

## Independent Living

*The service definition and limits outlined below do not include all details and requirements. For the service standards, limitations, provider types and qualifications, and reimbursement information, refer to the appropriate Medicaid HCBS DD Waiver.*

### Waiver Availability

- Family Support Waiver (FSW)
- Developmental Disabilities Adult Day (DDAD) Waiver
- Comprehensive Developmental Disabilities (CDD) Waiver

### NFOCUS Service Codes

**Independent Living – Agency or Independent 2639**

### Service Definition

Independent Living is a habilitative, intermittent service, which teaches the participant skills related to living independently and community integration. Independent Living is provided in the participant's private home.

### Conditions of Provision

- A. A participant chooses each service based on their needs.
  - 1. Services should increase independence and community integration; and
  - 2. The chosen waiver services and who provides them are documented in the participant's Person-Centered Plan (PCP).
- B. Independent Living includes activities of daily living, such as but not limited to:
  - 1. Personal hygiene;
  - 2. Laundry and household chores;
  - 3. Meal preparation;
  - 4. Activities in the community; and
  - 5. Social and leisure skills.
- C. A portion of this service can be delivered virtually, which includes but is not limited to:
  - 1. The participant's needs must be able to be met with verbal cueing and other support that can be provided virtually;
  - 2. Available to participants in the basic and intermediate funding tier;
  - 3. The majority of Independent Living provided each week must be provided in-person; and
  - 4. Virtual supports may not exceed a weekly amount of 10 hours in the 70-hour weekly amount.
- D. Independent Living is a habilitative service and must include habilitation programs. Individual habilitation programs must be conducted, and data recorded each time the service is provided.
- E. Independent Living has the following limitations:

1. Independent Living is an intermittent habilitative service provided to a participant who does not require continuous support 24 hours a day.
2. Independent Living cannot be provided when the participant is sleeping.
3. Independent Living is only available for a participant aged 19 years or older.
4. Independent Living is generally provided in the participant's private home.
5. Independent Living cannot be delivered in an agency provider owned or leased, operated, or controlled residence.
6. Independent Living can be provided for up to three participants at the same time. Groups of more than three are not allowed within this service.
7. Participants receiving Independent Living cannot receive:
  - a. Behavioral In-Home Habilitation;
  - b. Medical In-Home Habilitation;
  - c. Continuous Home;
  - d. Host Home;
  - e. Shared Living;
  - f. Respite;
  - g. Supported Family Living; or
  - h. Youth Continuous Home.
8. Participants receiving Independent Living cannot earn money during the service.
9. Independent Living shall exclude any services available through public education programs funded under the Individuals with Disabilities Education Act (IDEA).
  - a. This includes services not otherwise available through public education programs in the participant's local school district, including after school supervision and daytime services when school is not in session (such as summer breaks and/or scheduled school holidays, in-service days).
  - b. Services cannot be provided during the school hours set by the local school district.
  - c. Regular school hours and days apply for a child who receives home schooling.
  - d. Independent Living cannot overlap with, replace, or duplicate other similar services provided through Medicaid.
10. Independent Living has a weekly cap of:
  - a. 70 hours for the CDD Waiver;
  - b. 25 hours for the DDAD Waiver; and
  - c. 70 hours for the FSW;
  - d. A week is defined as 12:00 am Monday through 11:59 pm Sunday.

## Provider Requirements

*The information outlined below does not include all provider requirements. It is intended to be general information about providers of this specific DD service.*

- A. All providers of waiver services must:
  1. Be a Medicaid provider;
  2. Comply with all applicable Titles of the Nebraska Administrative Code and Nebraska State Statutes;
  3. Adhere to standards as described in the Division of Medicaid and Long-Term Care Service Provider Agreement;

4. Complete DHHS trainings upon request; and
  5. Use universal precautions.
- B. Independent Living can be offered by a DD agency provider or independent provider.
1. A DD agency provider is a company enrolled as a Medicaid provider and certified by DHHS to provide DD services and is responsible for:
    - a. Hiring and supervising employees who work with the participant;
    - b. Employing staff based on their qualifications, experience, and demonstrated abilities;
    - c. Providing training to ensure staff are qualified to provide the necessary level of care;
    - d. Agreeing to make training plans available to DHHS;
    - e. Ensure adequate availability and quality of service; and
    - f. Other administrative functions.
  2. A DD independent provider is a person or vendor enrolled as a Medicaid provider and employed by a participant.
    - a. The participant is responsible for hiring and supervising their provider.
- C. Independent Living can be self-directed.
- D. Independent Living may be provided by a relative or Legal Guardian but not a Legally Responsible Individual.
- E. Independent Living requires an operational Electronic Visit Verification (EVV) system which allows the check-in and out of service appointments electronically. Computer skills and access to the technology for the EVV system are required for Independent Living providers.

## Rates

- A. Independent Living must be purchased within a participant's annual individual budget amount.
- B. Independent Living is reimbursed at an hourly rate.
- C. Rates are dependant on the number of people receiving the service:
  1. Individual (one participant);
  2. Group of two; and
  3. Group of three.
- D. The cost of transportation is:
  1. Included in the rate during Independent Living;
  2. Not included in the rate to the site where Independent Living begins; and
  3. Not included in the rate from the site where Independent Living ends.
- E. DD Rates are listed on the [DD Provider webpage](#).
  1. Only one fee schedule is effective at a time.
  2. The start date is on each schedule; once a fee schedule is no longer valid an end date is added.

