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| DHHS Policy Re: In-Home Service Providers who are state employees | |
| Issue Date: <u>2/1</u> 2016 | |
| Effective Date: | <u>2/1</u> 2016 |
| Signature: |  Courtney N. Phillips, MPA Chief Executive Officer Department of Health and Human Services |

Purpose:

To provide consistent guidelines for individuals seeking to be enrolled as compensated providers of in-home domestic services under programs administered by the Department of Health and Human Services while simultaneously being employed by the State of Nebraska. Prior policy guidance relating to state employees serving as enrolled providers of in-home domestic services is rescinded and replaced with the following policy.

Policy:

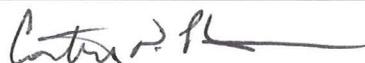
Individuals may not be, except under certain circumstances described below, enrolled with the Nebraska Department of Health and Human Services as a State compensated provider of in-home domestic services while simultaneously employed by the State of Nebraska. This scenario could result in a dual or joint employment status with the State of Nebraska.

The first circumstance would be that the Department of Health and Human Services Chief Executive Officer or her designee, in their sole discretion, determined that the employee would not be in a dual or joint employee status under applicable federal and state laws and regulations.

The other circumstance would be if the Chief Executive Officer or her designee, in their sole discretion, granted a consumer-specific exception at the request of the consumer. The exception requires a finding that:

- 1) a dual or joint employee status exists for the employee;
- 2) that no other person or agency is available to provide such services to the consumer requesting the exception; and,
- 3) without such services from the employee the consumer could not continue to live in a community-based setting.

If dual or joint employment status exists and an exception cannot be granted, then the employee will be denied enrollment or dis-enrolled as an in-home domestic service provider with the Department of Health and Human Services.

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| DHHS Policy Re: In-Home Domestic Service Provider Exceptions | |
| Issue Date: <u>2/1</u> 2016 | |
| Effective Date: | <u>2/1</u> 2016 |
| Signature: |  Courtney N. Phillips, MPA Chief Executive Officer Department of Health and Human Services |

Purpose:

To identify in-home service programs that the Chief Executive Officer has determined do not create a dual or joint employment status with the State of Nebraska.

Policy:

The following programs would not create a dual or joint employee status for State of Nebraska employees under applicable federal and state laws and regulations.

Developmental Disabilities Programs

- Child Developmental Disabilities Waiver
- Adult Comprehensive Waiver
- Adult Day Waiver
- Developmental Disabilities State Aid

Disabled Persons and Family Support Program (DPFS)

- Housekeeping Services for Disabled Adults
- Personal Care

Lifespan Respite Subsidy

- Respite Services

Disabled Children's Program (DCP)

- Respite Care
- Sibling Care