

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
701 5th Avenue, Suite 1600, MS/RX-200
Seattle, Washington 98104



Medicaid and CHIP Operations Group

July 9, 2020

Jeremy Brunssen, Interim Director
Division of Medicaid and Long-Term Care
Nebraska Department of Health and Human Services
301 Centennial Mall South, 5th Floor
PO Box 95026
Lincoln, NE 68509-5026

RE: Developmental Disabilities Day Services for Adults-NE.0394.R03.05 Amendment

Dear Mr. Brunssen:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend Developmental Disabilities Day Services waiver serving adults. The CMS Control Number for the amendment is NE.0394.R03.05. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is adding in Appendix B an additional "Other" specified groups in Medicaid Eligibility Groups Served in the waiver, in order to comport with Nebraska's expansion of Medicaid, revise sampling approach for data collection in Appendix G performance measure A.3, and revise incorrect language in the denominator of Appendix G performance measure C.3. See 3-A for specific revisions. The effective date of the amendment is October 1, 2020.

This approval is subject to your agreement to serve no more individuals than those indicated in "C Factor Estimates" captured in the state's approved waiver. If the state wishes to serve more individuals or make any other alterations to this waiver, an amendment must be submitted for approval.

It is important to note that CMS' approval of this waiver amendment solely addresses the state's compliance with the applicable Medicaid authorities. CMS' approval does not address the state's independent and separate obligations under federal laws including, but not limited to, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or the Supreme Court's Olmstead decision. Guidance from the Department of Justice concerning compliance with the

Americans with Disabilities Act and the Olmstead decision is available at http://www.ada.gov/olmstead/q&a_olmstead.htm.

We appreciate your cooperation during the approval process. If there are any questions concerning this information, please contact me at (206) 615-2356 or your staff may contact Tyson Christensen at tyson.christensen@cms.hhs.gov or (816) 426-6440.

Sincerely,

David L. Meacham, Director
Division of HCBS Operations and Oversight

Enclosure

cc:
Wendy Hill-Petras
Bernice Denbow
Carlos Rodriguez
Dianne Kayala
Dawn Kastens