



Public Information Session for Waiver Changes *Aged and Adults and Children with Disabilities (AD) Waiver* *Traumatic Brain Injury (TBI) Waiver*

Public Comment Period from February 2 through March 4, 2026

Public Information Session
February 5, 2026

Presented by the Division of Developmental Disabilities
Home and Community-Based Services

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Overview of Proposed Changes

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Appendix B: Participant Access and Eligibility

- Removed language specific to Individual Cost Limit.
 - *There will no longer be an absolute Individual Cost Limit on either waiver.*
- Updated method of implementation of the Individual Cost Limit
 - *This section has been removed (only required with an Institutional Cost Limit).*
- Updated Participant Safeguard(s)
 - *This section has been removed (only required with an Institutional Cost Limit).*

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Appendix C: Participant Services

Updated applicable limits on the amount, frequency, and duration of the following services.

- Personal Care and LRI (Legally Responsible Individual) Personal Care are no longer limited to a **combined** 40-hour limit.
 - Limited to hours based on need identified by the Service Needs Assessment/SNA (Personal Care) and the Extraordinary Care Tool (LRI Personal Care).
- ***The 70-hour combined limit on Personal Care, LRI Personal Care, and Companion has been removed.***

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Appendix C: Participant Services

New Service Limitation on the amount of services (C-4).

- *Participants shall be limited to no more than **150% of the average NF institutional costs** for home and community-based services only. Exceptions may be approved by DDD Clinical Team beyond this limit, if the participant's need for personal care services provided by out-of-home caretakers exceeds the 150% service limit and is necessary to support the participant's immediate health and safety needs.*
- In explanation, the modified cap will allow participants to access up to **\$138,657** of waiver services, including personal care services when supported by the SNA, prior to an Exception Review, which could allow additional spending to support a participant's immediate health and safety needs when utilizing out-of-home caretakers to live independently.

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Exception Review

- Participants, living independently, may apply, and be approved for, an exception to the 150% Institutional Cost Limit on services to meet their immediate health and safety needs and allow them to continue to live independently.
- These exceptions, submitted by the Service Coordinator, to the DDD Clinical Team, in DDD Central Office will review the exception based on service needs, level of care assessment, and medical diagnosis to determine the appropriateness of the exception.
- The DDD Clinical Team includes RNs, BCBAAs, and Psychologists.

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Appendix C: Participant Services

- Removed Fingerprint-based Criminal Background Check (FCBC) from agency provider requirements.
- Removed CPR and First Aid training requirement for home-delivered meal providers (updated to align AD to TBI).

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Public Comments are Essential

When submitting a waiver application, it is an opportunity to provide input on the proposed Waiver Amendments.

We want to consider what is important to participants, families, and providers.

This is why *public comment periods* are vital.

Please submit your comments.



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After the Public Comment Period

- All comments will be reviewed and considered for changes to the HCBS waiver drafts.
- Public comments, summarized response, and resulting changes will be posted on the DDD website.
- A summary of public comments will be included in the waiver application when submitted to CMS.
- If public comments indicate a need for substantive change(s), the HCBS waivers will be re-drafted and re-posted for another public comment period.

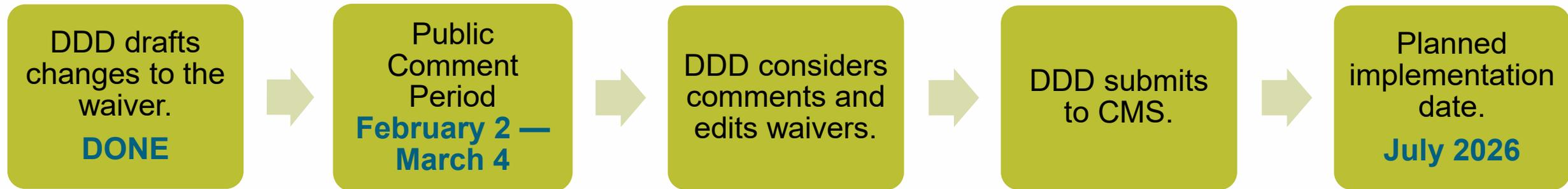
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Waiver Timeline



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Resources

Public Comment information, including copies of HCBS waiver applications, is on the DDD website:



<https://dhhs.ne.gov/Pages/DD-Public-Comment.aspx>

The Division has developed [*Tips for Submitting Effective Comments*](#) to support the public in submitting comments.

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Tips for Submitting Effective Comments

Examples:

- Clearly identify issues in the posted document(s) on which you are commenting.
- When you are commenting on a particular word, phrase, or sentence, provide the PDF page number(s) or document section.
- When you disagree with a proposed change, suggest an alternative and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective.
- Consider including examples of how the proposed rule would impact you negatively or positively.

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Submitting Public Comments

***Written comments must be postmarked or received by
March 4, 2026.***

- **Online:** [Online Public Comment Form](#)
- **Email:** DHHS.HCBSPublicComments@nebraska.gov
- **US Mail:** DDD Public Comments; PO BOX 98947; 301 Centennial Mall South; Lincoln, NE 68509



Notice: After submission, comments will be processed by the Division and posted to the DDD Public Comment website. Efforts will be made to redact personally identifiable information when significant privacy concerns are identified but public comments may be posted in their entirety and without edits.

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Questions Regarding the Proposed Waivers

Please submit comments via the online form, email, or by US mail.

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