

TBI Public Comment	TBI Waiver Amendment period 2/23/2020 through 3/29/2020
Public Comment #1	e-mail
Comment Received	March 23, 2020 3:21pm from Kathy Hoell
Public Comment	<p>Thank you for the opportunity to comment. As a person with a brain injury I have a number of concerns with this application. From what I can figure out it still limits the number of slots for the TBI waiver to only 40 slots for Quality Living in Omaha. I know I have been repeatedly told that other providers could apply but don't. My concern is that I don't see the state doing anything to get more providers so people with a brain injury can make a choice about where they receive services. In addition 40 slots is a very small percentage of those with a brain injury.</p> <p>In addition, the application says:</p> <p>The state assures that this waiver amendment or renewal will be subject to any provisions or requirements included in the state's most recent and/or approved home and community-based settings Statewide Transition Plan. The state will implement any CMCS required changes by the end of the transition period as outlined in the home and community-based settings Statewide Transition Plan.</p> <p>This comment is very concerning because we are not guaranteed any opportunity for public comment on what this looks like in regards to the TBI Waiver. Basically the state puts in whatever gets approved and we just have to accept it. That totally violates a basic tenet of the disability community "Nothing About Us Without Us". I hope you will consider this.</p>
Response	Thank you for your comment Kathy. The HCBS unit will continue to advocate for additional providers that may want to apply to provide services for the TBI Waiver to ensure interested parties are aware of the opportunity. At this time, Nebraska will continue to keep 40 slots and has the opportunity to increase slots when more providers do enroll for the service of assisted living, or when the state increases services under the TBI Waiver and the need for additional slots is indicated.
Changes Made or Rational	No changes were made to the TBI Waiver Amendment as a result of these comments. This Waiver Amendment includes time sensitive items that need to be implemented this year. Nebraska will evaluate the ability to address the concerns for the TBI Waiver in the future.
Public Comment #2	e-mail
Comment Received	March 23, 2020 7:31pm from Peggy Reisher, Executive Director of the Brain Injury Alliance of Nebraska
Public Comment	As the executive director of the Brain Injury Alliance of Nebraska, I would encourage the department to continue to look for ways to expand the TBI Waiver beyond the 40 slots just within an assisted living level of care (QLI). Individuals with brain injury across the state deserve to be eligible

	<p>for this wavier beyond one provider in the eastern part of Nebraska. This should be available in a community of their choice.</p> <p>Secondly, I recommend you make public comments available after you get CMS's feedback regarding the final rule. Advocates should be allowed to continue to give input.</p>
Response	<p>Thank you for your comment Peggy. The HCBS unit understands the importance of individuals receiving services in the community of their choice. The Aged and Disabled waiver is an option for serving individuals who are not able to or do not want to reside where services are provided for the TBI Waiver. At this time, Nebraska will continue to keep 40 slots and has the opportunity to increase slots when more providers do enroll for the service of assisted living, or when the state increases services under the TBI Waiver and the need for additional slots is indicated.</p>
Changes Made or Rational	<p>No changes were made to the TBI Waiver Amendment as a result of these comments. This Waiver Amendment includes time sensitive items that need to be implemented this year. Nebraska will evaluate the ability to address the concerns for the TBI Waiver in the future.</p>

Summary for CMS:

The TBI Waiver Amendment was sent for Tribal Notice on January 15, 2020, and again on February 6, 2020 date with a revision. Notice of the public comment period was shared verbally at the Home and Community Based Services stakeholder meetings on February 25, 2020, with attendees in person and over the telephone, and published electronically on Nebraska’s DHHS website February 28, 2020. The public comment period was from February 28, 2020 to March 29, 2020 including two Webinar meetings with a toll free number to call in and one in person meeting with Webinar capabilities and a toll free number to call in. Two e-mails were received as public comment. Both e-mails expressed concern about the limited number of waiver slots available and the fact only one provider is enrolled for the TBI Waiver assisted living service, limiting community choice. Additionally the two e-mails requested that after updates are made to the Statewide Transition Plan based on feedback from CMS, that an additional public comment period is allowed. Public comments can be found on the following website: <http://dhhs.ne.gov/Pages/Medicaid-HCBS-Public-Comments.aspx>

No modification to the TBI Waiver Amendment were made as result of these comments. Nebraska DHHS will continue to keep the number of waiver slots available at this time. Nebraska DHHS will have the opportunity to increase slots when more providers enroll for the service of assisted living, or when the state increases services under the TBI Waiver and the need for additional slots is indicated.