

Executive Board
LB 837
January 25, 2017

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Division of Developmental Disabilities
Department of Health and Human Services

Good afternoon, Senator Watermeier, and members of the Executive Board. My name is Courtney Miller (C-O-U-R-T-N-E-Y M-I-L-L-E-R), and I am the Director of the Division of Developmental Disabilities (DDD) in the Department of Health and Human Services (DHHS). I am here to testify in opposition of LB 837.

LB 837 would require the Department to submit any Medicaid waiver applications to the Health and Human Services Committee before submitting to the Centers for Medicare and Medicaid Services (CMS). The bill also allows the committee to hold a public hearing and gives the committee approval and disapproval authority over the submission of waiver applications.

Home and Community-Based Services (HCBS) Developmental Disability (DD) waivers are Medicaid waivers and my division has the responsibility of administering them. Under this bill, the state may see delays in submitting waivers which could cause a loss of federal funding that ensure Nebraskans with a developmental disability, who are most in need, to continue receiving services and risks our ability to make sure services are delivered.

I recently requested extensions from CMS for the state's two Medicaid HCBS DD waivers, six (6) temporary extensions were granted from January 2016 to June 2017. Two (2) additional extensions for one of the waivers were granted through September 2017. Nebraska's approved Medicaid HCBS DD waivers were set to expire at the end of 2015. In order to address issues surrounding services and reimbursement in the previous waivers, the state worked closely with our federal partners to develop new waivers. The state also worked closely with stakeholders and advocates during this development, posting information online, holding town hall meetings, establishing multiple workgroups, and regular public meetings. During the development phase, extensions were important to ensure services continued for those covered by the waivers. Any delay in submitting these extension requests could have led to the ending of the waiver and the loss of services for these vulnerable Nebraskans.

Again, I oppose LB 837 because it duplicates existing oversight, raises concerns about the separation of powers, and could delay the waiver approval process, and cause vulnerable Nebraskans to lose needed services due to negative fiscal implications.

Thank you for the opportunity to testify and I'm happy to answer any questions you have.