



Medicaid and CHIP Operations Group

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June 17, 2026

Drew Gonshorowski  
State Medicaid Director  
Division of Medicaid and Long-Term Care  
301 Centennial Mall South, 5<sup>th</sup> Floor  
PO Box 95026  
Lincoln, NE 68509-5026

RE: 1915(c) Traumatic Brain Injury Waiver, NE 40199.R05.01 amendment

Dear Director Gonshorowski:

The Centers for Medicare & Medicaid Services (CMS) is approving your request to amend 1915(c) Traumatic Brain Injury Waiver for participants with traumatically acquired, non-degenerative, noncongenitally structural brain damage who meet nursing facility level of care. The CMS Control Number for the amendment is NE 40199.R05.01. Please use this number in future correspondence relevant to this waiver action.

With this amendment, the state is:

- Updating Public Input.
- Correcting spelling and grammar mistakes (All Appendices).
- Correcting the date of the Nebraska State Medicaid Plan.
- Adding the minimum frequency for the provision of waiver services.
- Updating qualifications for assessors performing evaluations of the level of care.
- Removing language about the outdated level of care tool.
- Updating the process language for level of care.
- Updating information about staff completing re-evaluations.
- Adding information about where Level of Care documentation is stored.
- Updating the procedures for participants' freedom of choice.
- Updating language to include service coordination offices.
- Updating the methods for access to services by Limited English proficient persons.
- Adding LRI Personal Care service to better address participant needs.
- Removing Caregiver Training service. Sunsetting upon amendment approval.
- Updating provider standards for all services.
- Adding provider types to the following services:

- TBI Personal Care
  - TBI Respite Care
  - Assistive Technology
  - Chore
  - Community Connections
  - Home Modifications
  - Non-medical Transportation
  - Personal Emergency Response System (PERS)
  - Supported Employment Follow-Along
  - TBI Companion
  - Vehicle Modifications
- Allowing for payment to Legally Responsible Individuals and Relatives/Legal Guardians.
  - Updating applicable services to include services that may be offered by legal guardians.
  - Adding wording for statutory requirements for legal guardians as new providers.
  - Checking boxes for questions.
  - Updating Service Coordinator qualifications. Removing degree requirement.
  - Unchecking “registered nurse” from responsibility for service plan development.
  - Updating language to reflect that current service providers are included in the development of the person-centered plan (PCP) and may attend the PCP meeting.
  - Adding information for questions (h) and (i) on the new waiver template.
  - Checking boxes for HCBS Settings Requirements for Service Plans.
  - Reordering information.
  - Adding additional information.
  - Updating language to reflect “number of participants reviewed”.
  - Adding the definition of “participant”.
  - Removing the excess performance measure.
  - Updating services that require the use of EVV to include LRI Personal Care and remove Chore.
  - Updating cost analysis information.

The effective date of the amendment is July 1, 2026.

This approval is subject to your agreement to serve no more individuals than the total number of unduplicated participants indicated in Appendix J.2 of the waiver. If the state wishes to serve more individuals or make any other alterations to this waiver, an amendment must be submitted for approval.

It is important to note that CMS’ approval of this waiver amendment solely addresses the state’s compliance with the applicable Medicaid authorities. CMS’ approval does not address the state’s independent and separate obligations under federal laws including, but not limited to, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or the Supreme Court’s Olmstead decision. Guidance from the Department of Justice concerning compliance with the Americans with Disabilities Act and the Olmstead decision is available at [http://www.ada.gov/olmstead/q&a\\_olmstead.htm](http://www.ada.gov/olmstead/q&a_olmstead.htm).

Thank you for your cooperation during the review process. If you have any questions concerning this information, please contact me at (410) 786-7561. You may also contact Rhonda Wells at Rhonda.Wells@cms.hhs.gov or (816) 426-6486.

Sincerely,

George P. Failla, Jr., Director  
Division of HCBS Operations and Oversight

cc: Tyson Christensen, CMS  
Bernice Denbow, CMS  
Daphne Hicks, CMS