.
5. Based on date of application.

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Current Services in FSW Draft

Current services being discussed for the waiver:

- Assistive Technology
- Child Day Habilitation
- Community Integration
- Day Supports
- Environmental Modification Assessment
- Home Modifications
- Homemaker
- Independent Living
- Personal Emergency Response System (PERS)
- Respite
- Supported Family Living
- Transportation
- Vehicle Modifications

New Services in FSW Draft

New services being discussed for the waiver:

- Family Caregiver Training
- Family and Peer Mentoring
- Participant Directed Goods & Services

Using the Waiver- Alex

Alex's family uses the waiver to pay an Agency Provider to provide services 2 hours per week all year. They also use this waiver to pay for additional childcare costs with Child Day Habilitation 2 hours per day 45 weeks out of the year. With their remaining budget they are also able to purchase an Assistive Technology device to support Alex.

Waiver Service	Units	Cost
Respite- Agency Provider	96 hours	\$ 2,737.92
Child Day Habilitation- Agency (Basic)	450 hours	\$ 5,674.50
Assistive Technology	Invoice	\$ 1,573.34
Total		\$ 9,401.85

Using the Waiver- Jose

Jose's family uses the waiver to pay for a ramp to make their house more accessible.

Waiver Service	Units	Cost
Home Modification	Invoice	\$10,000
Total		\$ 10,000

Using the Waiver- Min

Min's family uses the waiver to pay for Day Supports during the summer (10 weeks) for Min at an Agency Provider and has secured 2 hours of Respite with an Independent Provider each week. Min's family also used Caregiver Training to attend a training about how to better support Min at UNMC. Finally, Min was able to use Participant Directed Goods and Services to purchase specialized clothing and dressing aids to meet Min's disability-related needs.

Waiver Service	Units	Cost
Day Supports- Agency (Intermediate)	500 hours	\$ 7,580
Respite- Independent	104 hours	\$1641.12
Participant Directed Goods & Services	Invoice	\$ 1,321.85
Family Caregiver Training	Invoice	\$ 500
Total		\$ 9,985.76

Legally Responsible Individuals

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Definitions

- **Family Member:** immediate family only, excluding LRI, this includes children and siblings.
- **Legal Guardian:** a person appointed by a court to serve as a guardian for a someone ages 19 years or older.
- **Legally Responsible Individual (LRI):** a spouse or the natural or adoptive parents of minor children.

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Family Member

Immediate family only, excluding LRI,
this includes children and siblings.

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Can a Family Member currently provide Medicaid HCBS waiver services in Nebraska?

Aged & Disabled (AD) Waiver	Developmental Disabilities (DD) Waivers
Yes	Sometimes

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What DD Waiver services can a Family Member provide?

A Family Member CAN provide:	A Family Member CAN provide <i>when with an agency:</i>	A Family Member CAN provide <i>when NOT living with participant:</i>
Assistive Technology	Adult Day	Homemaker
Child Day Habilitation	Behavioral In-Home Habilitation	Respite
Community Integration	Day Supports	
Consultative Assessment	Medical In-Home Habilitation	
Environmental Modification Assessment	Personal Emergency Response System (PERS)	
Home Modifications	Prevocational	
Independent Living	Residential Habilitation	
Supported Employment - Follow- Along and Individual	Small Group Vocational Support	
Supported Family Living	Therapeutic Residential Habilitation	
Transitional Services	Vehicle Modifications	
Transportation		

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Legal Guardian

A person appointed by a court
to serve as a guardian
for a someone ages 19 years or older.

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Can a Legal Guardian currently provide Medicaid HCBS waiver services in Nebraska?

Aged & Disabled (AD) Waiver	Developmental Disabilities (DD) Waivers
Sometimes	No

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What AD Waiver services can a Legal Guardian provide?

A Guardian CAN provide:	A Guardian CAN provide to an ADULT:	A Guardian can NOT provide:
Adult Day Health	Assistive Technology	Extra Care for Children with Disabilities
Assisted Living	Home & Vehicle Modifications	
Chore	Respite	
Companion		
Home Again		
Home Delivered Meals		
Independence Skill Building		
Non-Medical Transportation		
Personal Care		
Personal Emergency Response System (PERS)		

Legally Responsible Individual (LRI)

A spouse
or the natural or adoptive parents
of minor children.

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Can a Legally Responsible Individual currently provide Medicaid HCBS waiver services in Nebraska?

Aged & Disabled (AD) Waiver	Developmental Disabilities (DD) Waivers
No	No

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Federal Requirements: Extraordinary Care

The Federal Centers for Medicare and Medicaid Services (CMS) policy is that payments for personal or similar care delivered by LRI is not eligible for federal financial participation through the State Plan.

- A state may use an HCBS waiver to make payment for personal or similar services provided by LRI when services are deemed *extraordinary care*.
- The state must specify satisfactory criteria for authorizing *extraordinary care* payments.
- CMS defines *extraordinary care* as care exceeding the range of activities an LRI ordinarily performs in the household on behalf of a person the same age without a disability or chronic illness, which is necessary to assure the health and welfare of the person and avoid institutionalization.

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Federal Requirements: Provider Requirements

- All providers, including LRI and guardians acting as independent providers, need to comply with Medicaid provider qualifications and other Medicaid requirements.
- When a state pays LRI as providers, they must ensure all waiver criteria required for any other provider is met by the LRI provider.
 - This includes meeting established provider qualifications and undergoing provider enrollment activities.
 - The LRI provider is subject to the same ongoing monitoring activities as any other provider.

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Federal Requirements: LRI Safeguards

- When a state pays LRI as providers, CMS requires additional requirements for LRI to provide safeguards to ensure services are delivered according to the personal-centered service plan.
- This includes establishing why paying the LRI for services is in the best interest of the participant.

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Changes for LRI to Provide AD Services

- Amendment to the Aged and Disabled (AD) Waiver.
- Promulgate revisions to Title 471 NAC – Nebraska Medicaid Program Services.
- Develop necessary IT and case management tools, processes, and infrastructure to support payments to LRI.
- Develop necessary outreach and educational resources for participants, families, advocates, independent and agency providers, and DHHS staff.

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Changes for LRI or Guardian to Provide DD Services

- Amendment to the Comprehensive Developmental Disabilities (CDD) Waiver.
- Amendment to the Developmental Disabilities Adult Day (DDAD) Waiver.
- Promulgate revisions to Title 403 NAC – Medicaid Home and Community-Based Waiver Services for Individuals with Developmental Disabilities.
- Promulgate revisions to Title 404 NAC – Community-Based Services for Individuals with Developmental Disabilities.
- Develop necessary IT and case management tools, processes, and infrastructure to support payments to LRI and guardians.
- Develop necessary outreach and educational resources for participants, families, advocates, independent and agency providers, and DHHS staff.

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Per review of other states' HCBS waivers, CMS approval to pay LRI could be contingent on the use of a fiscal intermediary or require agency affiliation for the LRI.

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Fiscal Intermediary

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Definitions

- Self-Direction
 - Employer Authority (EA)
 - Budget Authority (BA)
- Fiscal Intermediary (FI)
 - Financial Management Service (FMS)
 - Information & Assistance (I&A)

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Self-Direction

- A participant has decision-making authority over:
 - The workers who provide their services;
 - The mix of services and support they receive; and
 - How and when they are provided.
- Self-direction can include:
 - **Employer Authority (EA)** – Participants hire, screen, supervise, manage, set schedules, dismiss, set wages, and give bonuses within the parameters of their waiver budget.
 - **Budget Authority (BA)** – Participants use their waiver budget for services, equipment or supplies not otherwise provided through waiver or Medicaid to address an identified need in their service plan.

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Self-Direction Example

You need new pants.

You decide where to shop and look through what's offered.

You compare quality, price, size and how well the pants meet your need.

Finally, you pick what is right for you and purchase it.

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Fiscal Intermediary (FI)

Provides support through:

- Financial Management Services (FMS)
- Information and Assistance (I&A)

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Financial Management Services (FMS)

Assisting a participant with **budget authority** can include, but is not limited to:

- Ensuring providers have needed information, assistance, support, and training;
- Confirming pre-employment verifications, continued eligibility with program requirements, and background checks;
- Registering as the employer-agent with the Internal Revenue Service (IRS) and assuming full liability for filing reports;
- Receiving and processing employee time sheets;
- Computing and paying all federal and state employment-related taxes and withholdings;
- Distributing payroll on schedule;
- Maintaining records of all expenses and reimbursements; and
- Monitoring the budget.

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Information & Assistance (I&A)

- Provides information on opportunities and services available in a participant's community;
- Assesses problems and capacities of the participant;
- Links the participant to opportunities and services; and
- Is available for follow-up.

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Fiscal Intermediary (FI) – Goods & Services

When a participant purchases goods and services, the FI can:

- Process and pay for invoices for goods and services as approved by the service plan; and
- Ensure the goods and services purchased fit within the participant's annual budget.

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Fiscal Intermediary (FI) – LRI Oversight

Currently, Legally Responsible Individuals (LRI) are not allowed to be paid for providing services.

If this changes, the Fiscal Intermediary could provide oversight to ensure integrity and look for conflicts of interest.

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Fiscal Intermediary Example

*You purchase new pants with a bank card.
After you swipe, and sign, your part is done.*

*The card company is your **fiscal intermediary**, managing how money moves from your account to the store. They send details to your bank, make sure your account is charged correctly, subtract and pay fees, and send money to pay the store, all while keeping the transaction secure.*

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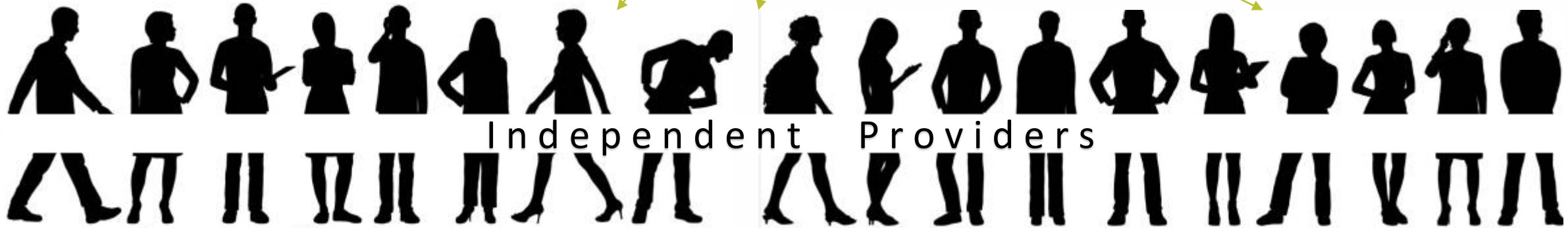
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Financial
Management
Services



Information &
Assistance

Fiscal Intermediary



Independent Providers

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Supporting Dignity and Choice through Community Connections



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