

Public Comments and DDD Responses -
Family Support Waiver
July 27 to August 28, 2023

Category	Commenter	Comment	Response	Update to waiver
Services	The Nebraska Governor's Advisory Committee on Developmental Disabilities	<p>We suggest adopting the following services definitions with a minor modification, as noted, if doing does not delay the FSW implementation:</p> <p>Adopt the following services used in Nebraska's existing 1915c Medicaid Waivers:</p> <ul style="list-style-type: none"> •Assistive Technology •Homemaker •Community Integration •Day Supports •Environmental Modification Assessment •Independent Living Skills •Supported Family Living •Vehicle Modifications •Home Modifications 	<p>The services mentioned were included in the proposed Family Support Waiver application provided for public comment.</p>	No changes to the waiver.
Services	The Nebraska Governor's Advisory Committee on Developmental Disabilities	<p>The following are service definitions also has in our current 1915c waivers. However, we'd like to see a few minor edits detailed below:</p> <ol style="list-style-type: none"> 1. Respite <ul style="list-style-type: none"> o To include payment for camp fees 2. Childcare <p>Finding adequate child-care for children with developmental disabilities is a barrier for many families and has been identified in several state needs assessments. We suggest that the state:</p> <ol style="list-style-type: none"> a. Look at Wisconsin's Childcare services definition as an example. b. Utilize the state's DD Waiver's Child Day Habilitation service definition. However, we suggest that the FSW also Allow Child Day Habilitation to be provided in the participant's private home. c. Make child-care services available for youth/young adults up to the age of 21, as some individuals with developmental disabilities require round-the-clock supervision and care. Finding adequate child-care coverage is very difficult for children over the age of 12 and adding this additional service definition and extending the service beyond age 18 to 21 will make a big difference for families. 3. Transportation <ol style="list-style-type: none"> a. Service designed specifically to improve the person's and the family caregiver's ability to access community activities within their own community in response to needs identified through the individual's person-centered plan. b. Look at Wisconsin service definition as an example. c. Look at Pennsylvania service definition as an example 	<p>Camp fees were included in the service definition for Respite in the proposed Family Support Waiver application.</p> <p>The proposed waiver service definition for Child Day Habilitation not only provides support a child may need, it is also designed to support the building of social skills with others while being integrated into the community and avoiding isolation. This service goes beyond the age of 18 and is available to participants who are under the age of 21. The Division of Developmental Disabilities recognizes the importance of connecting with others, as social skills development is an important milestone in any child's journey. However, will consider offering this service in the participant's home, which will include Electronic Visit Verification, in a future amendment upon the approval of this waiver.</p> <p>The proposed waiver service definition for Transportation includes access to community activities as specified in the person-centered plan.</p>	No changes to the waiver.
Services	The Nebraska Governor's Advisory Committee on Developmental Disabilities	<p>We recommend the following be added to the FSW and be available upon implementation. These were identified as additional services that were identified though the family survey.</p> <p>Work with disability organizations like the Parent Training and Information (PTI), Family Care Enhancement Project (FCEP) at the Munroe-Meyer Institute for training and Peer-to-Peer programs.</p> <p>Family and Caregiver Training</p> <ul style="list-style-type: none"> o Provides education and support directly to the family caregiver of a participant in order to increase confidence and stamina of the caregiver to support the participant. o A Family Support Provider provides nonclinical family peer support by sharing valuable personal knowledge-based experience in supporting and providing care to a family member with an I/DD. This service may also include identifying and developing formal and informal supports, instilling confidence, assisting in the development of individual and family goals, serving as an advocate, mentor, or facilitator for resolution of issues and skills necessary to enhance and improve the health and well-being of the individual and their family unit and to help reduce caregiver stress and isolation. <p>Peer-to-Peer</p> <ul style="list-style-type: none"> o These services provide information, resources, guidance, and support from an experienced and trained peer mentor, parent or other family member to a peer, another parent or family caregiver who is the primary unpaid support to a child/young adult with intellectual or developmental disabilities. 	<p>Family Caregiver Training is a service included in the draft Family Support Waiver.</p> <p>Family and Peer Mentoring is a service included in the draft Family Support Waiver.</p>	No changes to the waiver.

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Services	The Nebraska Governor's Advisory Committee on Developmental Disabilities	<p>Allowance of home security and GPS tracking devices under Assistive Technology or Goods and Services</p> <ul style="list-style-type: none"> Some families who have children with developmental disabilities, especially those who have autism spectrum disorder, struggle with their children eloping, or wandering off without supervision. To address this safety concern, we ask that home security and/or GPS tracking devices may be covered for children under the age of 19 if such aligns with the individuals needs and is a part their person-centered plan. 	Devices covered under Assistive Technology must increase, maintain, or improve the functional capabilities of participants. All requests for devices will be evaluated based on an individual participant's needs.	No changes to the waiver.
Services	Kristen Larsen Executive Director Nebraska Council on Developmental Disabilities	I am pleased with the collaborative and engaged process with the Division of DD, the Governor's DD Advisory Committee, and with other family members and stakeholders in the developmental disability community. I believe that the services and supports reflected in the draft FSW will provide much needed relief and supports addressing unmet needs for eligible children and their families through a person-centered plan framework. I look forward to the improvements that the implemented FSW will bring to many Nebraskan families.	The Division of Developmental Disabilities appreciated the feedback.	No changes to the waiver.
Payment to Legally Responsible Individuals and Guardians	The Nebraska Governor's Advisory Committee on Developmental Disabilities	<p>The Governor's DD Advisory Committee requests the following service areas be considered through a waiver amendment if they cannot be included in the initial waiver due to timeline constraints:</p> <p>Paid Caregiver, family caregiver stipend, or payment to legally responsible individuals (LRIs)</p> <p>The Committee is aware that DHHS exploring necessary changes required at all levels but has not committed to any changes to develop the structures and framework necessary to pay LRIs and guardians on Nebraska's Home and Community-Based Services (HCBS), Developmental Disabilities (DD), and Aged and Disabled (AD) waivers. We offer our assistance as appropriate.</p> <ul style="list-style-type: none"> This was the highest service request on stakeholder survey. Financial difficulties constitute three of the top five barriers families experience. We note that many families cannot find providers to care for their child. This is adversely impacting their ability to maintain employment and adequately get the care their child needs to remain in the community. 	<p>The Division of Developmental Disabilities is committed to providing the best Home and Community-Based Services through the waiver by ensuring qualified providers are meeting the expectations of the service.</p> <p>The Division continues to explore all options to include LRIs and guardians becoming Medicaid providers, including strategic planning for future updates to regulations and amendments to waivers.</p>	No changes to the waiver.
Provider Enrollment	The Nebraska Governor's Advisory Committee on Developmental Disabilities	<p>Streamlined processes to allow an abbreviated application for agencies or independent providers to provide limited services.</p> <ul style="list-style-type: none"> Services such as respite, childcare, transportation, and homemaker, as examples. 	<p>An abbreviated application for agencies and independent providers to provide limited services is not applicable.</p> <p>All providers of Home and Community Based Services (HCBS) are Medicaid providers. Nebraska Medicaid must comply with federal law for provider screening and enrollment. Providers of HCBS waiver services must follow provider requirements as outlined in the waiver and regulations as outlined in the Nebraska Administrative Code Title 403 and 404, including Title 471 and 477.</p>	No changes to the waiver.

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Final Settings Rule	The Nebraska Governor's Advisory Committee on Developmental Disabilities	The Committee recommends this waiver is implemented in compliance with the Final Settings Rule and, at minimum, include that: <ul style="list-style-type: none"> Parents/legally responsible guardians be given an information sheet outlining the federal rule annually, the grievance process and then they must sign off that they have received and understand, and his gets documented in Therap. Participants who are 14 and older receive an information sheet using pictures and written in plain language which explains their rights under the HCBS settings rule and outlines their grievance process. They must sign off that they have received and understand, and this gets uploaded to Therap. 	Thank you for the recommendation. The Division of Developmental Disabilities is currently in the process of implementing a plain-language version of the Notice of Rights and Obligations that will include pictures. The Notice of Rights and Obligations is signed annually by the participant or guardian informing them of their rights and responsibilities. This document is stored in the state-mandated web-based case management system. Additional provider training will be developed as a provider qualification.	Completion of training specific to the Final Settings Rule will be added as a provider requirement. This training will be developed by DDD.
Fiscal Management Services	The Nebraska Governor's Advisory Committee on Developmental Disabilities	The Governor's DD Advisory Committee requests the following service areas be considered through a waiver amendment if they cannot be included in the initial waiver due to timeline constraints: Effectuate a Fiscal Intermediary (FI)/Fiscal Management Services (FMS)/Broker Service. <ul style="list-style-type: none"> The FMS provider is designed to act as a fiscal intermediary to assist the participant with employer and budget related accounting and payroll functions as per federal, State, and local laws, regulations, and policies necessary for successful self-direction. The FMS provider assists the participant, legal guardian, or designated representative (as applicable); in financial transactions and managing legal employment requirements and employer related functions. Support Broker services are designed to assist participants (or their designated representative) with the human resources employer-related functions necessary for successful self-direction. The Advisory purposes DHHS seek our committee input on this process as it develops to help Nebraska shift to family self-direction. 	The Department of Health and Human Services is in the process for procurement of contracting a qualified contractor/vendor to provide Financial Management Services.	No changes to the waiver for this period of public comments.
Other	The Nebraska Governor's Advisory Committee on Developmental Disabilities	Priority Recommendation: Obtain clear information from the CMS consultant to be able to provide to this committee as to what can be approved by CMS.	The Division of Developmental Disabilities engaged with technical assistance through CMS and Sage Squirrel in the development of this waiver.	No changes to the waiver.
Other	The Nebraska Governor's Advisory Committee on Developmental Disabilities	Our committee strongly recommends that the DD Division partner with DHHS Division of Medicaid and Long-Term Services to provide families education on the services that are available in Nebraska. Primarily, we ask that information be shared about the options covered under the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) services. Most families have never heard of this service. <ul style="list-style-type: none"> Our committee also stresses the need for DHHS to appoint a designee to provide families, providers, and agencies education and technical assistance when the waiver goes live. EPSDT-The Committee suggests a plan by the state on how this will be implemented within the new waiver. 	Thank you for your recommendation. The Division of Medicaid and Long-Term Care and the Division of Developmental Disabilities (DDD) are in the process of developing education for families about services, including EPSDT, State Plan, and Home and community-based services. DDD staff are available to provide information and assistance to anyone who may need it.	No changes to the waiver.
Other	The Nebraska Governor's Advisory Committee on Developmental Disabilities	Investigate shifting the current \$10,000 Long-Term Services and Supports budget Based on review of similar waivers, the Governor's DD Advisory Committee will investigate increased LTSS caps following the review of the Family Support Waiver created in LB 376. This will allow us to have better data and ensure we are properly addressing the needs of families based upon those results.	The overall budget for this waiver was set in statute through LB 376 (2022) and its subsequent incorporation into Nebraska Revised Statute § 68-1530.	No changes to the waiver.