

Transition Plan Addendum  
Aged and Disabled Waiver (AD) and Traumatic Brain Injury Waiver (TBI)

Waiver Program Summary

Aged and Disabled: The AD waiver serves persons of all ages whose service needs would qualify for Medicaid nursing facility services. These individuals – aged persons, adults with physical disabilities, and children with physical disabilities and medical conditions – are provided the option of home and community-based services when they can be safely served at home with waiver services. Persons eligible for this waiver program may live in their own homes, apartments, or with family or friends; or chose to reside in a licensed assisted living apartment.

Eligible persons must have an assessed need for one or more of the following services available through the Aged and Disabled Waiver:

- **Adult Day Health Services:** Structured social and health activities provided outside of the client's home in licensed Adult Day Service setting.
- **Assisted Living Service:** Personal care and supportive services provided by a licensed assisted living provider in a homelike, non-institutional residential setting. Room and board costs are not included in this service.
- **Assistive Technology Supports and Home Modifications:** Specialized equipment and supplies to increase, maintain, or improve functional capacity; physical adaptations to the client's private residence to ensure well-being or greater independence.
- **Chore Services:** Assistance with tasks the client is unable to perform, including general household tasks, activities of daily living, shopping, meal preparation, and supervision.
- **Extra Care/Child Care for Children with Disabilities:** Medically-necessary care and supervision while parents/usual caregivers are working or attending school. Service may be provided in the child's home or in an approved provider setting of the family's choice.
- **Home Again Services:** Expenses incurred to allow a nursing facility resident to move to a non-institutional living arrangement. Allowable costs include basic household furniture, furnishings, supplies, security deposits, and utility fees.
- **Home Delivered Meals:** A meal prepared outside of the client's home and delivered to the client's home for immediate consumption.
- **Independent Skills Building:** Training for clients or caregivers to promote independent functioning.
- **Nutrition Services:** Nutritional assessment and intervention provided by a licensed professional.
- **Personal Emergency Response System (PERS):** An electronic device programmed to secure help when activated in an emergency situation.
- **Respite Services:** Short-term care and supervision for waiver clients either in their own homes or in an approved setting of their choice to provide relief time for the usual caregiver.
- **Transportation:** Travel to access non-medical community resources and services.

Traumatic Brain Injury: The TBI waiver serves adults ages 18-64 whose service needs would qualify for Medicaid nursing facility services. These individuals with brain injury are provided the option of home and community-based services when they can be

safely served with waiver services. The service of the TBI waiver is the Assisted Living Service where personal care and supportive services are provided by a licensed assisted living provider in a homelike, non-institutional residential setting. Room and board costs are not included in this service.

Applying the HCBS Final Rule: The HCBS Final Rule applies to all services. However, it does specifically apply to waiver services received in a provider-owned or controlled residential setting. For the Aged and Disabled and Traumatic Brain Injury Waivers, this places the focus on Assisted Living Service. Even though this document focuses on Assisted Living Service, which is a residential setting, comments about applying the Rule to non-residential AD and TBI waiver services are also welcome.

The HCBS Final Rule emphasizes that all provider settings must truly be home and community-based, not operating like an institution. The State must assure that all Assisted Living providers support full access to the larger community and ensure each resident's rights to privacy, dignity and respect, and freedom from coercion and restraint. To be approved providers for the AD and TBI Waivers, all assisted living settings must operate in this way. The setting must not have the qualities of an institution and must have the qualities of being home and community-based.

Qualities of an HCBS Setting: Nebraska's AD and TBI waivers propose to assess the degree to which each current provider of Assisted Living services is in compliance with the requirements of the new HCBS Rule. Many HCBS requirements are already in place in policy or practice; some are new or enhanced.

Qualities in a residential setting that are Home and Community-Based include:

1. Service Options and Rights
  - a. Treated with dignity and respect;
  - b. Privacy rights are protected;
  - c. Access to private method of communication (e.g., telephone, text, email), as desired;
  - d. Free from coercion and restraint
  - e. Unrestricted access in the setting;
  - f. Personal funds not controlled by the provider;
  - g. Choice in daily scheduling (e.g., bathing, sleep times, leisure activities); and
  - h. Visitors, as the resident chooses.
2. The Apartment
  - a. Single occupancy unless double occupancy is requested by the client due to a prior relationship with a specific person;
  - b. Lease or other formal agreement for specific apartment, including landlord-tenant protections from eviction;
  - c. Not located in Medicaid-identified, segregated area(s) of the building;
  - d. Attached bath area with at least a toilet and sink;
  - e. Lockable apartment;
  - f. Physical environment meets the needs of persons served; and
  - g. Freedom to decorate and furnish, as desired.
3. Access to Food
  - a. Meal time flexibility;
  - b. Choice of what to eat;

- c. Choice of eating alone or with others;
  - d. An option for cooking provided to each resident; and
  - e. Access to snacks.
4. Community Connections
- a. Opportunity, access, and comfortable space for social interactions with other residents in the setting;
  - b. Resident awareness of and access to wider community events;
  - c. Resident participation in informal activities in the community such as shopping, church, or lunch with family and friends; and
  - d. Right to choose whether or not to participate in these opportunities.
5. Demographics for data collection
- a. Ownership;
  - b. Physical setting of the building; and
  - c. Number of apartments.

Thank you for your comments. Thank you for partnering with Medicaid and Long-Term Care to improve options for consumers of home and community-based waiver services.

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