What is a Medicaid Home and Community-Based Services Waiver?

A Medicaid Home and Community-Based Services (HCBS) waiver allows states to use Medicaid funds to provide services to people with disabilities in their homes and community, who would otherwise be served in an institution. The Centers for Medicare and Medicaid Services (CMS) approves state waivers. Waiver services are funded by state appropriations and matching federal Medicaid funds from CMS.

The state of Nebraska has four Medicaid HCBS waivers. Two are administered by the Division of Medicaid and Long-Term Care (DHHS-MLTC) and two are administered by the Division of Developmental Disabilities (DHHS-DD).

DHHS-MLTC administers waivers to serve people with disabilities who meet nursing facility level of care:

- Aged and Disabled (AD) Waiver: Offers services and supports in the community, including assisted living. This waiver does not include other residential services or supported employment services.
- Traumatic Brain Injury (TBI) Waiver: Offers services and supports to people age 18 through 64 who want to live in assisted living.

DHHS-DD administers waivers to serve people with developmental disabilities who have the same level of care needs as people living in an intermediate care facility for people with developmental disabilities (ICF-DD):

- Developmental Disabilities Adult Day (DDAD) Waiver: Offers services that focus on daytime community integration and inclusion, including employment and job support or teaching skills for future employment.
- Comprehensive Developmental Disabilities (CDD) Waiver: Offers the same services as the DDAD waiver, and includes residential support. The focus is on teaching independent living skills in a person’s home.

Medicaid HCBS Developmental Disabilities Waiver Services

Medicaid HCBS Developmental Disabilities Waiver services are person-centered and voluntary. Medicaid HCBS Developmental Disabilities Waiver services teach skills based on assessed needs to help people live as independently as possible. DHHS-DD calls this teaching “habilitation.”

Day services focus on access and inclusion in the community. Services may:

- Teach job skills before getting a job
- Provide support at a job

Residential services focus on independent living skills. Services may occur:

- In the participant's home
- In their family home
- At a provider-operated home

Medicaid HCBS Developmental Disabilities Waiver services also include respite, homemaker, and transportation, assistive technology, and home or vehicle modifications.

Eligibility Requirements

Not everyone who has an Individualized Education Program (IEP) or is eligible for Vocational Rehabilitation (VR) will be eligible for Medicaid HCBS Developmental Disabilities Waiver services.

Eligibility requirements are found in Nebraska Revised Statute 83-1205:

- A developmental disability must begin before age 22 and the need for services and supports must be expected to be lifelong.
- There must be a diagnosis AND substantial limitations in the areas of conceptual, social and practical skills.
- A diagnosis must come from a professional operating within their scope of practice.
- DHHS-DD will look at the IEP for current limitations and all MDTs for a history.
Application for Medicaid HCBS Developmental Disabilities Waiver Services

Eligibility can be determined at any time. A teacher should encourage parents to apply for Medicaid HCBS Developmental Disabilities Waiver services when their child is diagnosed with a developmental disability.

- Medicaid HCBS Developmental Disabilities Waiver services may be applied for at any age.
- When a person applies prior to age 9, only a diagnosis is reviewed (not limitations).
- When a person applies after age 9, both diagnosis and limitations are reviewed.
- At ages 9 and 18, DHHS-DD reviews limitations of any eligible person, because a person’s level of lifetime need may be hard to gauge when they are younger. This review happens whether the person is on the wait list or receiving Medicaid HCBS Developmental Disabilities Waiver services.
- When a person applies after age 22, he/she must show that the disability began during the developmental period (before age 22).

Funding for Medicaid HCBS Developmental Disabilities Waiver Services

Services are provided to eligible people on the DHHS-DD wait list when funding is available.

- Service coordination, residential, respite, and homemaker can be provided to a child. When a student receives Medicaid HCBS Developmental Disabilities Waiver services, his/her parent or guardian should request the school invite the DHHS-DD Service Coordinator to IEP meetings so school services and Medicaid HCBS Developmental Disabilities Waiver services can be consistent.
- Currently, day services become available at age 21 after the school year ends for people who have applied and been determined eligible for Medicaid HCBS Developmental Disabilities Waiver services.
  - Graduates are the fourth priority in state statute, in order to maintain skills learned at school and receive the day services needed to seek and maintain a job.
  - Nebraska has a reserved capacity in the Medicaid HCBS DD Adult Day Waiver that coincides with the graduate priority in statute. This means that DHHS-DD has a number of waiver slots they have told CMS will be given to graduates each year. This number is bigger than the number of yearly graduates in Nebraska.

Resources for Students and Parents

All resources available at: [http://dhhs.ne.gov/Pages/DD-Resources.aspx](http://dhhs.ne.gov/Pages/DD-Resources.aspx)

- **Applying for Developmental Disabilities Services** – Step-by-step instructions for completing the application.
- **Available Services for Teens & Young Adults with Developmental Disabilities** – Booklet looking at a variety of questions about the transition from school to adult services, describing the school’s services and supports, and explaining what is available from NebraskaVR and DHHS-DD.
- **DD Services Eligibility** – Brochure with the full state statute and information on how to apply for Medicaid HCBS Developmental Disabilities Waiver services.
- **DD Services Funding to Transition from Educational Services** – Brochure about available funding, the wait list, and priorities. Includes flowchart for what happens after services are offered.
- **Eligibility and Wait List Contacts** – Who to contact about eligibility, application, and the wait list.
- **Information for school psychologist** – Information to include in the MDT report.
- **Information for diagnosing psychologist** – Information about reporting diagnosis and evaluation.
- **Ready, Set, Go!** – Booklet answering questions about the transition period for students and describing Medicaid HCBS Developmental Disabilities Waiver services.
- **Services Quick Guide** – Booklet describing Medicaid HCBS Developmental Disabilities Waiver services.
- **What do I need to know about Medicaid?** – Fact sheet with general information about Medicaid, which is a public health insurance program with specific eligibility requirements.
Transition Timeline from School to Medicaid HCBS Developmental Disabilities Waiver Services

By age 14
- A teacher should talk with a student about participating in his/her IEPs.
- A teacher should talk to a student and legal guardian about applying for Medicaid HCBS Developmental Disabilities Waiver services if he/she has not applied. *A child does not have to have Medicaid to apply for Medicaid HCBS Developmental Disabilities Waiver services.*

At age 16
- A student should apply for and start Pre-Employment Transition Services (Pre-ETS) with a VR provider. Pre-ETS can start at the age of 14.
- A teacher should talk with a student about future planning, such as going to college or finding a job.

At age 18 (federal age of majority, parental income no longer counts for Social Security)
- A student should apply for Social Security benefits (SSI or SSA).
- DHHS-DD recommends participants age 18-65, who want to seek employment, be referred for adult VR services.

At age 19 (Nebraska age of majority, parental income no longer counts for Medicaid)
- A student should apply for Medicaid, or this may be applied for at age 18 after Social Security has made a disability determination for the adult.
- Once a student has Medicaid, if he/she is eligible for Medicaid HCBS Developmental Disabilities Waiver services, he/she should request to have a DHHS-DD Service Coordinator at no cost.
  - The student’s guardian should ask the school to invite the DHHS-DD Service Coordinator to IEP meetings.

Around age 21
- The IEP team develops a Summary of Performance. This information is used by DHHS-DD and the person’s support team to continue to build on the strengths he/she learned in school.
- Educational services end at the end of the school year in which the student turns 21.
- A person who is eligible for Medicaid HCBS Developmental Disabilities Waiver services has his/her funding amount determined based on DHHS-DD’s objective assessment process.
  - During the assessment process, the student’s teacher and family may both be contacted to do ICAP interviews.
  - It is important to capture the person’s needs and consider how well the person can do each task completely independently without any help or reminders.
- When offered the Medicaid HCBS Developmental Disabilities Waiver for day services, a person must accept and begin using services before his/her 22nd birthday in order to receive services on the day waiver as a graduate. After the person’s 22nd birthday, he/she would be on the wait list for services.