

Division of Developmental Disabilities Coronavirus – COVID-19 Frequently Asked Questions

Updated 3/23/20

The Division of Developmental Disabilities has developed the following FAQ to provide information to Medicaid Home and Community-Based Services for the Developmentally Disabled Waiver (HCBS-DD) participants, guardians and providers with respect to questions they may have about COVID-19. We will provide updates as we get additional federal and state guidance.

General Information:

Q: Where can I find up-to-date guidance from the Division regarding COVID-19?

The DHHS public website has a dedicated page for COVID-19 updates which is located at:
<http://dhhs.ne.gov/Pages/Coronavirus.aspx>

Q: How will the Division share timely information with HCBS-DD stakeholders?

The Division has been sharing COVID-19-related information, tips and tools through the DD email listservs dedicated to provider and stakeholder communication.

The Division has also scheduled weekly informational calls for DD providers and families/advocates. We are conducting calls every Monday with the following groups:

DD Agency Providers	10:00 a.m. – 11:00 a.m.
DD Independent Providers	1:00 p.m. – 2:00 p.m.
DD Participants/Families/Advocates	4:00 p.m. – 5:00 p.m.

Q: What if I am not receiving the informational emails or the weekly call invitations from the Division?

Please contact Tyla Watson at tyla.watson@nebraska.gov or (402) 471-6038 to request to be added to the appropriate email listserv and call invitations.

Modifications to Medicaid HCBS DD Waivers Service Delivery:

Q: What is an Appendix K?

An Appendix K is a standalone appendix that may be utilized by states during emergency situations to request amendments to approved Medicaid Home and Community-Based waiver programs. It includes actions that states can take under the existing federal home and community-based waiver authority in order to respond to an emergency. This appendix may be completed retroactively as needed by the state.

Q: Will the Division be submitting an Appendix K to CMS?

Yes, the Division will be submitting an Appendix K to CMS. The Division's primary focus at this time is working with CMS on an Appendix K approval that allows for service delivery flexibility options for participants receiving essential supports and services, and payment to the providers rendering those services.

Q: Will the Division share the Appendix K document submitted to CMS with stakeholders?

Yes, each submitted version of the Appendix K and subsequent approval letters will be shared through the stakeholder email listservs and posted to the Division's website.

Q: Will providers be allowed to modify their service delivery and receive payment for services rendered while ensuring the health and welfare of the participant?

The Division is preparing the first iteration of an Appendix K for CMS approval to allow for flexibility in providing critical HCBS-DD supports and services while maintaining participant health and welfare. Specifics being requested of CMS at this point in time include, but may not be limited to:

- Allowing residential and day services to be delivered in alternative sites, i.e. day services in the home of a participant who chooses to follow CDC guidelines;
- Allowing residential and day services to be delivered temporarily out of state;
- Waiving requirements that residential and day services be provided by agency employees to allow subcontractors to provide these services, and removing limits on use of backup staff in Shared Living services to increase the overall support pool of people;
- Waiving the requirement for DD clinical approval prior to use of Medical In-Home Habilitation and allowing for the payment of Medical In-Home Habilitation for a participant in the hospital;
- Allowing more respite, Independent Living and Supported Family Living hours to be used;
- Waiving the Habilitative Community Inclusion "majority of time in the community" rule to allow for service in a residential setting for participants who choose to follow CDC guidelines;
- Waiving the requirement that a participant must utilize a service every 90 days to be enrolled in the DD program.



Q: Will providers be paid if they provide the alternative service methods described above before approval?

The Division can only guarantee payment upon official approval from CMS. However, the Appendix K may be approved with a retroactive date, and we will be asking for an effective date of March 6, 2020. Everyone's first priority is to ensure a participant's needs are met in a manner that does not jeopardize their health, safety or well-being. To that end, the Division is confident that CMS will approve sufficient flexibility in the service delivery requirements, as was approved in the Appendix K for Nebraska's flooding in 2019, to allow for providers caring for participants to be reimbursed.

Q: How should providers track services rendered until the Appendix K is approved?

At this point in time, providers are encouraged to keep records (preferably in Excel) with the date, participant name, start/stop times, service(s) delivered and location of service(s). Having documentation in Excel format will assist you and the Division in processing service authorization modifications and payments in a timely manner.



Q: If participants are ordered to self-quarantine or choose to follow CDC guidelines by limiting activities in the community, will the provider who stays with them be paid?

The Division is anticipating approval, via Appendix K, for payment of services being rendered in alternative sites, as noted above.

Service Delivery and Staff Shortages:

Q: Are providers required to provide services in a national emergency?

As health care providers, Medicaid HCBS providers are expected to continue delivering services to participants at this time. Providers of Home and Community-Based Services are encouraged to review COVID-19 safety precautions and transmission information on the Nebraska DHHS website.

<http://dhhs.ne.gov/Pages/medicaid-and-long-term-care.aspxlink>

In an effort to protect Nebraska's most vulnerable populations, service providers are reminded to screen staff to ensure they are free of communicable diseases, per state regulations and required emergency preparedness plans for DD agency providers. Staff who have signs and symptoms described in CDC guidance should **not** report to work.

In the event a participant is confirmed or presumed to be COVID-19 positive, the provider shall continue providing care as needed while following CDC guidance for precautions. Providers should evaluate all available options, including the use of family members or friends, in the event a participant's needs cannot be met. If there is still a need for services after this evaluation, please contact the participant's DD service coordinator.

Q: How can participants and DD providers stay protected when service delivery is provided in an independent, family or group home?

The Division strongly encourages DD providers to implement staff screening practices consistent with CDC guidance in an effort to limit exposure risk to participants.

Q: Can providers limit service delivery?

Providers may limit service delivery to only essential services if needed due to staffing shortages or in order to limit exposure to COVID-19. If a provider limits service delivery, that provider should coordinate directly with participants to best meet their needs and preferences regarding care planning, guardians and the DD service coordinator.

Q: What happens if a DD agency has staffing shortages to safely serve participants receiving residential services?

It is anticipated that some providers may face challenges to serve participants due to staffing shortages. If a provider is unable to continue providing care to meet a participant's essential needs and the participant does not have a backup plan, the provider shall contact the participant's service coordinator immediately, so the state can assist to address the participant's needs.

CDC Resources Links:

<https://www.cdc.gov/>

Healthcare Facilities Resources: <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/index.html>

Healthcare Professionals Resources: <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>

Symptoms and Testing: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/index.html>

