

Family Support Waiver Listening Session

November 1 & 2, 2022

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Agenda

- Legislative Bill 376
- General Waiver Information
- Family Support Waiver Specifics
- Stakeholder Engagement & Survey Results
- Questions & Comments

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Legislative Bill 376

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Legislative Bill 376 (LB376)

- In April 2022, Nebraska Legislature passed LB376, which declares family is vital to the development of each child.
- The bill intends to preserve family units so children with disabilities may remain in their homes.

The final reading of LB376 is available on the [Nebraska Legislative website](#).

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DHHS Action Plan

LB376 directs DHHS to:

- Develop a Family Support Waiver, including:
 - Submit Family Support Waiver to CMS;
 - Write and get approval of rules and regulations for the Family Support Waiver; and
 - Administer the Family Support Waiver and submit an annual report to Legislature.
- Engage a consultant to provide an evaluation of the state's developmental disabilities system by December 31, 2023.
 - Consultant contract with Optumas includes, input and feedback from families and individuals served on existing waivers and those waiting for a waiver slot.

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General Waiver Information

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Understanding Medicaid Waivers

- The Family Support Waiver will be a Medicaid 1915 (c) Home and Community-Based Services (HCBS) Waiver.
 - 1915 (c) HCBS waivers allow states to waive certain Medicaid requirements in order to furnish an array of home and community-based services that promote community living for **Medicaid beneficiaries** and **avoid institutionalization** in a nursing facility, hospital, or **Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)**.
- In order to provide waiver services, a state must submit an application to the federal Centers for Medicare and Medicaid (CMS) for a three-year pilot and then at least every five years.
- In Nebraska, the Division of Developmental Disabilities (DDD) is responsible for Medicaid 1915 (c) HCBS Waivers.

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Current Nebraska Medicaid HCBS Waivers

- Comprehensive Developmental Disabilities Waiver (CDD Waiver)
 - All ages, eligible for DD services per NE statute, and **meet ICF/IID level of care.**
 - Intended to maximize independence as people live, work, and socialize in their community.
- Developmental Disabilities Adult Day Waiver (DDAD Waiver)
 - Age 21 and older, eligible for DD services per NE statute, and **meet ICF/IID level of care.**
 - Intended to maximize independence to work in the community: focus on competitive, integrated employment.
- Aged and Disabled Waiver (AD Waiver)
 - All ages with a disability and ages 65 and older, **meet nursing facility level of care.**
 - Intended to help people live safely in their own home or assisted living, instead of a nursing facility.
- Traumatic Brain Injury Waiver (TBI Waiver)
 - Ages 18 through 64, meet **nursing facility level of care.**
 - Provides specialized assisted living.

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Adding a New Nebraska HCBS Waiver

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

- Children ages birth to 21 years old, eligible for DD services per NE statute, and meet ICF/IID level of care.
- Intended to reduce unmet needs for the child and their family.
- Per LB376, 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

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HCBS Waiver Services

- Waiver services supplement services available through the Medicaid State Plan.
 - The State Plan is the official document describing the nature and scope of the Nebraska Medicaid Program.
 - State Plan Services can be found online on the [Medicaid Services Webpage](#).
- Medicaid waiver funds are paid to waiver providers for services rendered.
- Waiver funds **cannot** be:
 - Used for room and board, general home repair, or services available from other sources, such as Vocational Rehabilitation or the educational system;
 - Used for things like routine childcare or vacations; or
 - Given directly to the participant.

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Waiver Providers

All waiver services are provided by Medicaid-enrolled HCBS providers:

➤ Agency Providers

- Community-based company certified by DHHS Public Health
- Responsible for administrative tasks, such as hiring, dismissing, and training all agency staff
- Schedules staff and bills for services
- Responsible for assuring the education, experience, and other requirements for their staff

➤ Independent Providers

- A person known to the participant
- Participant/guardian selects and is responsible for hiring, dismissing, and training the provider directly, ensuring the provider can meet their needs, and creating a schedule of services for the provider
- Bills for services provided

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Participant Requirements

- To receive Medicaid HCBS Waiver services from a Nebraska waiver, a person must:
 - Be a citizen or legal resident of US;
 - Be a legal resident of the State of Nebraska;
 - Be eligible for and receiving Nebraska Medicaid;
 - Have a need for waiver services; and
 - Meet the level of care requirement for the waiver they receive.
- A person may meet eligibility requirements for more than one waiver but may only receive services under one waiver at a time.

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Family Support Waiver Specifics

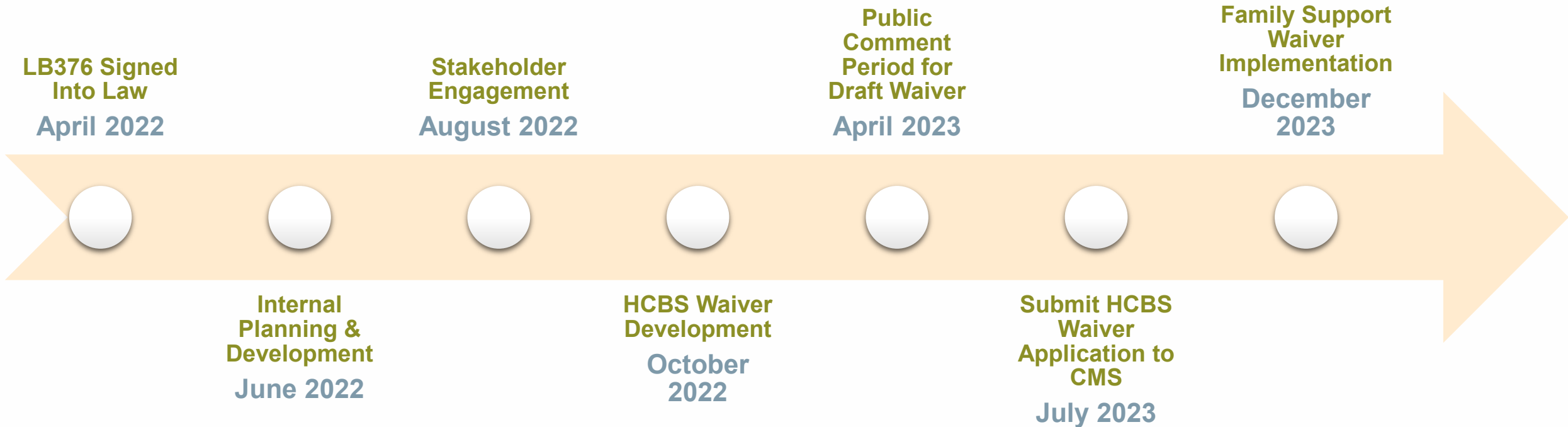
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Family Support Waiver Timeline



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Family Support Waiver Recap

- 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.
- DDD must develop the Family Support Waiver, including:
 - Submitting to CMS and receiving approval;
 - Writing and getting approval of rules and regulations;
 - Administering the waiver; and
 - Submitting an annual report to Nebraska Legislature.

Family Support Waiver Eligibility Requirements

To be eligible to receive developmental disabilities services, a person must have a developmental disability as defined in [Neb. Rev. Stat. §83-1205](#):

- A diagnosis prior to the age of 22 years that is expected to continue indefinitely,
 - A severe, chronic disability, including intellectual disability, other than mental illness, which is attributable to a mental or physical impairment.
- The disability must result in substantial functional limitations in each of the following areas of adaptive function:
 - **Conceptual** – language, literacy, money time, number concepts, and adaptive functioning.
 - **Social** – interpersonal, social responsibility, self-esteem, gullibility, wariness, social problem solving, ability to follow laws and rules and avoid being victimized.
 - **Practical** – daily living, personal care, occupational skills, healthcare, and mobility.
- Meet Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) Level of Care.

Family Support Waiver Funding Priorities

To receive funding on this waiver, LB376 outlines 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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Stakeholder Engagement & Survey Results

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Stakeholder Engagement



Valuable Information Gathered During
Testimony



Family Support Waiver Engagement
Survey October 13 - 27, 2022



Listening Sessions

- November 1, 2022, 6:00 pm Central
- November 2, 2022, 9:30 am Central

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Requested Services and Supports

- Family & Caregiver Training
- Participant Education & Training
- Family and Peer Mentoring Supports
- Participant Directed Goods & Services
- Physical Therapy
- Occupational Therapy
- Speech Therapy
- Psychological Therapy
- Movement Therapy
- Aquatics Therapy
- Feeding Therapy
- Equine, Music, and Art Therapy
- Behavioral Therapy
- G-Tube & Feeding Medical Supplies
- Early Periodic Screening, Diagnosis, and Treatment (EPSDT)
- Applied Behavioral Analysis
- Specialized Formulas
- Specialty Medical Care
- Durable Medical Equipment
- Environmental Modification (Home or Vehicle)
- Assisted Technology
- Independent Living Skills
- Community Supports and Navigation
- In-Home Intense Behavioral Support
- Transportation
- Specialized Childcare
- Respite
- Adaptive Recreational Equipment and Fees
- Family Caregiver Stipend
- Specialized Clothes
- Incontinence Supplies

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Additional Services and Supports Requested

- Therapy for Care Givers
- Service Animal
- Visual and Hearing-Impaired Equipment
- Peer Support Specialists
- Support for Qualifying Independent Providers
- Developmental Therapy
- Legal Advocacy
- Directed Personal Care Assistance
- Family Member Transportation Cost Coverage
- Brail Documents
- In Home Educational Services
- 20 Hour/Week Staff Support
- Over the Counter Supplies and Medications
- Residential Support

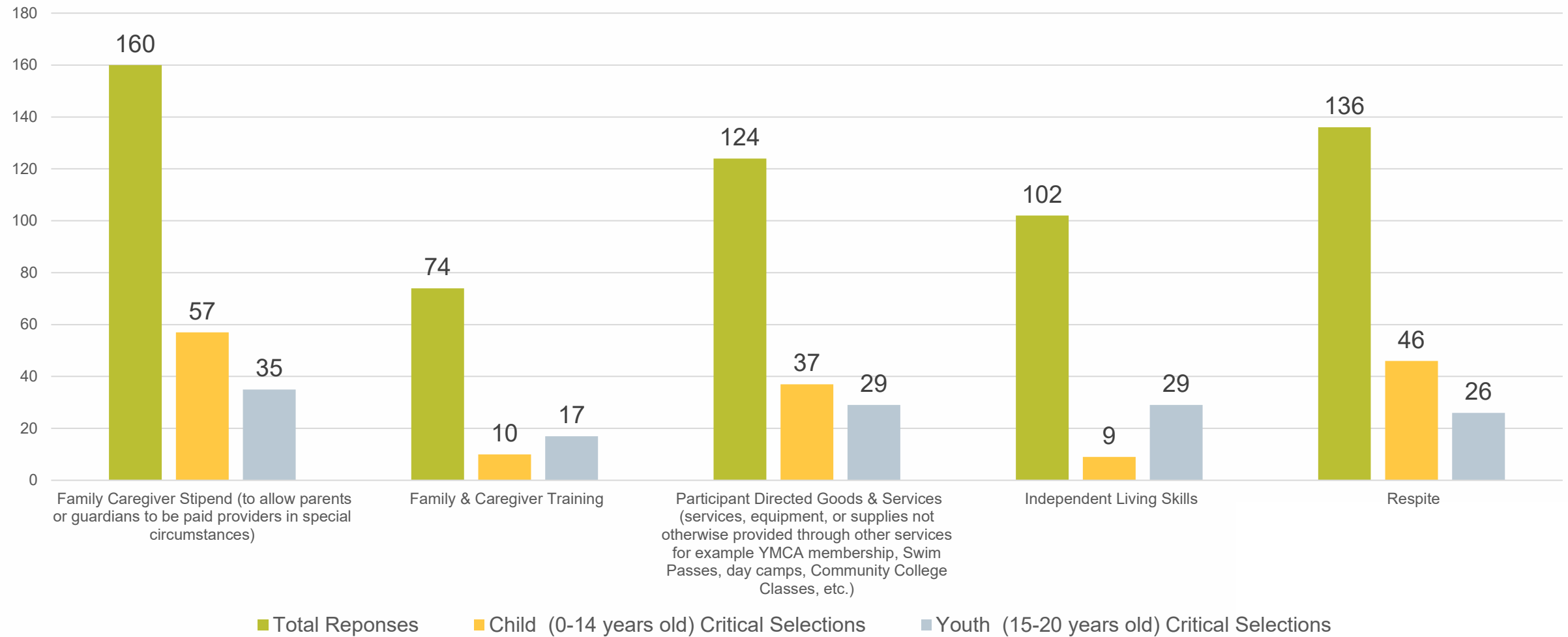
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Top 5 Critical Services and Supports Requested



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What kinds or types of Family/Caregiver Training is most needed?

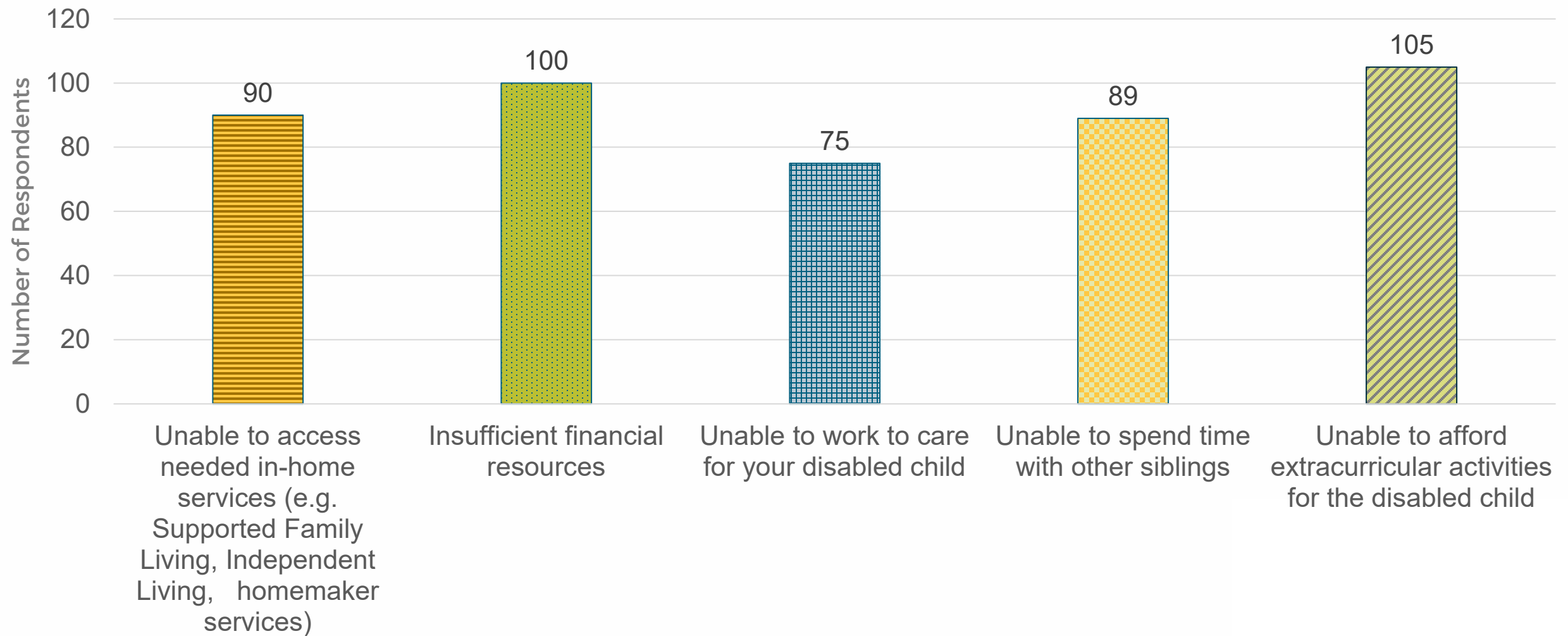
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Top 5 Barriers Families Experience



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What do you see as the biggest difference in needs between urban and rural communities?

How can DHHS best meet the needs of both urban and rural communities?

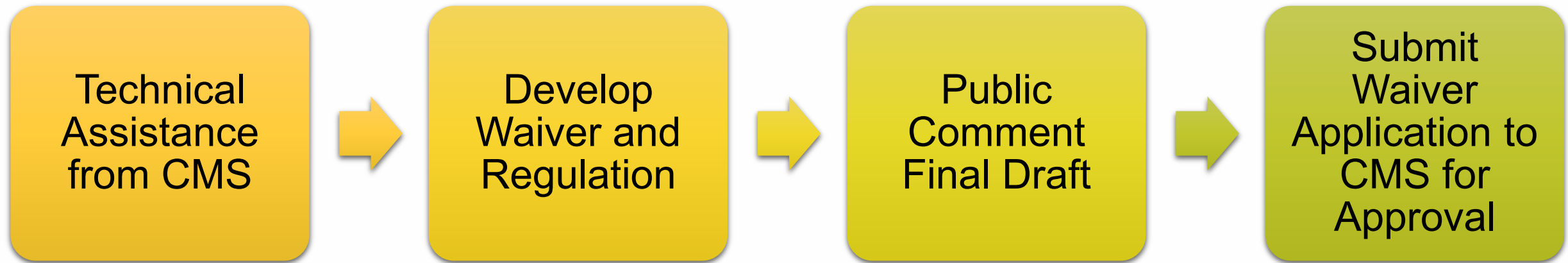
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DHHS Next Steps – Part I



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Technical Assistance from CMS

- Technical Assistance has been requested from CMS.
- DHHS has been paired with a consultant.
- The consultant will receive a copy of stakeholder engagement feedback to incorporate into their research and recommendations.
- Technical Assistance will:
 - Provide insight into what other states are doing with Family Support Waivers, including services, regulations, and quality indicators.
 - Work between DHHS and CMS to make sure the waiver written meets CMS expectations and best practices.

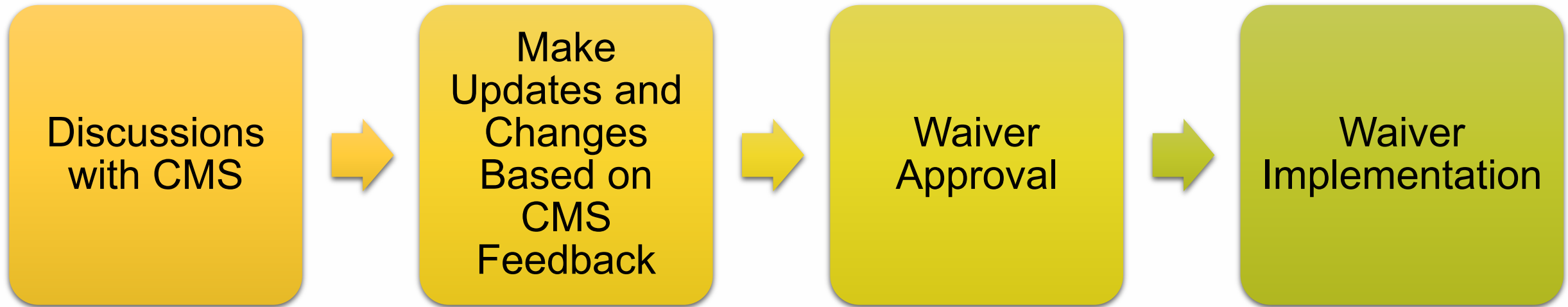
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DHHS Next Steps – Part II



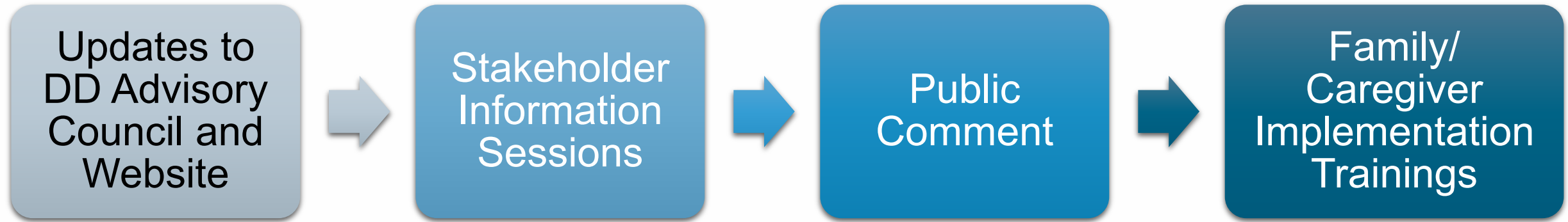
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Stakeholder Next Steps



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Closing Questions & Comments

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Contact

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