

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Transition Plan to Implement the Settings Requirement for  
Home and Community-Based Services Adopted by CMS on  
March 17, 2014 for Nebraska's Home and Community-Based Waivers

Evidence of Public Notice

December 1, 2014





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## **Introduction**

The final rule issued by the Center for Medicare and Medicaid Service (CMS) on January 16, 2014, included significant modifications to the Medicaid 1915(c) Home and Community Based Waivers that Nebraska uses to provide significant federal matching resources for our programs. Stakeholder involvement is important to any regulatory or policymaking process, but the widesweeping changes mandated by the final rule (CMS-2249-F/CMS-2296-F) make stakeholder input particularly important. The final rule addressed significant issues related to conflict-free case management, person-centered planning processes, home and community based settings, and waiver revision/renewal processes. The revisions related to home and community based setting were so significant that CMS included an opportunity for states to plan to transition current systems into compliance over a five year period. That transition plan provision is what initiated the processes that resulted in Nebraska's transition plan(s) that are the subject of this document.

## **Public Input on System Impacts Not Related to Settings**

CMS has been entertaining public dialogue on the priorities and philosophies contained in the final rule since at least 2010, with public comment periods occurring in both 2011 and 2012. Based upon information and informal guidance received over the past few years, Nebraska had already begun collaboration and implementation efforts related to several areas that were ultimately mandated in the final rule (particularly related to person-centered planning and conflict-free case management.) Nebraska even received CMS funded technical assistance in 2010 that contributed to the revisions of our developmental disability HCBS waivers and related regulatory revisions.

Nebraska has involved stakeholders in these system changes in both the Division of Developmental Disabilities (DDD) areas and the Division of Medicaid and Long-Term Care (MLTC), including, but not limited to the following:

- MLTC held monthly Medical Assistance Advisory Committee meetings. In addition to issues directly related to HCBS services, MLTC has addressed issues indirectly related to populations supported by HCBS services as well.
- In 2010, 2013 and 2014, DDD held State Plan Forums to discuss issues related to developmental disability services, with particular emphasis on person-centered practices and integrated employment activities. The most recent forums involved 60 meetings, including many rural areas throughout Nebraska.
- DDD held quarterly Developmental Disability Advisory Committee meetings to share and receive information on systems issues, and to assist in gathering stakeholder buy-in on significant systems change efforts in implementing conflict-free case management and modifications to person-centered planning process.
- Nebraska publishes *The Sower* newsletter and mails it to all individuals in developmental disability services and other stakeholders. *The Sower* is a valuable

tool to educate stakeholders on current national trends and best practices and to encourage families to embrace integrated community services and supports.

- Both MLTC and DDD leaders routinely participate in meetings with provider organizations, advocacy entities and other stakeholders providing information and seeking feedback about services and supports and best practices.

Documentation related to these ongoing efforts can be found on pages 5-15 herein.

### **Input on Settings Requirements Prior to Draft Transition Plan(s)**

Both MLTC and DDD have shared information regarding the CMS rule and related guidance (including the various webinars) since January 2014 with our stakeholders. With significant impacts anticipated to developmental disability day services, targeted collaboration with developmental disability service providers and other stakeholders was initiated. Service provider representatives even participated with Nebraska staff in our Lincoln office for one of the webinars presented by CMS.

DDD leadership has met monthly with the Nebraska Association of Service Providers (NASP) since July 2014, and NASP was provided multiple opportunities to offer informal and formal input on the transition plan and issues related to the settings challenges. In August 2014, this collaboration resulted in NASP's website publication and outreach efforts to families and provider staff most impacted by the rule to provide education and support prior to the anticipated issuance of the draft transition plan.

The new settings requirements are going to require significant organizational changes of many of our developmental disabilities service providers. Our providers have been active collaborators in this process to ensure that Nebraska continues to provide appropriate services to meet the needs of our vulnerable citizens. With the support of the Nebraska Planning Council on Developmental Disabilities, several providers have already started working with consultants to reorganize their services to promote integrated recreation and community employment, with great initial success. We share a common dedication to supporting individuals with developmental disabilities in our communities with quality services, and appreciate their collaboration through this process.

Documentation illustrating some of these efforts can be found on pages 16-29 herein.

### **Public Notice/Input Related Specifically to the Transition Plan(s)**

The rule requires states to provide at least a 30-day public notice and comment period regarding the transition plan, with a minimum of two statements of public notice and public input procedures. The rule further requires the full transition plan be available to the public for public comment. Evidence of the public notice is required to be submitted with the final transition plan; thus, this document is being included therewith to provide evidence of these required actions.

Nebraska provided a 39 day public notice and comment period (September 5, 2014 through October 14, 2014), providing for the following public input opportunities:

- Emailing to [DHHS.HCBSPublicComments@nebraska.gov](mailto:DHHS.HCBSPublicComments@nebraska.gov);
- Faxing to 402-471-9449 attention Christina Mayer;
- Mailing written comments to the Department of Health and Human Services, Attention: Christina Mayer, 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE 68509-5026;
- Providing in person comments at public meetings; and/or
- Calling Christina Mayer at 1-877-867-6266.

Notice was provided in the following manner:

- Notification to the Nebraska Association of Service Providers on August 25, 2014 (see page 30 herein)
- Publication in the Omaha World-Herald, a newspaper with statewide circulation on August 29, 2014 (see page 31 herein);
- Delivery via U.S. postal service of a postcard announcement to all recipients of developmental disability services, as well as all individuals on DDD's eligibility registry (i.e. people who are eligible for services, but not currently receiving services) on September 1, 2014 (see page 32 herein);
- Notification of Amendments and draft State Transition Plan to Nebraska Tribal associations of September 4, 2014 (see page 34 herein);
- Publication on the Nebraska Department of Health and Human Services website, with a specific HCBS Waivers State Transition Page created specifically to support this process (with links to this webpage from both the MLTC and the DDD webpages) on September 5, 2014 (see page 35 herein);
- Email to all DDD staff, the DD Planning Council, DD Advisory Committee, the ARC of Nebraska, Disability Rights of Nebraska, the Legislative Ombudsman's Office and the Nebraska Legislative Special Committee on Developmental Disabilities on September 5, 2014 (see page 39 herein);
- Publication in the Omaha World-Herald, a newspaper with statewide circulation on September 7, 2014 (see page 41 herein);
- Publication in the Munroe Meyer Institute Update, an electronic newsletter circulated broadly to stakeholders throughout Nebraska by our University Center for Excellence, on September 12, 2014 (see page 42 herein).

## Nebraska Medicaid Program

### Current Initiatives

#### Medical Assistance Advisory Committee

The Department is required by federal law to establish a Medicaid Assistance Advisory Committee to advise the Medicaid Director about health and medical care services. The regulations describing the committee may be found at 471 NAC 1-004.01. The committee meets the second Wednesday of every month except July and December. Members are appointed by the Medicaid Director.

#### Meeting Schedule

- Cancelled January 8, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- February 12, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- March 12, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- April 9, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- May 14, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- June 11, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- Cancelled August 13, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- September 10, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- October 8, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.
- November 14, 2014; 5:30pm; Classroom 1 of the Lincoln Medical Education Partnership at 4600 Valley Road.

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Partnership at 4600 Valley Road.

 **Agenda**

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 **Meeting Minutes**

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<b>Committee Members</b>	<b>Affiliation</b>
Joe Acierno, MD	DHHS Division of Public Health
Scott Applegate, MD	Children First Pediatrics
Mary Barry-Magsamen	St. Monica's
Heath Boddy	Nebraska Health Care Association
David Burd	Nebraska Hospital Association
Joni Cover	Nebraska Pharmacists Association
Ed Erickson	Great Plains Homecare Equipment
Deb Esser, MD	Aetna Better Health of Nebraska
Lynette Helling	Interim Health Care of Lincoln
Ron Jensen	Nebraska Association of Homes and Services for the Aging
Terri Melvin	Madonna Rehabilitation Hospital
John Milligan	Legal Aid of Nebraska
Jina Ragland	Nebraska Medical Association
Bradley Rasmussen	Consumer
Ed Schneider, OD	Nebraska Optometric Association
Natalia Torrez	Santee Sioux Tribe
Dr. Dale Zaruba	Physician
Ricky Ann Trobaugh	Winnebago Tribe of Nebraska

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**State Plan Forum Attendance  
October 1, 2013 -January 30, 2014**

Meeting Type	Total Addendance	Total Number of Meetings	Average Attendance per Meeting
Provider	84	19	4.4
Staff	132	19	6.9
Public	122	22	5.5
<b>TOTAL</b>	<b>338</b>	<b>60</b>	<b>5.6</b>

Date	Location	Meeting Type	Number Attendance
10/01/2013	North Platte	Provider	6
10/01/2013	North Platte	Public	2
10/02/2013	Scottsbluff	Public	2
10/03/2013	Scottsbluff	Provider	3
10/03/2013	Scottsbluff	Staff	5
10/08/2013	Norfolk	Provider	9
10/08/2013	Norfolk	Public	9
10/08/2013	Norfolk	Staff	10
10/22/2013	South Sioux City	Provider	0
10/22/2013	South Sioux City	Public	2
10/22/2013	South Sioux City	Staff	6
10/23/2013	Columbus	Provider	0
10/23/2013	Columbus	Public	0
10/23/2013	Columbus	Staff	5
11/07/2013	Hastings	Provider	6
11/07/2013	Hastings	Public	7
11/07/2013	Hastings	Staff	4
11/19/2013	Beatrice	Provider	5
11/19/2013	Beatrice	Public	6
11/19/2013	Beatrice	Staff	4
11/20/2013	Omaha	Provider	9
11/20/2013	Omaha	Public	48
11/20/2013	Omaha	Staff	36
12/03/2013	McCook	Provider	4
12/03/2013	McCook	Public	3
12/03/2013	McCook	Staff	3
12/04/2013	Ogallala	Provider	1
12/04/2013	Ogallala	Public	1
12/04/2013	Ogallala	Staff	1
12/05/2013	Sidney	Provider	3
12/05/2013	Sidney	Public	0
12/05/2013	Sidney	Staff	2

**State Plan Forum Attendance  
October 1, 2013 -January 30, 2014**

12/06/2013	Alliance	Provider	0
12/06/2013	Alliance	Public	2
12/06/2013	Alliance	Staff	0
12/07/2013	Valentine	Public	1
12/07/2013	Chadron	Public	1
12/18/2013	Lincoln	Provider	8
12/18/2013	Lincoln	Public	2
12/18/2013	Lincoln	Staff	13
01/07/2014	O'Neill	Public	5
01/07/2014	O'Neill	Staff	4
01/08/2014	Broken Bow	Provider	2
01/08/2014	Broken Bow	Public	0
01/08/2014	Broken Bow	Staff	0
01/13/2014	Kearney	Public	0
01/14/2014	Kearney	Provider	6
01/14/2014	Grand Island	Public	5
01/14/2014	Kearney	Staff	6
01/15/2014	Grand Island	Provider	9
01/15/2014	Grand Island	Staff	8
01/21/2014	Papillion	Provider	7
01/21/2014	Papillion	Public	16
01/21/2014	Papillion	Staff	0
01/28/2014	Nebraska City	Provider	2
01/28/2014	Nebraska City	Public	3
01/28/2014	Nebraska City	Staff	6
01/30/2014	Lincoln	Provider	4
01/30/2014	Lincoln	Public	7
01/30/2014	Lincoln	Staff	19
		SUM	338

## NEBRASKA DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

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## Advisory Committee on Developmental Disabilities

**83-1212.01**

Advisory Committee on Developmental Disabilities; created; members; expenses; duties

(1) There is hereby created the Advisory Committee on Developmental Disabilities. The committee shall consist of a representative of a statewide advocacy organization for persons with developmental disabilities and their families and not more than fifteen additional persons, at least one-third of whom shall be persons with developmental disabilities, at least one of whom shall be families of persons with developmental disabilities, and no more than one of whom shall be elected officials or interested community persons.

(2) The members shall be appointed by the Governor for staggered terms of three years. A vacancy shall be filled by the Governor for the remainder of the term. One of the members shall be designated as chairperson by the Governor. Members shall be reimbursed for their necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The advisory committee shall advise the department regarding all aspects of the full delivery of services to persons with developmental disabilities.

(4) The advisory committee shall provide sufficient oversight to ensure that persons placed in the custody of the department under the Developmental Disabilities Court-Ordered Custody Act are receiving the least restrictive treatment and services necessary.

**Source:**

Laws 1994, LB 1136, § 4

Laws 2005, LB 206, § 35

Effective date June 1, 2005.

**Cross References:**

Developmental Disabilities Court-Ordered Custody Act, see section 71-1101.

**~ Revised Statutes Supplement 2005****Membership****Updated: 02/04/14****Name****Representing****City**

Gail "Butch" Crookedfoot	Consumer	Sidney
Linda Jespersen	Family Member	Alliance
Margaret Huss	Family Member	Omaha
Cathy Martinez	Family Member	Lincoln
Norma Mercer	EO/IC	Beatrice
Joan O'Meara	Family Member	Lincoln
Lynn Redding	Consumer	Wood River
Karen Ann Rolf	EO/IC	Omaha
Sherri Shaffer	Consumer	Grand Island
Joyce Warner	Family Member	Lincoln
William West	Consumer	Grand Island
Michael Chittenden	Statewide Agency	Fremont

**Key**

EO/IC - Elected Official or Interested Citizen

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**Next Meeting**

February 4, 2015  
 10:00 am – 11:00 am  
 Nebraska State Office Building, Lower Level B  
 Lincoln, NE  
 Public Comments at 10:15 am

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**Division of Developmental Disabilities**[Homepage](#)[Individuals & Families](#)[Providers](#)[Resources](#)**Sower Newsletter**

The Sower is a newsletter that celebrates people with intellectual or developmental disabilities and their families, guardians, service providers, advocates and supporting community organizations.

 Click on image below for current Sower



The Sower is published quarterly by the DHHS [Division of Developmental Disabilities](#).

Story ideas, "Making a Difference" nominations, and comments are always welcome! Please contact [Christina Mayer](#) with your ideas.

**Past Issues****2014**

-  [Spring 2014](#)
-  [Summer 2014](#)

**2013**

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-  [Summer 2013](#)
-  [Fall 2013](#)
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## Watson, Tyla

---

**From:** Kate Bolz <bolznasp@gmail.com>  
**Sent:** Tuesday, April 29, 2014 5:31 PM  
**To:** Fenner, Jodi  
**Subject:** Re: FW: NASDDDS April 17, 2014 Webinar Presentation File: HCBS Regulations on the Definition of Community and Settings

This is helpful - thanks.

On Thu, Apr 17, 2014 at 1:28 PM, Fenner, Jodi <[Jodi.Fenner@nebraska.gov](mailto:Jodi.Fenner@nebraska.gov)> wrote:

Here is another overview/presentation on the new HCBS rule

--

Kate Bolz, MSW  
Executive Director  
Nebraska Association of Service Providers  
Cell: (402) 802-8312  
Email: [bolznasp@gmail.com](mailto:bolznasp@gmail.com)  
Learn more about NASP at [www.neserviceproviders.org](http://www.neserviceproviders.org)



July 22, 2014

Director Jodi Fenner  
Nebraska Department of Health and Human Services  
Division of Developmental Disabilities  
201 Centennial Mall South  
Lincoln, NE 68509

Dear Director Fenner,

First, thank you for working with the Nebraska Association of Service Providers in an ongoing manner over the last year. The Nebraska Association of Service Providers represents 25 service providers state wide. We are pleased to work with you to serve individuals with disabilities state wide and help Nebraskans achieve their goals.

We particularly appreciate the information you have shared regarding the plans for the upcoming implementation of the home and community based services final rule (CMS-2249-F/CMS-2296-F). We understand that the Division of Developmental Disabilities is only one of the areas impacted by the plan and that other waivers are impacted. We would request a summary of the waiver amendment and a copy of the draft transition plan as they are available.

As providers, we want to see this process move forward as successfully as possible for the people we serve, for providers, and for the state as a whole.

First, we want to offer our assistance with plan development in any way in which we can be helpful. Some of our specific ideas are:

- NASP members are willing to meet with your contracted expert to discuss ideas or review materials. We can contribute one of our monthly meetings to such a discussion. We already have established a subcommittee that is willing to meet more regularly as well.
- We are willing to help to engage families in public meetings and to share related information with our contacts and on our website.
- NASP members are willing to utilize self-assessment tools to expedite identification of needed changes.
- We realize that this transition is a process, and we are willing to review information or partner in other ways moving forward.



Second, we encourage you consider the following approaches to the transition plan:

An Outcome Based Approach: In the commentary written in the final rule it states specifically that the rule does not provide “one singular definition” in describing a home and community-based setting, but instead describes, “the qualities that apply in determining whether a setting is community-based.” For Nebraskans with disabilities, how these qualities are defined will be key in ensuring that each individual has access to truly integrated community settings. We encourage you to focus on the experience of the individuals as the key quality indicators, including: access to the community, ability to engage in community life, to control personal resources, choices from a list of options, and individuals with privacy, dignity, and respect. Establishing these goals in the transition plan will contribute to a shared vision.

Maximizing the Person-Centered Approach: Nebraska has already made great progress in using a person-centered approach. We support continued focus on ensuring that the individual has the opportunity to exercise initiative, autonomy, and independence in making life choices, including receiving ample information to make informed decisions about services and providers and that the individual has the same responsibilities and protections regarding landlord/tenant relationships when entering into these types of agreements/relationships.

Adequate Resources: Innovation and transition resources may be needed to implement the final rule. While we are still waiting for the CMS guidance on day and vocational services, it is possible that compliance with the final rule will be more staff intensive and may require additional funding. We will support requests for the resources needed to provide services in a community based setting in an innovative, high-quality manner.

Thank you for your consideration of our perspective. We are ready to be of assistance.

Sincerely,  
The Nebraska Association of Service Providers

Autism Center of Nebraska  
Black Hills Works  
Career Solutions INC  
Collaborative Industries  
Disability Services Nebraska  
Employment Works Inc.  
ENCOR  
Envisions  
Goodwill Industries of Greater Nebraska  
Goodwill of the Great Plains  
Hands of Heartland  
Home at Last  
Integrated Life Choices

Northstar  
MOSAIC  
OMNI Behavioral Health Solutions  
Prime Home DDS  
Region I Office of Human Development  
Region II  
Region V Services  
Rescare  
RHD Industries  
Versatile Support Services  
Vital Services  
VODEC



## Watson, Tyla

---

**From:** Tammy Westfall <tammy.westfall@mosaicinfo.org>  
**Sent:** Thursday, July 24, 2014 4:53 PM  
**To:** Fenner, Jodi  
**Subject:** HCBS Final Rule Transition Plan for Nebraska

Hello Jodi,

Thank you for taking the time to visit with me today about the implementation of the home and community based services final rule. As I stated on our call, Mosaic would be pleased to be a pilot or one of the pilots and I personally would be willing to serve on a group or committee.

Please keep me in mind. I see this time as exciting and look forward to the possibilities for people in Nebraska!

Thank you,

Tammy

--

Tammy I. Westfall  
Vice President of Operations  
Mosaic  
4980 S. 118th Street  
Omaha, NE 68137-2220  
P: 402.896.3884 ext. 31122  
F: 402.896.8751  
C: 402.350.4680  
[tammy.westfall@mosaicinfo.org](mailto:tammy.westfall@mosaicinfo.org)  
[www.mosaicinfo.org](http://www.mosaicinfo.org)



**A life of possibilities for people with intellectual disabilities.**

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## Watson, Tyla

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**From:** Kate Bolz <bolznasp@gmail.com>  
**Sent:** Monday, August 18, 2014 5:02 PM  
**To:** Fenner, Jodi; Mason, Tricia  
**Subject:** Public Education Materials Re: CMS Final Rule  
**Attachments:** Transition Plan One Pager.docx; Transition Plan Memo.docx

Hi Jodi and Tricia -

Members of NASP requested that we use the NASP webpage to help share information about the upcoming townhall meetings on the CMS final rule.

We plan to post information from CMS. We also plan to post and share the two attached documents, one simple and one more in-depth.

I wanted to share these with you just let you know what we are up to. Feel free to let me know if you see any inaccuracies or anything that needs to be changed.

Best, Kate

--

Kate Bolz, MSW  
Executive Director  
Nebraska Association of Service Providers  
Cell: (402) 802-8312  
Email: [bolznasp@gmail.com](mailto:bolznasp@gmail.com)  
Learn more about NASP at [www.neserviceproviders.org](http://www.neserviceproviders.org)



## **New Rules about Home and Community Based Services: Information for Individuals with Developmental Disabilities, and their Friends, Families and Supporters**

*New rules from the federal government are going into place in Nebraska that promote choice, participation, and independence for individuals with disabilities. The rules apply to home and work and how decisions are made and will have an impact on people's lives. This information is provided by the Nebraska Association of Service Providers, an association of service providers state wide.*

### **NEW RULES**

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#### **Home and Work**

States must meet certain requirements for home and community based settings. Under the new rules, the places where people with disabilities who have Medicaid funding must meet certain guidelines, such as:

- Places should be selected by the individual.
- Home and work settings should be a part of the community.
- Settings should allow for maximum independence.

#### **Decision Making**

States must meet certain requirements for planning with people. The rule requires a person-centered plan for each individual receiving Medicaid services. In the planning process, the individual receiving services describes his or her needs, along with family, friends, and other team members to make sure that individuals receive the services they need in a way they prefer. The planning process must follow guidelines such as including people chosen by the individual, and that individuals are provided choices about services.

### **NEXT STEPS**

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#### **What's Next?**

States must work with CMS to create transitional plans to bring current programs into in line with the new rules and allow for public input on those transitional plans. States have up to one year to submit a transitional plan and CMS will approve plans of up to five years in length, depending on the state.

#### **What should Individuals, Families, and Friends Know and Do?**

You have already done the first step - getting informed. You can also:

- Submit your ideas to the Department of Health and Human Services.
- Attend a town hall meeting. See the details here: XXX
- Tell your friends and families to share their ideas.

You may want to say:

- How community involvement is or isn't working for you.
- What you believe could be improved and what you think should stay the same.

For more information, contact Kate Bolz, Nebraska Association of Service Providers, [bolznasp@gmail.com](mailto:bolznasp@gmail.com) or (402) 802-8312. Learn more at [www.neserviceproviders.org](http://www.neserviceproviders.org)





## **New Rules about Home and Community Based Services: Information for Individuals with Developmental Disabilities and their Friends, Families and Supporters**

### **About NASP**

The Nebraska Association of Service Providers is a statewide membership association of community organizations that provide supports to people with disabilities. NASP supports organizations that serve thousands of individuals across the state of Nebraska. NASP members provide habilitative services, residential care, employment services, and more.

Our mission is to enhance quality of services and supports to Nebraskans with developmental disabilities by promoting and strengthening the Association membership through collaboration and commitment to common goals. This information is being provided by NASP. Learn more about NASP at

[www.neserviceproviders.org](http://www.neserviceproviders.org)

### **SECTION 1: OVERVIEW**

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#### **New Rules**

New rules are going into place in Nebraska that promote choice, participation, and independence for individuals with disabilities. These rules “raise the bar” for how services are provided in the community. The rules apply to home and work and how decisions are made and will have an impact on people’s lives.

The federal agency that oversees the Medicaid funding for developmental disabilities services is the Center for Medicaid and Medicare Services (CMS.) The rule applies to different kinds of settings and people. For the full final rule, visit <https://federalregister.gov/a/2014-00487>

This summary focuses on how the rule will work for individuals with disabilities.

#### **The Process**

In order for the State of Nebraska to continue to receive federal funding, the state must comply with the new rules. This will be a multi-step process. States have up to five years to make changes. Nebraska’s process will likely include a draft transition plan and a process for providers to undergo assessments.



## SECTION 2: THE RULES

---

### **Overview**

The rules provide details about home and work and personal decision making. States must comply in order to continue to receive federal funding.

### **Home and Work**

States must meet certain requirements for home and community based settings. The rule describes home and community based settings (home and workplaces) as needing to meet certain criteria: Home and community based settings must be:

- Places that are a part of the community, selected by the individual,
- Places that ensures individual rights to privacy, dignity, respect, and freedom from coercion and restraint, and maximize independence,
- The setting allows the individual to choose services and supports and decide who provides them, and provides opportunities for people to seek employment and work in competitive, integrated settings.
- In residential settings where a provider owns the home:  
The setting must have units or rooms that are a specific physical place, like one that could be owned or rented and have lockable doors and entrances. Individuals must have choices about roommates and furnishings and control their own schedules and have visitors and food at any time (These rules can be modified if there is a plan explaining why.)

### **Decision Making**

States must meet certain requirements for planning with people. The rule requires a person-centered plan for each individual receiving services. In the planning process, the individual receiving services describes his or her needs, along with family, friends, and other team members to make sure that individuals receive the services they need in a way they prefer.

The planning process must follow these guidelines:

- Planning should include people chosen by the individual.
- The individual should be provided the necessary information and support so that the individual can direct the process to the maximum extent possible in a culturally appropriate manner in plain language
- Choices should be offered about services and supports.

The plan should include:

- What is important to the individual, the person's strengths and preferences, clinical and support needs, natural supports, and more.
- It should address risk factors and what to do about them.



## SECTION 3: WHAT HAPPENS NEXT

### **Impact**

What does this mean for people? It means several things:

- The rule promotes individual independence and choice about daily activities, physical environment, and interpersonal interaction at the same frequency and duration as non-disabled people.
- In other words, people will have volunteer opportunities, learning experiences, personal health, hobbies, and more that are not different from others.
- It also means that people with disabilities will interact with others in the same way as other people in the community, like borrowing something from a neighbor or hanging out at the local pizza place.

### **What's Next?**

States must work with CMS to create transitional plans to bring current programs into compliance and allow for public input on those transitional plans. States have up to one year to submit a transitional plan and CMS will approve plans of up to five years in length, depending on the circumstances in that state.

### **What should Individuals, Families, and Friends Know and Do?**

You have already done the first step - getting informed. Now, you have an opportunity to communicate your thoughts and ideas about what is going well and what may need to be changed in Nebraska.

You can:

- Submit your ideas to the Department of Health and Human Services. Watch the Department of Health and Human Services for more information:  
[http://dhhs.ne.gov/developmental\\_disabilities/Pages/developmental\\_disabilities\\_index.aspx](http://dhhs.ne.gov/developmental_disabilities/Pages/developmental_disabilities_index.aspx)
- Attend a town hall meeting. The town halls are scheduled for September 9 & 10 in Lincoln and Kearney. See the details [here](#): XXX
- Tell your friends and families to share their ideas as well.

You may want to say:

- How community involvement is or isn't working for you.
- What you believe could be improved as well as what should stay the same.
- Ideas about best practices for home and work.

For more information, contact Kate Bolz, Nebraska Association of Service Providers, [bolznasp@gmail.com](mailto:bolznasp@gmail.com) or (402) 802-8312. Learn more at [www.neserviceproviders.org](http://www.neserviceproviders.org)



November 25, 2014

Director Jodi Fenner  
Nebraska Department of Health and Human Services  
Division of Developmental Disabilities  
201 Centennial Mall South  
Lincoln, NE 68509

Dear Director Fenner,

Thank you for your partnership with the Nebraska Association of Service Providers in the development of Nebraska's transition plan related to the Centers for Medicaid and Medicare Services final rule (CMS-2249-F/CMS-2296-F.)

As you know, NASP is a statewide membership association of community organizations who provide supports to people with disabilities. NASP supports organizations that serve thousands of individuals across the state of Nebraska. NASP members provide habilitative services, residential care, employment services, and more.

Beginning with the initial planning stages in July, through August, September, October and November of this year, you and your staff members have attended our monthly membership meetings to share information and discuss the process for and content of the transition. We greatly appreciate this partnership. The discussion and opportunity for feedback has been invaluable.

We look forward to continued work together to promote community inclusion and success for individuals in Nebraska.

Sincerely,

Kate Bolz, MSW  
Executive Director, Nebraska Association of Service Providers

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Grant Title	Grantee	Award	Contact
State Advisor Project	People First of Nebraska PO Box 121 Grand Island, NE 68803	\$28,945 Oct13-Dec14	<a href="#">Kellie Ellerbusch</a> 402-559-4892
Choice and Self-Determination Project	Fritz & O'Hare Associates 1820 Kings Highway Lincoln, NE 68502	\$49,000 Oct14-Sep15	<a href="#">Lloya Fritz</a> 402-423-3968
North Platte Inclusive Recreation Project	Independence Rising 3335 W. Capital Grand Island, NE 68803	\$13,000 Oct14-Sep15	<a href="#">Irene Britt</a> 308-258-1914
Nebraska Health Practitioners Training	Fritz & O'Hare Associates 1820 Kings Highway Lincoln, NE 68502	\$40,000 Oct14-Sep15	<a href="#">Lloya Fritz</a> 402-423-3968
Kearney Inclusive Wellness Initiative	The Arc of Buffalo County 4511 6th Ave, #204 Kearney, NE 68845	\$32,220 Oct13-Dec14	<a href="#">Donna Montgomery</a> 308-865-1546
Train the Trainer Relationship Building	The Arc of Nebraska 215 Centennial Mall South, Suite 508 Lincoln, NE 68508	\$10,000 Oct14-Sep15	<a href="#">Mike Chittenden</a> 402-475-4407

Brain Injury Training	Brain Injury Association of Nebraska 2424 Ridge Point Circle Lincoln, NE 68512	\$10,000 Oct14-Sep15	<a href="#">Peggy Reisher</a> 402-423-4635
Organizational Change Project	The Consulting Services & Information Network 5912 N. Beaman Ave Kansas City, MO 64151	\$10,000 Oct14-Sep15	<a href="#">Darla Wilkerson</a> 816-284-3224
NASP Employer Guide	Nebraska Association of Service Providers 2816 Jameson N, #1 Lincoln, NE 68516	\$5,700 Oct14-Sep15	<a href="#">Kate Bolz</a> 402-802-8312
Medicaid Works Project	The Nebraska Appleseed Center 941 O Street, #920 Lincoln, NE 68506	\$10,000 Oct13-Sep14	<a href="#">James Goddard</a> 402-438-8853
The Cornerstone of Direct Support	PAKS Developmental Services PO Box 419 Ogallala, NE 69153	\$8,270 Apr14-Mar15	<a href="#">Mary Lawson</a> 308-284-2075
Autism Spectrum Disorder Training for Nebraska VR Staff	Nebraska VR 315 W. 60th Street, Ste 400 Kearney, NE 68845-1504	\$9,845 Apr14-Mar15	<a href="#">Keri Bennett</a> 308-865-5012

Last Updated: 10/29/2014 2:07 PM

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## Watson, Tyla

---

**From:** Watson, Tyla  
**Sent:** Monday, August 25, 2014 4:30 PM  
**To:** Bolz, Kate  
**Subject:** HCBS Hearings

Hi Kate,  
Below are the dates of the upcoming HCBS hearings.

Hearings will be held from 1 to 3 pm CST on:

- 9/29/14 – Niobrara Room, Kearney Public Library, 2020 1<sup>st</sup> Ave, Kearney, Nebraska
- 9/30/14 – Lower Level B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska

Tyla P. Watson, Administrative Assistant  
Department of Health and Human Services  
Division of Developmental Disabilities  
[tyla.watson@nebraska.gov](mailto:tyla.watson@nebraska.gov)  
Phone: 402-471-6038  
Fax: 402-471-9449



**Place Ad Here**

**MEETING NOTICE**

The Nebraska Department of Health and Human Services (DHHS) will hold public hearings to accept comments on the Department's proposed plans to ensure compliance with new Federal rules which require home and community based services to be provided in "community-like" settings. At these public hearings, DHHS will provide an overview of the requirements of Final Rule CMS 2249-F and CMS 2296-F published in the Federal Register on 1/16/14 which became effective 3/17/14. Hearings will be held from 1 to 3 pm CST on:

- 9/29/14 — Niobrara Room, Kearney Public Library, 2020 1st Ave, Kearney, Nebraska
- 9/30/14 — Lower Level B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska

Interested persons are invited to submit written comments or to attend and comment at the hearing. Written comments must be postmarked or received by 5:00 P.M. 10/02/2014 and should be emailed to DHHS.HCBSPublicComments@nebraska.gov, faxed to 402-471-9449 attention Christina Mayer, or sent to Department of Health and Human Services, Attention: Christina Mayer, 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE 68509 15026.

The transition plan and background materials can be viewed on the Department's website beginning 09/02/2014 at <http://dhhs.ne.gov/Pages/hcs.aspx>. The transition plan and background materials can also be requested via mail, email, or by phone at 877-867-6266.

If auxiliary aids or reasonable accommodations are needed to participate in the hearing, please call 877-867-6266. For persons with hearing impairments, please call DHHS at 402-471-9570 (voice and TDD) or the Nebraska Relay System at 711 or 800-833-7352 TDD at least 2 weeks before the hearing date.

**Proof of publication**

**AFFIDAVIT**

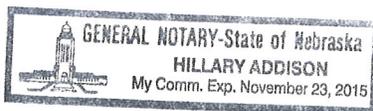
State of Nebraska, County of Douglas, ss:

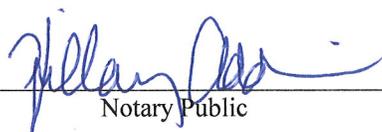
Kiley Petersen, being duly sworn, deposes and says that she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 29 day of August, 2014, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 132,416 Daily and 165,454 Sunday, in 2014.

(Signed) 

Title: Account Executive

Subscribed in my presence and sworn to before me this 29 day of August, 2014.



  
Notary Public

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## **The Nebraska Department of Health and Human Services (DHHS)**

will hold public meetings to accept comments on the Department's proposed plans to ensure compliance with new Federal rules which require home and community based services to be provided in "community-like" settings. At these public meetings, DHHS will provide an overview of the requirements of Final Rule CMS 2249-F and CMS 2296-F published in the Federal Register on 1/16/14 which became effective 3/17/14.

Meetings will be held from:

### **1:00 P.M. CST on 9/29/14**

Niobrara Room • Kearney Public Library • 2020 1st Ave • Kearney, Nebraska

### **1:00 P.M. CST on 9/30/14**

Lower Level B • Nebraska State Office Building • 301 Centennial Mall South • Lincoln, Nebraska

Interested persons are invited to submit written comments or to attend and comment at the hearing.

Written comments must be postmarked or received by 5:00 P.M., 10/15/2014 and should be:

#### **EMAILED TO:**

[DHHS.HCBSPublicComments@nebraska.gov](mailto:DHHS.HCBSPublicComments@nebraska.gov)

#### **FAXED TO:**

402-471-9449

Attention Christina Mayer,

#### **OR SENT TO:**

Department of Health and Human Services

Attention: Christina Mayer

301 Centennial Mall South, P.O. Box 95026,

Lincoln, NE 68509-5026.



The transition plan and background materials can be viewed on the Department's website at <http://dhhs.ne.gov/Pages/hcs.aspx>. The transition plan and background materials can also be requested via mail, email, or by phone at **877-867-6266**.

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September 4, 2014

To Whom It May Concern:

This is to notify you of submission of amendments, outlined in a notification dated March 10, 2014 for Nebraska's three home and community based services (HCBS) waivers for adults and children with intellectual or developmental disabilities to the federal Centers for Medicare and Medicaid Services (CMS). As a result of CMS requirements, the state will need to include a transition plan that meets the requirements for HCBS Settings, contingent upon approval from CMS.

The Nebraska Department of Health and Human Services (DHHS) will hold public meetings to accept comments on the Department's proposed plans to ensure compliance with new Federal rules which require home and community based services to be provided in "community-like" settings. At these public hearings, DHHS will provide an overview of the requirements of Final Rule CMS 2249-F and CMS 2296-F published in the Federal Register on 1/16/14 which became effective 3/17/14.

Meetings will be held from 1 to 3 pm CST on:

- 9/29/14 – Niobrara Room, Kearney Public Library, 2020 1st Ave, Kearney, Nebraska
- 9/30/14 – Lower Level B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska

Interested persons are invited to submit written comments or to attend and comment at the meeting. Written comments submitted by your organization must be postmarked or received by 5:00 P.M. 10/15/2014 and should be emailed to [DHHS.HCBSPublicComments@nebraska.gov](mailto:DHHS.HCBSPublicComments@nebraska.gov), faxed to the attention of Christina Mayer at 402-471-9449 attention Christina Mayer, or sent to Department of Health and Human Services, Attention: Christina Mayer, 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE 68509-5026.

The transition plan and background materials can be viewed on the Department's website beginning 09/08/2014 at <http://dhhs.ne.gov/Pages/hcs.aspx>. The transition plan and background materials can also be requested via mail, email, or by phone at 877-867-6266.

If auxiliary aids or reasonable accommodations are needed to participate in the hearing, please call 877-867-6266. For persons with hearing impairments, please call DHHS at 402-471-9570 (voice and TDD) or the Nebraska Relay System at 711 or 800-833-7352 TDD at least 2 weeks before the hearing date.

Please direct any questions and comments to Tricia Mason at 402-471-8704 or Pam Hovis at 402-471-8717.

Sincerely,



Tricia Mason, Deputy Director  
Community-Based Services  
Division of Developmental Disabilities  
Nebraska Department of Health and Human Services



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## Home and Community Services

### HCBS Waivers State Transition Page

#### Summary

Effective March 17, 2014, the Centers for Medicare and Medicaid Services (CMS) issued new regulations that require home and community-based waiver services to be provided in community-like settings. The new rules define settings that are not community-like and cannot be used to provide home and community based services. The purpose of these rules is to ensure that people who receive home and community-based waiver services have opportunities to access their community and receive services in the most integrated settings. This includes opportunities to seek employment and work in competitive settings, engage in community life, control personal resources and receive services participate in the community just as people who do not receive home and community-based services do. The new rules stress the importance of ensuring that people choose service settings from options and are able to exercise rights and optimize independence. Services must reflect individual needs and preferences as documented by the person-centered plan.

#### History and Background

Medicaid is a program funded through a Federal and State partnership. Medicaid funds a variety of health related services including facility based services, such as those provided by skilled nursing facilities and Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID). In 1981, Section 1915(c) of the Social Security Act was established to allow states the opportunity to provide Medicaid funded services to people in their own homes and communities as an alternative to institutional care.

Since that time, home and community based services have been provided in a wide variety of settings, many of which are truly integrated in the community. Some of these settings, however, may retain or appear to retain, the qualities of institutional care. To ensure home and community-based services offer a true option to institutional care, CMS proposed regulations to better define settings in which states can provide Medicaid home and community based services. CMS published the final rule that became effective March 17, 2014. For more details about the requirements of the new regulation, please see this Issue Brief on the Final Rule by the Association of University Centers on Disabilities.

#### The New CMS HCBS Rules

The new CMS HCBS rules set expectations for settings in which HCBS can be provided. In response to comments received during the rule making process, CMS moved away from defining these settings based on specific characteristics. The final rule requires that "community-like" settings be defined by the nature and quality of the experiences of the individual receiving services and applies to both residential and day services settings.

A draft introduction to the statewide transition plan can be found [here](#).

The draft comprehensive transition plan is posted [here](#).

The draft DD transition plan sorted by task is posted [here](#).

The draft DD transition plan sorted by regulatory compliance area is posted [here](#).

The draft AD/TBI transition plan sorted by task is posted [here](#).

- I need assistance for:**
- [A child with disabilities](#)
  - [An adult age 18-64 with disabilities](#)
  - [An adult over 65](#)

The draft AD/TBI transition plan sorted by regulatory compliance area is posted [here](#).

Additional information regarding the Aged & Disabled and TBI waivers transition plans can be found [here](#).

Public comment will be accepted from the period of 09/03/2014 – 10/15/2014.

Interested parties may comment by:

Emailing to [DHHS.HCBSPublicComments@nebraska.gov](mailto:DHHS.HCBSPublicComments@nebraska.gov)

Faxing to 402-471-9449 attention Christina Mayer;

Mailing written comments to the Department of Health and Human Services,  
Attention: Christina Mayer, 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE  
68509-5026;

Providing in person comments at public meetings (see introduction for times and  
places); and/or

Calling Christina Mayer at 1-877-867-6266.

The public notice of the transition plan is available [here](#).

Last Updated: 9/10/2014 11:04 AM

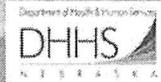
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## Home and Community Services Homepage

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**Effective March 17, 2014, the Centers for Medicare and Medicaid Services (CMS) issued new regulations that require home and community-based waiver services to be provided in community-like settings. To read more about these regulations and Nebraska's transition plan to meet these standards, [click here](#).**

### I need assistance for:

[A child with disabilities](#)

[An adult age 18-64 with disabilities](#)

[An adult over 65](#)

**PLEASE NOTE Room Change for Omaha comment session  
Tuesday, October 7, 2014  
Metro Community College  
5330 N. 30th St  
Building 21, Room 112**

Welcome to the Home and Community-Based Services website.

Our mission is to design, implement, and oversee programs and services that:

- Enable families with children or adults with disabilities to stay together, or
- Allow elderly and persons with disabilities to remain independent and participate in integrated community living and services.

We strive to make services easy to access, available statewide, and of a high quality that allows clients to achieve their goals and outcomes.

Whether you are a client, family member, provider, agency staff, medical professional, volunteer, or general public joining us on our website, we invite you to begin a journey through our programs and services. We have tried to link you with other services that may also meet your needs. We also invite you to ask us questions or give suggestions as you explore the HCBS pages.

Good luck to you in your search. We want you to have the information you need to make choices for you and your family.

Last Updated: 10/6/2014 12:55 PM

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## Division of Developmental Disabilities

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### Homepage

Welcome to the Division of Developmental Disabilities. If you are someone with a developmental disability, this is for you! If you are a family member, guardian or service provider, this site is for you as well.

The Division of Developmental Disabilities administers publicly-funded community-based disability services. The Division also operates several sites providing services for individuals with developmental disabilities (DD).

Among the Division's responsibilities are:

- Determining eligibility for DD services
- Providing service coordination for eligible individuals
- Certifying specialized provider agencies
- Regulating and paying providers of community-based developmental disabilities services
- Providing training and technical assistance
- Investigating complaints
- Publishing the Sower newsletter



**Jodi Fenner, Director**

- [DD organizational chart](#)
- [Transition Plan Draft for Public Comments](#)
- [Strategic Planning](#)



**Sower Newsletter**



A colossal conference with educational keynote and breakout presentations focused on harnessing systems and resources to support people with intellectual and developmental disabilities in living an enviable life.

[Contact Us](#)

Documents in PDF format require the use of Adobe Acrobat Reader which can be downloaded for free from [Adobe Systems, Inc.](#)

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## Fenner, Jodi

---

**From:** Fenner, Jodi  
**Sent:** Thursday, September 04, 2014 10:41 AM  
**To:** Fenner, Jodi  
**Cc:** McFarland, Kim; Mayer, Christina; 'wanda.seiler2411@gmail.com'  
**Subject:** HCBS Settings Rule Transition Plan

This email is being sent to all DDD community based services staff (including service coordinators, disability service specialists and survey/certification staff.) It is also being forwarded to all DD providers, the DD Council, the Governor's DD Advisory Committee, the ARC of Nebraska, Disability Rights Nebraska, the Ombudsman's Office and to the DD Special Legislative Committee. Postcards have also been sent to all individuals in DD services notifying them of the transition plan and opportunities for public input.

Please see the attached transition plan related to the new CMS HCBS rules. Most of you are well aware of this new rule and its potential impacts related to redefining community settings requirements; others included in this email may be less familiar with the new requirement, but may have an interest in the issue and/or may receive constituent contacts related thereto. Please feel free to forward this information to anyone else who may have an interest in this issue.

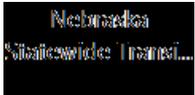
The DD Division collaborated with the Division of Medicaid to create a comprehensive transition plan process, but the plan is drafted so that it can also be separated into two independent plans (i.e. the DD Managed Waivers and the MLTC Managed Waivers.) The purpose of this was to ensure that one waiver area did not experience delays if the other waiver oversight area needed to revise or extend their transition plan approval with CMS, as both DD and MLTC have waiver issues pending that will require a transition plan to be in place. During the transition plan public comment period, you may provide comment on the individual waiver oversight areas (DD or MLTC) and/or you can have your comments considered as to the comprehensive transition plan. (All comments targeted to the individual waiver oversight areas will automatically be considered applicable to the comprehensive transition plan.)

As you will note in the DD sections, we have included stakeholder input at each step of the evaluation/analysis process. The transition plan is intended to set the framework for those issues to be analyzed (and not to actually analyze those issues in the plan or predetermine outcomes in the plan.) I realize that some states have chosen to make compliance decisions in their actual transition plans, but as we have committed to in the past, we believe that needs to involve stakeholder input – and the stakeholders include individuals and their families/guardians, advocacy entities, DD providers, DDD staff, and interested community members. We must comply with the community setting requirements, but the Division is committed to managing this process to maximize collaboration with stakeholders.

DDD staff **may** submit formal comments on this plan as well, but should do so as a private citizen on their personal time just as is required with all other formal agency rules/processes. DDD staff may also process informal questions, comments and concerns can through the DDD supervisory teams during business hours. Otherwise, DDD staff should feel free to contribute opinions/comments just as all other interested Nebraskans via the formal comment process.

While the transition plan is still in the public comment phase and not yet final, the Division is moving forward with two key elements necessary for identification and evaluation tasks related to the new HCBS Rule: the Individual/Family Survey Tool and the Provider Self-Assessment Tool. We have already reached out to some of you to directly participate in the development/review of these tools. If others (including DDD staff) are interested in participating in the development of those two tools, please contact Christina Mayer related to the Individual/Family Survey Tool and Kim McFarland related to the Provider Self-Assessment Tool (they are identified on the CC line of this email).

Thanks for your contributions to this process and for supporting people with developmental disabilities throughout Nebraska! This new federal mandate is going to be challenging, but as a team will be successful in accomplishing compliance in a way that best meets the needs of Nebraskans with developmental disabilities. Your continued partnership and dedication is much appreciated!



Jodi M. Fenner  
Director, Division of Developmental Disabilities  
Department of Health and Human Services  
P.O. Box 95026  
Lincoln, Nebraska 68509

(402) 471-8416 office telephone  
(402) 326-9532 cellular telephone  
(402) 471-9449 fax

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SEP 9 2014

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SUPPLEMENTAL PUBLIC NOTICE

Pursuant to 42 C.F.R. §441.301(c)(6)(iii), the Nebraska Department of Health and Human Services (DHHS) is required to give public notice related to the state's plan to comply with new regulation governing the settings in which the delivery of services to Medicaid Home and Community-Based Services waiver recipients may be provided.

Home and Community-Based Waiver Services Settings Transition Planning

In accordance with and related to new Home and Community-Based Services Settings regulations found at 42 C.F.R. §441.301(c)(4)-(5) requiring transition planning per 42 C.F.R. §441.301(c)(6), the state must submit a plan detailing actions to achieve compliance with the setting requirements. A public notice and comment period of at least 30 days is required for the proposed transition plan. The transition plan is required in conjunction with any waiver amendment or renewal submitted following the implementation of the new regulation which became effective March 17, 2014.

The state's transition plan will be developed with stakeholder input to include public comment through multiple methods. The schedule for transition planning activities and other related information for participating in and submitting comment is posted on the Department's website at dhhs.ne.gov. Initial and ongoing comment may be submitted to the designated e-mail address: DHHS.HCBSPublicComments@nebraska.gov. This public notice and transition plan is available for review on the DHHS website at http://dhhs.ne.gov/Pages/hcs.aspx. A copy of the transition plan is available with the public notice. Services Coordination staff will make available hard copies of the transition plan to any participant or applicant to the waiver upon request. In addition to the schedule of other comment submission options, an opportunity for public comment will be held at the following locations:

City/Date/Time/Location and Waiver-Specific Presentations

Kearney Sept. 29, 2014; 1:00 - 3:00 p.m. CDT Niobrara Room, Kearney Public Library, 2020 1st Avenue All Waivers Will Be Presented

Lincoln Sept. 30, 2014; 1:00 - 4:30 p.m. CDT Lower Level B, Nebraska State Office Building, 301 Centennial Mall South All Waivers Will Be Presented

Omaha Oct. 7, 2014; 9:00 a.m. CDT Metro Community College, 5330 North 30th St, Building 10 Room 110 Medicaid & Long Term Care Managed Waivers

Sidney Oct. 9, 2014; 9:00a.m. MDT Western Nebraska Community College, Room 115, 371 College Dr. Medicaid & Long Term Care Managed Waivers

Individuals who are disabled and need assistance to participate during this meeting should call (877) 867-6266. Individuals wishing to comment in writing on any of the proposed changes should do so on or before October 15, 2014, to The Department of Health and Human Services, Attention: Christina Mayer, 301 Centennial Mall South, P.O. Box 95026

Proof of publication

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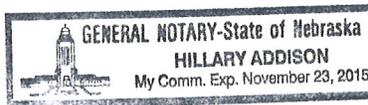
State of Nebraska, County of Douglas, ss:

Kiley Petersen, being duly sworn, deposes and says that she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 7 day of September, 2014, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 132,416 Daily and 165,454 Sunday, in 2014.

(Signed) [Signature]

Title: Account Executive

Subscribed in my presence and sworn to before me this 8 day of September, 2014.



[Signature] Notary Public

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Fenner, Jodi

**From:** The UNMC Munroe-Meyer Institute <munroemeyer@unmc.edu>  
**Sent:** Friday, September 12, 2014 4:05 AM  
**To:** Fenner, Jodi  
**Subject:** September Disability News and Events

To assure accuracy of newsletter [Click here](#)

Hi, just a reminder that you're receiving this email because you have expressed an interest in MMI. Be sure to add munroemeyer@unmc.edu to your safesender list so we land in your inbox.

You may [unsubscribe](#) if you no longer wish to receive our emails.



**MMI UPDATE**  
An electronic newsletter for MMI families

September 2014

## Register now for MMI's free webinars

The Munroe-Meyer Guild is providing funding for the "Resources, Education and Disability Information" Project; or "R.E.D.I." This project provides free, informational webinars for individuals with disabilities, their families and professionals. The webinars can be viewed from any computer or notebook which has an Internet connection and speakers.



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Each webinar will last approximately one hour and will be delivered in "real time," with time reserved for questions and answers. They also will be archived on the Munroe-Meyer Institute [here](#).

### **- Caring for the Caregiver/Respite -**

Presented: Aug. 7th at 2 pm & 7 pm  
By: Sharon Johnson, NE DHHS Respite Coordinator  
Archived at: <http://www.unmc.edu/mmi/services/familyresources/index.html>



### **- Challenging Behaviors -**

September 23rd at 10 am & 12 pm  
Presented by: Dr. Joe Evans, Director of Psychology at Munroe-Meyer and the Associate Clinical Director for the UNMC Behavioral Health Education Center of Nebraska.

For more information, or to register, click [here](#).

## **Garrett's Fight**

Garrett "G-Money" Holeve is a 24-year old mixed martial arts (MMA) fighter. He also has Down syndrome and rheumatoid arthritis and is being denied the right to compete by the Florida State Boxing Commission. He has started his own [Facebook page](#) called "Garrett's Fight" to raise awareness of his will to fight. He also has started a petition called [#letgarrettfight](#), which has more than 6000 signatures.



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### **Additional Information:**

[MMI Website](#)  
[Contact News Editor](#)

### **Resources:**

[Information](#)  
[Advocacy](#)  
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### **About our Services:**

Visit:  
[Clinical Services](#)

### **To Schedule an Appointment:**

Call:  
402-559-6418 or  
1-800-656-3937 ext.9-6418

ESPN's SportsCenter recently conducted an interview with Garrett, his family, coaches and team members. Learn more about this story by clicking on the photo below and ask yourself, "Should Garrett have the right to fight?"



ESPN SC Featured - story and interview with Garrett "G-Money" Holeve

## New Rules Defining Home & Community Services

The state of Nebraska recently released their transition plan for the Centers for Medicare and Medicaid Services' (CMS) new rule defining home and community based settings. Any setting or procedure that does not fit within the new definition will have to be identified and the state will have 5 years to come into compliance. The state is required to obtain public comments and incorporate the public comments into the state plan.

### **The new rule requires that:**

- An individual's primary residence cannot be on the property of/or adjacent to an institution; this includes a hospital, nursing facility, public institution or intermediate care facility for intellectual/developmental disabilities. But most

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**Other Statewide Resources:**



A statewide resource for parents of children with disabilities or special healthcare needs to have the capacity to improve their child's education and health. Click [here](#) for their upcoming trainings and events.



This is the federally-funded Protection and Advocacy Organization for Nebraska. They protect and advocate for the rights of people with

importantly, settings that isolate individuals from the broader community of individuals not eligible for Home and Community Based Services funding will not be allowed under this new rule.

- Person Centered Planning must be used, enabling the individual receiving services to describe his/her needs, along with family, friends, and other team members to make certain that the individual receives the services they need, in a way they prefer.
- Individual's receiving services should have privacy, choice of roommates, and choice in how they decorate their home, control over who enters and has a key to the entrance, if included in the person centered plan.
- In situations where the individual is living in a home or apartment owned by a provider, there needs to be a lease, residency agreement or another written agreement that approximates or is consistent with landlord tenant law.
- Processes must be in place to ensure an individual's right of privacy, dignity, respect and freedom from coercion and restraint. [\(Source: HCBS Coalition of NE, 2014\)](#)

**For more information or to make public comment, attend the following:**

**Kearney Sept. 29, 2014**

**1:00 - 3:00 p.m. CDT**

Niobrara Room, Kearney Public Library

2020 1st Avenue

All Waivers Will Be Presented

**Lincoln Sept. 30, 2014**

**1:00 - 4:30 p.m. CDT**

Lower Level B, Nebraska State

Office Building, 301 Centennial Mall So.

All Waivers Will Be Presented

disabilities and their families. Check out what they are doing by going [here](#).



This is a statewide newsletter that promotes and disseminates information and events to families that have children with disabilities and special healthcare needs. Go [here](#) for more information.

**Necesidad de traducción al español? 1-800-656-3937 ext. 9-5815**

**Omaha Oct. 7, 2014; 9:00 a.m. CDT**  
**Metro Community College**  
5330 North 30th St  
Building 10 Room 110  
Medicaid & Long Term Care Managed  
Waivers will be presented

**Sidney Oct. 9, 2014; 9:00 a.m. MDT**  
**Western NE Community College**  
371 College Dr.  
Room 115  
Medicaid & Long Term Care Managed  
Waivers will be presented

**Additional Resources are available by clicking the links below:**

[Nebraska's State Transition Plan](#)

[White Paper by the HCBS Coalition of NE](#)

[CMS' rule](#)

## People First of Nebraska

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People First of Nebraska, Inc. (PFN), is the only statewide self-advocacy organization run by and for people with any type of disability. Local chapters meet once a month, and some even meet weekly. Members invite speakers to talk about issues and areas where they can exercise self-determination (residential setting, work, health care, school, etc.), and they teach and support each other in self-advocacy. Chapters also perform community service work and host dances and other fun events.



Each October, PFN hosts a statewide convention in Kearney where more than 300 self-advocates, advisors, family-members and service providers network, learn self-advocacy skills, see old friends and make new ones. This year's conference is October, 10, 11 and 12th. Self-advocates will co-present with disability advocates and professionals on a variety of topics. This year, topics include: how to build a relationship with elected officials, how to tell your own story, the history of the disability

movement in Nebraska, developing safe social and sexual relationships and fun activities like fundraising! On Friday night, conventioners sing along with karaoke and on Saturday evening enjoy an Awards Banquet, Bingo and dancing the night away with a live DJ.

Current chapters include Omaha (called Project 2), Lincoln, Norfolk, Columbus, Wahoo, Cozad, Grand Island, Kearney and Auburn and new chapters are in the works in York and Sidney!

Learn [more](#) about People First of Nebraska, and [register](#) now for the People First Conference on October 10, 11 & 12th in Kearney.

For more information, please contact:

[PeopleFirstNebraska@outlook.com](mailto:PeopleFirstNebraska@outlook.com)

**People First of Nebraska, Inc.**

Kellie Ellerbusch, Staff Support

(402) 559-4892

*"Nothing About Us Without Us"*

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## Community Living & 15th Anniversary of Olmstead

June 20th marked the 15th Anniversary of [Olmstead v. L.C.](#) This landmark Supreme Court case said that states must ensure that individuals in need of long-term services and supports have choices and are not forced into institutional and congregate care settings. In 2009, President Obama declared it the year of "Community Living" and the U.S. Office of Civil Rights launched intensive efforts to work with states, advocates,

and others to ensure that the Olmstead decision was being upheld. Since the launch of this effort, numerous cases have been heard, and states are being asked to ensure that services are provided in the least restrictive of settings. The federal government has implemented many changes to ensure that home and community based services are being provided, including the newly formed federal "Administration for Community Living." Learn more about these efforts by checking out the [White House blog](#).

The pictures and stories featured below detail some of the individuals who have been impacted and supported by the Olmstead decision. Learn more about their stories by clicking [here](#).

(Source: US Dept. of Justice Division of Civil Rights, 2014)



Stephon is an 18-year old teen with intellectual, visual, orthopedic and physical disabilities. He also has graduated from high school, attended his prom and participates in Special Olympics. With the Medicaid home and community based waiver, Stephon has been able to live with his family and receive all his needed services in his home and community.



Michelle was 47 years old when she was in a car accident and learned she would need round-the-clock assistance. Initially, she was told that the only way she could receive this support was in a nursing home. However, with funding from her state's Medicaid home and community based waiver, she is able to live in her home and have the



Steven may have an intellectual disability, but that did not stop him from wanting to work. He went from earning \$2/hour for the last 30 years in a segregated, non-competitive workshop to making minimum wage. Now he gets to have a choice in where he works and even works with individuals that might not have a disability.

supports she needs to live independently.

## Changes to Employment, Transition and Independent Living



Both the Senate and the House recently overwhelmingly passed the Workforce Innovation and Opportunity Act. This bill makes amendments to the Rehab Act and:

- requires 15% of funding to Vocational Rehabilitation be allocated to serve youth with disabilities to access post-secondary education and/or supported employment.
- moves the Independent Living Program from the Rehabilitation Services Administration (RSA) within the federal Dept. of Education and forms the Administration for Independent Living, which joins with the Administration of Aging and Administration for Intellectual and Developmental Disabilities within the federal Administration for Community Living.

To learn more, check out:

[Fact sheet](#)

[AUCD Summary](#)

[An informational webinar](#)



Starting this month, the Social Security Administration will no longer be issuing Social Security printouts in its field offices. In addition, they will no longer provide benefit verification letters. Instead, benefits verification will be available online and can be obtained by registering for "My Social Security" account [here](#) or by calling 1-800-722-1213.

- Check out this [brief](#) on how SSI eligibility is determined for a child.

(Source: [Social Security Administration, 2014](#))

## Training on Behavior Supports and More



The Nebraska Division of Developmental Disabilities and Omni Behavioral Health are currently providing a series of free workshops featuring nationally recognized behaviorist, [Tom Pomeranz](#). The target audience includes families that have children with developmental disabilities across the lifespan, educators, clinicians and anyone wanting additional information about best practices in building positive behavioral supports. Check out this [link](#) for the full series of trainings which will be offered across the state in the next few months.

### For Help Navigating Systems and Information:

Contact our family support coordinators:

Mark Smith, M.S.  
402-559-5744 or

Sarah Swanson, B.S.Ed.  
402-559-4573 or

[msmitha@unmc.edu](mailto:msmitha@unmc.edu)

[sarah.swanson@unmc.edu](mailto:sarah.swanson@unmc.edu)

The Munroe-Meyer Institute is a University Center of Excellence committed to unlocking the potential of children and adults with developmental disabilities and genetic disorders through exceptional patient care, education and research.



**MUNROE-MEYER INSTITUTE**  
FOR GENETICS AND REHABILITATION

*\*This newsletter is intended for informational purposes and does not necessarily reflect the views of the University of Nebraska.*

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