“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.”

Pursuant to
Neb. Rev. Stat. § 84-901.03
The purpose of this provider bulletin is to clarify which activities may be supported while providing Habilitative Community Inclusion (HCI) services to Medicaid HCBS DD Waiver participants. Participants may be supported through HCI services in pursuing and engaging in activities which may earn the participant minimal or nominal amounts of money, but are not considered work activities or employment. These activities are referred to as “hobbies” or “sporadic activities.”

Hobbies include activities typically done for sport or recreation, or activities in which earning income to achieve greater self-sufficiency is not the primary aim.

If a participant has an employment or self-employment goal, the participant must be referred to Vocational Rehabilitation. Vocational Rehabilitation does not consider hobbies or sporadic activities to be competitive, integrated employment, and will determine if a participant’s activity meets the definition of employment or self-employment. Examples of activities not considered to be competitive, integrated employment include, but are not limited to: multilevel marketing, speculative ventures, and online resale.

If you have any questions about this provider bulletin, please contact Katie Weidner, Provider Relations Program Manager at Katie.Weidner@nebraska.gov or 402-471-8716.