

Nebraska Council on Developmental Disabilities  
August 14, 2020 9:00am  
Virtual and In-Person Meeting

Copies of the agenda were emailed to Council members prior to the meeting. Kristen Larsen provided brief instructions on how to use ZOOM. The meeting was chaired by Jennifer Meints and called to order at 9:09am and a roll call of attendees was taken. Quorum was present.

**Present:** Jessica Barrett (arrived ~ 9:30am), Reagan Boyer, Brenda DeLancey, Jason Gieschen, Tony Green, Seamus Kelly, Jennifer Meints, Cheryl Montgomery, Ryan Moore (arrived ~ 9:30am), Sara Morgan, Stephen Morton, Sharon Orduña, Erin Phillips, Amy Rhone, Paige Rose, Debbie Salomon, Mark Shriver, Rachel Siffring, Dee Valenti, Nate Watson, and Jane Ziebarth-Bovill.

**Absent:** Dale Johannes, Matt Kaslon, Mikayla Johnson, and Haley Waggoner.

**Guests:** Susan Gieschen, Mark Kuecker, Catherine Pumlee, Jennie Schneider, and Wayne Stuberg.

**Staff:** Kristen Larsen, Joni Dulaney, and Nikki Krause.

**Nebraska Open Meetings Act**

Jennifer explained that Council meetings fall under the Nebraska Open Meetings Act. Due to COVID-19, a virtual meeting was being held in accordance with the Nebraska Open Meetings Act. Two locations were open to the public to attend, the Nebraska State Office Building in Lincoln and the Munroe-Meyer institute in Omaha. A link to the ZOOM meeting was provided to Council members prior to the meeting.

Members of the public were directed to email the DD Council by August 12, 2020 to receive a link to the meeting and log-in information per the Council's website (posted July 28, 2020) and the Governor's Public Meeting Calendar (posted July 28, 2020). Council staff were contacted by one member of the public, Mark Kuecker.

**Approval of Minutes**

Council members were asked if there were any corrections to the April 17, 2020 DD Council meeting minutes. As there were no corrections, Jennifer called for a motion to approve the minutes. Nate Watson made the motion and Jason Gieschen seconded.

A roll call vote was taken: **Yes – 17, No – 0, Abstain – 1.\*** Motion carried.

**Declaration of Conflicts of Interest**

As required by Council policy, every year members of the Council shall verbally declare any potential conflicts of interest of which they are aware. Council members, who had not already done so or had updates, were asked to verbally declare any conflicts of interest. They are noted below:

Tony Green	Department of Health and Human Services – Division of Developmental Disabilities
Jennifer Meints	Adding Hands of the Heartland and the Autism Center of Nebraska is no longer a conflict of interest.
Amy Rhone	Department of Education, Special Education Council and Committees, Numerous Governor appointed Councils and Committees
Mark Shriver	Munroe-Meyer Institute, University Center of Excellence for Developmental Disabilities, People First of Nebraska
Nate Watson	Department Health and Human Services – Division of Medicaid and Long-Term Care

## **Financial Report and Council Approval of FFY 20 Budget**

The Department of Health and Human Services (DHHS) is the Designated State Agency (DSA) for the Council. DHHS is the flow thru for Council funds. However, it is the Council that decides on how Council funds are to be allocated.

Kristen presented the FFY 20 Financial Report, a handout at the meeting. For FFY 20 (October 1, 2019 – September 30, 2020), the Council budgeted \$299,233 and the *Year to Date Expenditures* for the first three quarters of FFY 20 (October 1, 2019 to June 30, 2019) was \$178,653 – 59.70% of the FFY 20 budget.

The Year to Date Operating Expenses does not include the \$7,000 designated for cloth facemasks that will come out of Collaboration funds or the remaining \$18,609 on Munroe-Meyer Institute's (MMI) Needs Assessment contract. The Council saw additional savings on Personal Expenses while Nikki Krause was working for the DSA as a case investigator/contact tracer (approximately six week) and travel savings due to COVID-19.

The report reflects the balance of funds from FFY 18, FFY 19, and FFY 20 as of June 30, 2020. Current Funds Available was \$813,692.31; Total Expenditures totaled \$172,781.84; and the Balance of Current Funds Available was \$640,910.47.

The Financial Forecast shows that for FFY 18 funds are over-obligated. However, the over-obligated funds of \$5,657.36 will be shifted to FFY 19 funds.

The Administration on Community Living (ACL) provided additional guidance regarding grant flexibilities. With the COVID-19 pandemic, ACL will provide DD Councils the flexibility to obligate funds for an additional year (no-cost extensions) for FFY 18, FFY 19, and FFY 20. For FFY 21 awards, it is expected that DD Councils will use two years to obligate funds.

As a Council member, one of the responsibilities include approving the annual budget. A handout was provided with the proposed FFY 21 Budget. The *Estimated Council Expenses for FFY 21* is \$300,496. This a little more than what was approved last year. *Personnel Expenses and Benefits for Council Staff* increased due to the increase in staff benefits packages. How the impact of the COVID-19 pandemic will affect the budget in terms of Travel and Operating Expenses is unknown. The hope is to take Jessica Barrett and Jason Gieschen to the national conference next year. Conferences this year have been either held with a virtual platform have been cancelled. In FFY 20, there was a cost savings due to some of the Council and Committee meetings being held virtually. It is unknown if some virtual meetings will be held in FFY 21. A motion was made by Erin Phillips to approve the Proposed FFY 21 Budget in the amount of \$300,496 and Sara Morgan seconded.

A roll call vote was taken: **Yes – 20, No – 0, Abstain – 0.**\* Motion carried.

## **Meeting Dates for FFY 21**

Committee and Council meeting dates for FFY 21 were set.

Council meeting – November 20, 2020

Legislative and Advocacy Committee meeting – February 4, 2021

Council meeting – February 5, 2021

Planning Committee meeting – April 15, 2021

Council meeting – April 16, 2021

Grant Review Committee meeting – August 12, 2021

Council meeting – August 13, 2021

## **Member Appointments and Recognition of Outgoing Members**

Eligible Council members whose term expires on October 1, 2020, and are interested in continuing to serve on the Council, are encouraged to apply with the Governor. Applications can be submitted either online at the *Boards & Commissions – Application for Executive Appointment* webpage at <https://governor.nebraska.gov/board-comm-req> or by mailing a *completed Executive Appointment Application* to Kathleen Dolezal at the Office of the Governor. Council members eligible to apply for reappointment are:

- Seamus Kelly
- Erin Phillips
- Dee Valenti

As this was the last meeting for Dale Johannes, Debbie Salomon, Wayne Stuberg, and Haley Waggoner due to term limits, they were recognized for their dedication and outstanding commitment in working toward the development of better futures for and with people with developmental disabilities. Their contributions to the State of Nebraska for their service on the Nebraska Council on Developmental Disabilities is most gratefully appreciated.

[Council members whose terms expire on October 1, 2020 will continue to serve on the Council until the Governor appoints someone else.]

## **Election of Council Officers**

Per the By-Laws, officer elections for FFY 21 were conducted at today's Council meeting. This includes the offices of: Chair, Vice-Chair, and Secretary. These officers shall be elected to serve a term of office from October 1, 2020 through September 30, 2021. Officers may be re-elected for a maximum of an additional two (2) consecutive terms. The limit on terms being only for that office. Council members may be elected to another office without a break in service. Any public Council member shall be eligible to hold the office of Chair or Vice-Chair (not an agency representative). Any Council member shall be eligible to hold the office of Secretary.

Chair – The Chair presides at all meetings of the Council and the Executive Committee, provides overall direction for Council activities, and is an ex-officio member of all Council standing and ad hoc committees. Jennifer Meints said she would be willing to run for Chair. There were no additional nominations from the floor.

Erin nominated Jennifer for the position of Chair and Debbie seconded. A vote was taken by an anonymous poll. Jennifer Meints will be the Chair for FFY 21. (Jennifer 21 votes)

Vice-Chair – The Vice-Chair assists the Chair in the performance of his/her duties and performs all duties of the Chair in his/her absence. Sharon Orduña said she would be willing to run for Vice-Chair. When asked if there were any nominations from the floor, Jessica Barrett was named. Jessica confirmed she would be willing to run for Vice-Chair.

Erin nominated Sharon for the position of Vice-Chair and Brenda DeLancey seconded. Seamus Kelly nominated Jessica for the position of Vice-Chair and Jason seconded. A vote was taken by an anonymous poll. Sharon Orduña will be the Vice-Chair for FFY 21. (Sharon 18 votes, Jessica 2 votes, Abstain 1)

Secretary – The Secretary will review the *DRAFT* minutes taken by Council staff prior to them being posted on the Council's public webpage and inclusion in the meeting packets mailed to Council members and present the Council minutes for formal approval at the subsequent Council meeting. When asked if

there were any nominations from the floor, Erin Phillips, Matt Kaslon, and Jessica Barrett were named. Both Erin and Jessica confirmed they would be willing to run for Secretary. [Matt was unable to attend the meeting, yet he did confirm with Kristen, before the meeting, that he would be willing to run for Secretary.]

Seamus nominated Erin for the Secretary position and Jessica seconded. Jennifer nominated Matt for the Secretary position and Ryan Moore seconded. Erin nominated Jessica for the Secretary position and Jason seconded. A vote was taken by anonymous poll. Erin Phillips will be the Secretary for FFY 21. (Erin 14 votes, Matt 1 vote, Jessica 5 votes, Abstain 1)

Kristen will forward the Council's recommendation for Chair to the Governor's Appointments Office. The Governor appoints the Council Chair based on the Council's recommendation, per Council By-Laws.

### **Committee Preferences**

All Council members are expected to serve on one of the standing committees – Legislative and Advocacy, Planning, or Grant Review. Jennifer gave a brief summary of the responsibilities of each committee. Members were asked to complete the Committee Preference form included in the meeting packet and mail/email it to Nikki Krause (301 Centennial Mall South, Lincoln, NE 68509 or [nikki.krause@nebraska.gov](mailto:nikki.krause@nebraska.gov)) by Friday, August 21, 2020. Council staff and Chair will review Council members' preferences. Preferences for the Legislative and Advocacy, Planning, and Grant Review Committees will be followed as closely as possible while following the iTACC recommendation of being mindful of potential conflicts of interest for those serving on the Planning and Grant Review Committees.

Please note your interest in running for Chair of a committee on the Committee Preference form. Committee Chair elections will be held during the November 20, 2020 Council meeting.

Council members were encouraged to recommend non-Council members who would make good representatives to one of the three the standing committees. Their names and contact information can be listed on the back of the Committee Preference form.

**NOTE:** Council members who served on the FFY 20 Planning Committee are strongly encouraged to continue serving on the Planning Committee for FFY 21 as we continue to develop the 2022-2026 State Plan. Council members who served on the FFY 20 Grant Review Committee are strongly encouraged to continue serving on the Grant Review Committee for FFY 21 if the Council determines some of the subaward RFAs should be re-released.

### **Report of the Grant Review Committee: Continuation and Formal Subaward Recommendations for FFY 21**

Sharon Orduña, Grant Review Committee Chair, reported that the Committee met virtually on August 13, 2020 to make recommendations on the continuation subaward application from People First of Nebraska, and formal subaward applications in response to the Requests for Applications (RFAs) in the areas of: Elevating the Role of the Direct Support Professional; Emergency Preparedness, Response, and Recovery; and Technology Training and Outreach.

#### People First of Nebraska (PFN) Continuation Subaward Application

People First of Nebraska submitted an application for continuation funds in the amount of \$42,000. The Committee recommended to fund PFN in the amount of \$42,000.

A roll call vote was taken: **Yes – 16, No – 0, Abstain – 3.**\* Motion carried. [Nate stepped away from the meeting.]

### Elevating the Role of the Direct Support Professional

Only one application was received in response to the Elevating the Role of the Direct Support Professional RFA. PAKS Developmental Services, Inc. submitted an application in the amount of \$20,000. The Committee felt that the subaward application was poorly written and the Committee had a hard time determining what PAKS Developmental Services, Inc.'s mission was and what they wanted to do. The Committee thought that the Elevating the Role of the Direct Support Professional RFA should be re-released and recommended not to award funding to PAKS Developmental Services, Inc.

A roll call vote was taken: **Yes – 19, No – 0, Abstain – 0.**\* Motion carried. [Nate stepped away from the meeting.]

### Emergency Preparedness, Response, and Recovery

Only one application was received in response to the Emergency Preparedness, Response, and Recovery RFA. Niagara University submitted an application in the amount of \$29,444. The Committee recommended to award funding in the amount of \$29,444 to Niagara University with the recommendation to collaborate with local Public Health Departments.

A roll call vote was taken: **Yes – 20, No – 0, Abstain – 0.**\* Motion carried.

### Technology Training and Outreach

Only one application was received in response to the Technology Training and Outreach RFA. The Arc of Nebraska submitted an application in the amount of \$31,186. The Committee felt that the subaward application was lacking in details and determined that the scope of the RFA was written too broadly. The Committee thought that the Technology Training and Outreach RFA should be re-released with a new and narrower scope and recommended not to award funding to The Arc of Nebraska.

A roll call vote was taken: **Yes – 19, No – 0, Abstain – 0.**\* Motion carried. [Ryan stepped away from the meeting.]

Jennifer called for a motion to re-release the Technology Training and Outreach RFA with a new and narrower scope. Erin made the motion and Brenda seconded.

A roll call vote was taken: **Yes – 20, No – 0, Abstain – 0.**\* Motion carried.

### **Opportunity Subaward Application Review**

In June, the Council released an RFA for Opportunity Subawards and received applications from Best Buddies International, Inc. and Sheltering Tree, Inc. Since only two applications were received, rather than breaking up into small groups to review the applications, the Council as a whole reviewed the applications. Members were asked to mail/email the Subaward Evaluation Criteria Score Sheets, included in the meeting packet, to Nikki Krause (301 Centennial Mall South, Lincoln, NE 68509 or [nikki.krause@nebraska.gov](mailto:nikki.krause@nebraska.gov)) by Friday, August 21, 2020.

A motion was made by Erin to award funding in the amount of \$15,000 to Best Buddies International, Inc. with the following recommendations.

- Clarify the number of participants in the Work Plan.
- Report out on how diversity issues are dealt with.
- Encourage collaboration especially with Nebraska Vocational Rehabilitation and Special Olympics Nebraska.
- Consider recruiting participants from the Scottsbluff (Panhandle) and Norfolk (northeast) areas of the state.

Debbie seconded the motion.

A roll call vote was taken: **Yes – 20, No – 0, Abstain – 0.**\* Motion carried.

Because of some budgeting miscalculations, uncertainty of who the target audience is, project sustainability; and the Council would like to see the training sessions be open to any adults with I/DD in the Omaha area, not just those on the Sheltering Tree Waiting List and future Sheltering Tree residents; a motion was made by Erin to not fund Sheltering Tree, Inc. and seconded by Ryan.

A roll call vote was taken: **Yes – 19, No – 0, Abstain – 0.**\* Motion carried. [Paige Rose left the meeting at 12:00pm.]

Jennifer called for a motion to re-release the Elevating the Role of the Direct Support Professional RFA and the Opportunity Subaward RFA. Cheryl Montgomery made the motion and Jason seconded.

A roll call vote was taken: **Yes – 19, No – 0, Abstain – 0.**\* Motion carried.

### **Updates from State Agency Representatives**

**NOTE:** Written reports from Agency Representatives are attached to the end of the minutes for review.

[Tony Green, Division of Developmental Disabilities, Sara Morgan, Maternal and Child Health, Division of Public Health; Amy Rhone, Department of Education – Office of Special Education; Paige Rose, Nebraska Vocational Rehabilitation; Nate Watson, Medicaid and Long-Term Care and Aging]

#### Developmental Disabilities Division (DDD)

Tony Green reported that the Institutional Level of Care Assessment Redesign, Phase I (Nursing Facility) is on track to implement in January 2021. The Rate Rebase and Objective Assessment Process Redesign remains on schedule with an implementation of July 1, 2021. Internal DHHS Discussions are occurring to seek approval for a December 31, 2020 extension from The Centers for Medicare and Medicaid Services (CMS) for the Waiver Amendment Appendix K [Emergency Preparedness and Response]. Proposals for contracting with a quality improvement organization-like entity are due August 14<sup>th</sup>. The contract execution with the awarded vendor will take place mid-October. The Olmstead Plan was submitted to the legislature on December 16, 2019. In efforts to keep moving forward, a Steering Group meeting has been tentatively scheduled for September 10, 2020. COVID-19 Weekly Stakeholder Calls are every other Monday at 4:00pm August 24, 2020 thru September 28, 2020. The next DD Advisory Committee meeting is August 20, 2020 at 10:00am.

Tony was asked about an A&D Service Coordinators recent email about being able to receive services if all other options have been exhausted. Tony explained that each child's case would need to be reviewed separately. The DD Division is prohibited to provide a service that is being provided by the school. Amy Rhone mentioned that there is no such thing as modifying an IEP. The IEP would need to have an amendment added to it. Amy explained that para-educators are considered a 'supplemental support'. They aren't a DD provider and are providing a service. Jennifer asked if Tony and Amy would be willing to do a Facebook Live event to help educate parents. Amy asked her to send an invite and she would check with Legal. The Department of Education cannot tell the school districts what to do. They can only provide guidance.

#### Maternal and Child Health (MCH), Division of Public Health

Sara reported that a Priority for Title V is working to address Behavioral Health in School for CYSHCN, including a workgroup to explore resources for parents so they know their rights, education and technical assistance for school staff to deescalate behavior issues, and rates of discipline for CYSHCN as compared to other students in the school population. They are planning for mass vaccination for Influenza and COVID-19 and are seeking feedback on how to ensure the process is inclusive for individuals with disabilities. Please email your feedback to [sara.morgan@nebraska.gov](mailto:sara.morgan@nebraska.gov).

### Department of Education – Office of Special Education

Amy Rhone reported that the Office of Special Education has been trying to do business as usual. Most of the time is spent on fielding individual questions on COVID-19 and continuing to provide advocacy and support to schools and families. They have experienced an increase in State Complaints and advocacy requests and they have also experienced an increase in homeschool exempt filings by families.

### Medicaid and Long-Term Care and Aging

Nate Watson reported that new regulations (471 NAC Chapter 12) went into effect on June 28, 2020. Included in these regulations is an addition regarding Specialized Add-On Services for Clients with Intellectual Disabilities or related conditions residing in nursing facilities. CMS approved Nebraska's Medicaid State Plan Amendment for Specialized Add-On Services in August 2018. With the approval of Chapter 12 regulations, DHHS is ready to implement these services. These services will be paid by Medicaid Fee-for-Service. Once the services are implemented, the contractor for Preadmission Screening and Resident Review (PASRR) will be notified, trained, and able to start recommending any necessary specialized add-on services in the Level II PASRRs for individuals with intellectual disabilities or related conditions. Medicaid will provide training to nursing facilities regarding requirements and process, with the intention that community-based developmental disabilities providers will provide the services. Medicaid will also provide training and information to community providers.

The Federal 21<sup>st</sup> Century Cures Act (2016) requires Nebraska to implement a new electronic visit verification (EVV) system for Medicaid Aged & Disabled Waiver, Developmental Disability Waivers, and Personal Assistance Services (PAS) providers this year. They will be going from paper records to electronic records. DHHS has partnered with Tellus, LLC, to implement a new EVV system for Nebraska providers. This system will be available to Nebraska providers at no cost. Providers who wish to begin using the Tellus system early can begin accessing the system as of September 27, 2020. All PAS and HCBS Waiver providers will be required to be using an EVV system, the Tellus system or an otherwise acceptable 3<sup>rd</sup> party system, by October 25, 2020. There are no exceptions.

Medicaid will soon begin to cover a new group of lower-income adults in Nebraska. These adults are ages 19-64 who annually earn up to 138% of the federal poverty level, or about \$17,000 per year for a single person. Medicaid started taking applications August 1, 2020 and coverage will begin on October 1, 2020. They are expecting about 90,000 additional people with the Medicaid Expansion.

### **Updates from DD Network Representatives**

**NOTE:** Written reports from DD Network Representatives are attached to the end of the minutes for review. [Seamus Kelly, Disability Rights Nebraska; Mark Shriver, Munroe-Meyer Institute]

### Disability Rights Nebraska

Seamus reported that they continued ongoing virtual monitoring of Assisted Living Facilities and expanded monitoring to include Nursing Care Facilities, Intermediate Care Facilities, Homeless Shelters, and Jails/Prisons. However the compliance checks have been harder to do remotely. The Disability Rights Nebraska Board of Directors will be having a virtual meeting on September 12, 2020.

### Munroe-Meyer Institute (MMI)/University Center of Excellence for Developmental Disabilities (UCEDD)

Mark Shriver reported that NCI-AD surveys were suspended this year, but DHHS allowed use of the existing funding from the NCI-AD project for the remaining contract through August 15, 2020 to conduct wellness check screenings via telephone surveys with respect to eleven core health related social needs. 1,817 telephone calls were made. 953 screenings were completed. 499 individuals were connected with needed services. The report will be available on the MMI/UCEDD webpage. MMI received CARES funding through the ADRC to support expansion of a behavioral health consultative service for families in underserved areas and a recreation program to disseminate "camp-in-a-box" statewide.

## **Council Chair and Staff Updates**

Kristen mentioned that the Council is contracted with Dr. Barb Jackson (MMI) to develop, conduct and to compile the results of the State Needs Assessment Survey. So far efforts have been very successful. There have been 499 responses from family/guardians/providers, 37 Spanish responses, and 200 have been from self-advocates. Dr. Jackson and her team are now concentrating on the three focus groups. The focus group with People First of Nebraska has been held and the other two will be with The Arc of Buffalo County and with a Spanish speaking group. They are working to see where holes are in the demographic matrix and will then hold one-on-one interviews.

The 2020 AIDD Technical Assistance Institute and NACDD Conference in Washington, D.C. was cancelled. Instead a series of Technical Assistance Institute sessions were held in July.

The Council received national recognition for its efforts related to COVID-19. The Council was featured for providing cloth masks to Direct Support Professionals who needed the masks to continue caring for their clients with disabilities. The Council has also received numerous *thank you* notes from providers who were very appreciative to receive the masks.

Each year NACDD bestows their *Champions of Equal Opportunity Awards* to self-advocates who are nominated by their DD Councils. Two awards are given named in honor of the extraordinary work that these individuals did in their lives and careers:

- The *April Dunn, Start Your Journey Award* is given to emerging advocates who are doing amazing things in their state or territory but are just getting started in their advocacy journey.
- The *Betty Williams, Champion of Equal Opportunity Award* is presented to more seasoned advocates who are possibly well known on a national scale.

This year, the Nebraska Council submitted one nomination for each award. Jessica was nominated for the *April Dunn, Start Your Journey Award*, and Jason was nominated for the *Betty Williams Champion of Equal Opportunity Award*. Jessica was selected by the NACDD selection committee as the recipient of this year's *April Dunn, Start Your Journey Award*. She and Jason were both inducted into the *NACDD Self-Advocate Leadership Circle* on August 6, 2020 at the virtual *NACDD Champions of Equal Opportunity Award Ceremony and Advocacy Session*.

Kristen and Tony Green will be participating in a Facebook Live Kick-Off Event on September 9, 2020 to promote the Nebraska Person-Centered Planning Initiative. The kick-off will be live at 12:00pm and reposted at 7:00pm.

Joni mentioned that the last day of the 106<sup>th</sup> Legislative 2<sup>nd</sup> Session was Thursday – August 13, 2020 and LB147 (Senator Groene's student restraint bill) did not pass. Since this was the end of the 2<sup>nd</sup> Session, any bills that did not pass will have to start over in January 2021. Joni mentioned she will be working on the *Newsline* and it will go out in a few weeks.

## **Council Member Updates**

Cheryl mentioned that the Association of Community Professionals will be hosting a 2020 Fall Virtual Conference on Wednesday – October 14, 2020. The theme is *Are We There Yet? A Map & Tools for the Journey to & through Community Life*, featuring presenter Linda Kallhoff.

Jason participated in the Cornhusker State Games on July 18, 2020. He received three gold medals in the Power Lifting competition.

Jessica mentioned that she flew in a hot air balloon and her grandfather passed away.

Rachel mentioned the good work her local school is doing as a result of the pandemic. Her son enjoyed participating in inclusive weight lifting and football camp this summer. He also earned reserve champion for showing his sheep at the county fair.

### **Public Comment**

Jennifer opened the meeting for public comment. Mark Kuecker thanked the Council for its hospitality and he mentioned that he would try to sit in on future meetings. Mark is the President of **Dads Appreciating Down Syndrome**. Their website is [www.dadsomaha.org](http://www.dadsomaha.org). LB903 (Senator Kolowski's Down Syndrome Awareness License Plates) was amended into LB944 and was passed by the legislature and was signed by the Governor. 25% of the fee for initial issuance and renewal of Down Syndrome Awareness License Plates will go to the Department of Motor Vehicles Cash Fund and 75% of the fee will go to the University of Nebraska Medical Center for the Down Syndrome Clinic.

### **Adjourn**

The meeting adjourned at 1:03pm.

**The next Council meeting is scheduled for November 20, 2020. The Grant Review Committee meeting is scheduled for November 19, 2020.**

### **Nebraska Council on Developmental Disabilities**

#### **Mission**

The Council engages in **Advocacy**, **Capacity Building**, and **Systemic Change** activities that assure that individuals with developmental disabilities and their families participate in the design and have access to needed community services, individualized support, and other forms of assistance that promote *self-determination, independence, productivity, and integration and inclusion* in all facets of community life.

Nebraska Council on Developmental Disabilities  
State Agency Representative  
Report to Council Members

**August 14, 2020**

Representative: Tony Green, Interim Director

Agency: Department of Health and Human Services – Division of Developmental Disabilities

**Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:**

**Institutional Level of Care Assessment Redesign**

- Phase I (Nursing Facility) Update: DHHS and Optumas are working with MLTC on proposed regulations that align revised criteria and the interRAI Home Care standardized assessment tool. A population impact study is being conducted in August which means the current assessment and the interRAI Pediatric Home Care (PEDS-HC) assessment tool will be completed concurrently so that the level of care can be determined based on the current tool and processes and also that the NF LOC algorithm developed according to the proposed criteria has minimal impact to the current A&D waiver children's population. Next steps are to execute an agreement with Therap to provide the software necessary to PEDS-HC and training for all assessors. The interRAI PEDS-HC is on track to implement January 2021.
- Phase II (Intermediate Care Facility) Update: Final recommendations have been provided by Optumas regarding proposed criteria for DD eligibility and ICF Level of Care. All listening sessions and focus groups sessions have been completed for the recommendation report.

**Rate Rebase and Objective Assessment Process Redesign:**

- The Objective Assessment Process redesign project remains on schedule. Final recommendations have been provided for the Enhanced Risk Identification Model and tier structure for individual budgets. No changes to the current screening tools has been recommended based on stakeholder feedback. The financial data template has been implemented.

**Waiver Amendment Appendix K: Emergency Preparedness and Response**

- Current Appendix K is valid through 9/6/20.
- Internal DHHS discussions occurring to seek approval for an extension to 12/31/20.

**Quality Management Update:**

- The RFP for contracting with a quality improvement organization-like (QIO) entity to continue our commitment and implement model practices for components of a robust quality oversight framework is open with proposals due August 14. Contract execution with the awarded vendor is mid-October.

**Olmstead Plan Update:**

- The Olmstead Plan was submitted to the Legislature on December 16, 2019.
- The Legislative Resolution hearing was held by the Health and Human Services (HHS) Committee December 18, 2019. The draft plan submitted to the Legislature was the first step and the framework towards achieving the Nebraska Olmstead vision.
- The Division of Behavioral Health along with TAC and a cross-system work group has been meeting to address housing issues.
- A Steering Group meeting has been scheduled for September 10, 2020 at 1:00 pm

**Future/upcoming Agency activities:**

- COVID-19 Weekly Stakeholder Calls – every other Monday at 4:00 PM – 5:00 PM CST (Next call August 24 thru end of September 28, 2020). 888-820-1398 Attendee 3065334#
- DD Advisory Committee Meeting WebEx or In Person – August, 20 2020, 10:00 AM Details on DD Event Calendar <http://dhhs.ne.gov/Pages/Developmental-Disabilities.aspx>

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Sara Morgan

Agency: Department of Health and Human Services

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Continuing to work on:

- CYSHCN Parent Resource Coordinator Program with UNMC MMI
- Pediatric Mental Health Care Access program work to increase screening of children with and without special health care needs in community settings
- Contract with the US Census Bureau to oversample Nebraska and obtain more data on indicators specific to CYSHCN

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

- Increase mental health screening of children in primary care clinics through the Pediatric Mental Health Care Access program partnership with UNMC MMI;
- Work to address Behavioral Health in School for CYSHCN, including a workgroup to explore resources for parents so they know their rights, education and technical assistance for school staff to deescalate behavior issues, and rates of discipline for CYSHCN as compared to other students in the school population;
- Maintain partnership with UNMC MMI to develop the Parent Resource Coordinator program as ways to further serve families of CYSHCN;
- Develop a library of validated and appropriate screening tools for use by a variety of individuals (parents, community health workers, home visitors, etc) through the Pediatric Mental Health Care Access program

Future/upcoming Agency activities:

- Title V MCH 5 year strategic plan mapping out activities related to CYSHCN
- Planning for Influenza and COVID19 mass vaccination activities

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative:     Amy Rhone    

Agency:     Nebraska Department of Education – Office of Special Education    

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

With the ongoing issues in schools due to COVID-19, The NDE-OSE continues to provide advocacy and support to families who are faced with making tough decisions regarding their student's education. We continue to provide support to Public and Nonpublic school districts in their legal responsibilities to provide education and services to infants and toddlers and students as they end the 19-20 school year and prepare for the 2020-21 school year.

The NDE-OSE has experienced an increase in 92 NAC 51 State Complaints and advocacy requests due to families not feeling that they have or will receive the supports that are needed for their students in a remote environment and/or in person/building learning that will require mask wearing or accommodations that the families do not feel are appropriate for their individual student.

With all the decisions that are being made by families, we have also seen an increase in homeschool exempt filings by families so the NDE-OSE is increasing their technical assistance and support as well as guidance to schools to be able to provide support to students in this option.

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

With the current unknowns for individuals with I/DD in their remote environment, the NDE-OSE is working to collaborate with DHHS – DD to give guidance to School Districts in the use of DD providers to "support" students in the remote environment while being reimbursed by the school district for this service provision.

Future/upcoming Agency activities:

Continued supports to Schools (public and nonpublic), Families, Parents, and Providers as they work through the current COVID-19 pandemic.

## Nebraska Council on Developmental Disabilities

### State Agency Representative Report to Council Members

**Representative:** Nate Watson, Deputy Director  
**Agency:** DHHS – Medicaid & Long-Term Care

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Please see below.

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

#### **Specialized Add-On Services**

New regulations (471 NAC Chapter 12) went into effect on June 28, 2020. Included in these regulations is an addition regarding Specialized Add-On Services for Clients with Intellectual Disabilities or Related Conditions Residing in Nursing Facilities. These are medically necessary services intended to assist nursing facility clients in obtaining, maintaining, or improving developmentally appropriate skills. These services are identified through the preadmission screening and resident review (PASRR) Level II assessment. Specialized add-on services must result in a continuous, aggressive individualized plan of care and be recommended and monitored by the individual's interdisciplinary team. Each specialized add-on service must be prior authorized separately through Medicaid Institutional Services and Long Term Care.

The Centers for Medicare and Medicaid Services (CMS) approved Nebraska Medicaid's State Plan Amendment for Specialized Add-On Services in August 2018. With the approval of Chapter 12 regulations, DHHS is ready to implement these services. These services will be paid by Medicaid fee-for-service.

Once the services are implemented, the contractor for PASRR will be notified, trained and able to start recommending any necessary specialized add-on services in the Level II PASRRs for individuals with intellectual disabilities or related conditions. Medicaid will provide training to nursing facilities regarding requirements and processes, with the intention that community-based developmental disabilities providers will provide the services. Medicaid will also provide training and information to community providers.

## **Electronic Visit Verification**

The Federal 21st Century Cures Act (2016) requires Nebraska to implement a new electronic visit verification (EVV) system for Medicaid Aged & Disabled Waiver and Personal Assistance Services (PAS) providers this year. EVV electronically captures and verifies provider visit information, which will help ensure Medicaid's program participants are getting the care they need and that provider claims are processed accurately.

DHHS has partnered with Tellus, LLC, to implement a new EVV system for Nebraska providers. This system will be available to Nebraska providers at no cost. Providers who already use an EVV system are able to continue using their system as long as it meets the state's requirements for third party EVV systems.

Providers who wish to begin using the Tellus system early can begin accessing the system as of September 27, 2020. All PAS and Waiver providers will be required to be using an EVV system, the Tellus system or an otherwise acceptable 3<sup>rd</sup> party system, by October 25, 2020.

## **Medicaid Expansion**

Medicaid will soon begin to cover a new group of lower-income adults in Nebraska. These adults are ages 19-64 who annually earn up to 138% of the federal poverty level, or about \$17,000 per year for a single person. This coverage may be a new option to individuals with disabilities who were ineligible for Medicaid in the past. DHHS is currently accepting applications for Medicaid coverage from these individuals; coverage will begin on October 1, 2020.

Individuals with disabilities covered through Medicaid expansion may be determined to be 'Medically Frail' by DHHS. A Medically Frail designation from DHHS means the individual can receive prime benefits, which include dental, vision, and over-the-counter medication benefits.

## **Future/upcoming Agency activities:**

Please see above, which includes current and upcoming activities.

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Paige Rose

Agency: Nebraska VR

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Staff still working remotely. Plans are being made for ordering PPE and a return to the offices.

Pre-employment Transition guidance and planning forms are being put together to share with schools. No VR staff will be going into schools until individual districts permit visitors AND VR staff are back in offices.

WIOA Combined State Plan was approved.

Quarterly VR/Provider Meeting took place on 8/5/20.

Staff vacancies are being filled. A total of 22 positions have been filled (or in process) since September 2019.

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

Wait List Numbers

Priority 1- 899

Priority 2- 818

Priority 3- 369

200 removed in May

400 removed in July

400 removed in August

Supported Employment policy and payments are being revised. Carla Lasley will be seeking volunteers from provider agencies for an opportunity to comment and potentially pilot.

All staff are currently assigned 7 training modules in VR 101 which are being accessed for free as a part of a grant project from VR Development Group and George Washington University.

Future/upcoming Agency activities:

VR will be hiring for a new position on our program team which will be a training position.

Continued regular wait list removals can be expected.

## Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Seamus Kelly

Agency: Disability Rights Nebraska

### Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

- Continued ongoing virtual monitoring of Assisted Living Facilities and expanded monitoring to include Nursing Care Facilities, Intermediate Care Facilities, Homeless Shelters and Jails/Prisons.
- Continued meeting on a semi-monthly basis with the leadership to the Nebraska Department of Health and Human Services regarding concerns about COVID 19 in Assisted Living Facilities, Nursing Care Facilities, Intermediate Care Facilities. No further meetings were scheduled after mid-June.
- Continued working in the legislature to defeat the LB 147, the Student Discipline Act.
- Continued to participate in regular conference calls hosted by the Division of Developmental Disabilities regarding issues that arise as a result of COVID 19.

### Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

- Prepared and filed a complaint against the State of Nebraska with the U.S. Department of Health and Human Services, Office of Civil Rights regarding concerns about the accessibility of COVID 19 testing through Test Nebraska. Participated in a follow-up conference call with staff from USDHHS OCR.
- Met with the Chief Medical Officer for the Nebraska Department of Health and Human Services about concerns with the criteria established for access to Remdesivir by individuals with disabilities who have tested positive for COVID 19.
- Presented on Supported Decision Making at the Elder Justice Training hosted by the NE Department of Health and Human Services, Long-term Care and Medicaid, State Unit on Aging.

- Participated in a virtual meeting with representatives from the Region VII FEMA program to gather information about Nebraska FEMA response to COVID 19.
- We have continued to monitor the implementation of the education provisions in the CARES Act. In collaboration with PTI Nebraska, we submitted letter to Nebraska Commissioner of Education Blomstedt regarding CARES Act funding and our concerns about impact of COVID 19 on special education in Nebraska. We signed on to the Leadership Conference on Civil and Human Rights statement on Civil Rights Principles for Safe, Healthy, and Inclusive School Climates. We also signed on to a letter from the National Disability Rights Network calling on Congress to consider no waivers for IDEA in the second COVID relief package.
- Reviewed information about issues and monitored district plans around reopening schools during COVID 19, including preparation of information for parents who have children in special education or who have a 504 plan for their child.
- Worked collaboratively with the Lincoln/Lancaster County Commission on Human Rights and the Fair Housing Center of Nebraska/Iowa to hold a virtual conference on Eviction, Disability And COVID-19: Know Your Rights!
- Finalized Citizen Advocacy Operation and Support contract for FY 20-21 with the NE Department of Health and Human Services.

Future/upcoming Agency activities:

- Disability Rights Nebraska Board of Directors virtual meeting on September 12<sup>th</sup>.

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Mark Shriver

Agency: MMI UCEDD – August 2020

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

- Mark Shriver assumed role as Director of UCEDD July 1, 2020. Dr. Wayne Stuberger transitioned to Associate Director same date and will continue until his retirement in December.
- UCEDD Annual report for July 1, 2019-June 30, 2020 completed in July and will be available on MMI webpage.
- MMI new building construction continuing with completion still expected sometime January-March 2020
- New Director of Pediatric Feeding, Amy Drayton, PhD starting in September 2020.
- Amanda Zangrillo, PhD named Director for Severe Behavior Program

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

- NCI-DD surveys were completed this past year and summary report provided at last DHHS DD advisory committee meeting. This will be available on the MMI UCEDD webpage.
- NCI-AD surveys were suspended this year, but DHHS allowed use of the existing funding from NCI-AD project for remaining contract through August 15, 2020 to conduct wellness check screenings via telephone surveys with respect to eleven core health related social needs. 1817 calls were made, 953 screenings completed, and 499 individuals connected with needed services. This report will be available also on the MMI UCEDD webpage.
- MMI received CARES funding through ADRC to support expansion of a behavioral health consultative service for families in underserved areas and recreation program to disseminate “camp-in-a box” statewide.

Future/upcoming Agency activities:

- NCI-DD surveys will continue this coming year. Due to COVID19 restrictions, NCI-AD surveys will be limited to a sample of 100 plus 50 wellness check surveys.
- Transition and Postsecondary Program for Students with Intellectual Disabilities (TPSID) grant proposal was submitted in July 2020 to US Department of Education. This is a collaborative project between MMI and UNO for expansion of the Trailblazers and Think College postsecondary transition programs. Award notice expected by October 1, 2020
- Our Family Care Enhancement Project is working with Nebraska Partnership for Mental HealthCare Access in Pediatrics (NEP-MAP) project on possible subaward to develop a training curriculum and implement training with emphasis on mental/behavioral health needs and integration in primary care clinics for Parent Resource Navigators/Community Health Workers. The proposal will also seek to expand number of primary care sites in Nebraska with a Parent Resource Navigator.