



We are glad you are here!

**HCBS Waiver Amendments
Public Comment Period: January 13 – February 13, 2025**

**Zoom Presentations:
January 15, 17, 21, 24, and February 6, 2025**

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

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Agenda

- General Information for All Waivers
- Overview of Appendices
- Timeline
- Resources
- Questions and Comments



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General Information for all Medicaid Home and Community Based 1915(c) Waivers

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Medicaid Home and Community-Based Services (HCBS) Waivers

- Nebraska uses Medicaid 1915(c) Home and Community-Based Services (HCBS) waivers to promote community living and avoid institutionalization in nursing facilities (NF), hospitals, or Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).
- To provide waiver services, Nebraska must submit an application to the federal Centers for Medicare and Medicaid (CMS) for approval.
- In Nebraska, the Division of Developmental Disabilities (DDD) is responsible for the delivery of 1915(c) HCBS Waivers.

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The Medicaid (HCBS) Waiver Application

The waiver application contains 10 appendices:

- Appendix A: Waiver Administration and Operation
- Appendix B: Participant Access and Eligibility
- Appendix C: Participant Services
- Appendix D: Participant-Centered Planning and Service Delivery
- Appendix E: Participant Direction of Services
- Appendix F: Participant Rights
- Appendix G: Participant Safeguards
- Appendix H: Systems Improvement
- Appendix I: Financial Accountability
- Appendix J: Cost Neutrality Demonstration

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Medicaid HCBS Waiver Eligibility

All people receiving services from Nebraska Medicaid HCBS Waivers must:

- Be a citizen or legal resident of the US;
- Be a legal resident of the state of Nebraska;
- Be eligible for and receiving Nebraska Medicaid;
- Have a need for waiver services; and
- Meet the level of care requirement for the waiver they receive.

Waiver services supplement services available through the Medicaid State Plan and may not duplicate or overlap with Medicaid services.

- The Medicaid State Plan describes the nature and scope of the Nebraska Medicaid Program.
- State Plan Services can be viewed online at:
<https://dhhs.ne.gov/Pages/Medicaid-Services.aspx>

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Medicaid HCBS Waiver Services

Medicaid HCBS Waiver Services cannot be used for the following:

- Room and board;
- General home repair;
- Services available from other sources such as Vocational Rehabilitation (VR);
- Ordinary childcare; or
- Given directly to the participant.

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Nebraska's Medicaid HCBS Waivers

A person may meet eligibility requirements for more than one waiver but can *only receive services under one waiver at a time.*

- **Family Support Waiver (FSW)** – Ages **birth to 21 years**, intended to support the child and their family.
- **Developmental Disabilities Day Services For Adults (DDAD) Waiver** – **Age 21 and older**, intended to maximize independence to work in the community; focus on competitive, integrated employment.
- **Comprehensive Developmental Disabilities (CDD) Waiver** – **All ages**, intended to maximize independence as people live, work, and socialize in their community.
- **Aged and Adults and Children with Disabilities (AD) Waiver** – **All ages with a physical disability** and ages 65 and older, intended to help people live safely in their own home or assisted living; instead of a nursing facility.
- **Traumatic Brain Injury (TBI) Waiver** – **Ages 18 and older**, intended to help people live safely in their own homes or assisted living.

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 draft HCBS Waivers.
- A summary of all public comments, responses, and resulting changes will be posted on the DDD website.
- A summary of public comments will be included in the waiver application when it is submitted to CMS.
- If public comments indicate a need for substantiative change(s), the HCBS Waivers will be re-drafted and re-posted for another public comment period.

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Proposed Draft Overviews:

Comprehensive Developmental Disabilities (CDD)

Developmental Disabilities Day Services for Adults (DDAD)

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Appendix B: Participant Access and Eligibility

- Specified the target group for eligibility and enrollment.
- Removed limit on the number of participants the waiver serves at any point in time during a waiver year.
- Removed reserved capacity.
- Updated qualifications of individuals performing initial evaluations.
- Updated the Level of Care (LOC) criteria and process for evaluation/reevaluation
- Replaced Disabilities Service Specialist (DSS) with DDD personnel.
- Specified plan access to services for individuals with Limited English Proficiency (LEP).
- Updated references of ICAP to new level of care assessment tool.

Appendix C: Participant Services (1 of 3)

- Aligned service limitations language in all services to specify services cannot be provided at the same time as school hours set by the school district.
- Removed budget and year cap for Home Modifications and Vehicle Modifications.
- Removed supervision requirements for Board-Certified Behavior Analysts (BCBAs).
- Updated applicable services to be provided by Relative Legal Guardians and Legally Responsible Individuals (LRIs) acting as Agency employees, unless otherwise approved by DDD Central Office.
- Added specifications for payments to Legally Responsible Individuals (LRIs) and Relative Legal Guardians.

Appendix C: Participant Services (2 of 3)

- Removed EVV requirement for Medical In-Home and Behavioral In-Home.
- Updated monthly maximum on Medical In-Home and Behavioral In-Home to 152 hours per month.
- Updated service hours for Prevocational Service:
 - After the initial 12 months, an additional 12 months may be approved after the participant submits a referral to Vocational Rehabilitation.
 - After 24 months, additional months must be approved by DDD Central Office.
- Updated annual limit on Supported Employment – Individual to 1,820 hours per year.

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Appendix C: Participant Services (3 of 3)

Added the following Services:

- Benefits Counseling
- Employment Exploration
- Health Maintenance Monitoring
- Remote Supports
- Adult Day Retirement
- LRI Personal Care

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Appendix C: Participant Services (CDD Only)

- Separated Residential Habilitation into four services:
 - Continuous Home
 - Host Home
 - Shared Living
 - Youth Continuous Home (ages 18 and under)
- Exceptions may be made for participants aged 18 years and under who wish to reside in Continuous Home, Host Home, or Shared Living, with DDD Central Office approval.

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Appendix D: Participant-Centered Planning and Service Delivery

- Updated Service Coordination qualifications:
 - Bachelor's Degree in a human behavioral sciences field or four years of equivalent experience serving individuals with intellectual or other disabilities, long-term care, and other related fields; and
 - Knowledge of current practices in the field of community-based services; and
 - Knowledge of program resources/services available in Nebraska for persons with intellectual and other developmental disabilities; and
 - Ability to mobilize resources to meet participants.
 - *Note: Additional qualification requirements are included in the waiver.*
- Updated references of ICAP to new level of care assessment tool.

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Appendix F: Participant Rights

- Updated reasons for grievances.

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Appendix G: Participant Safeguards

- Removed supervision requirements for Board-Certified Behavior Analysts (BCBAs).
- Updated Reported Incidents definitions to align with HCBS Final Rule.
- Updated reportable incidents.
- Added Critical Incident performance measure.

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Appendix I: Financial Integrity and Accountability

- Updated references of ICAP to new level of care assessment tool.
- Updated services that require the use of Electronic Visit Verification (EVV).
- Added risk tiers.

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Appendix J: Cost Neutrality Demonstration

- Updated cost analysis information (CDD only).

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Proposed Draft Overview: Family Support Waiver (FSW)

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Appendix B: Participant Access and Eligibility

- Specified the target group for eligibility and enrollment in the CDD waiver.
- Removed limit on the number of participants the waiver serves at any point in time during a waiver year.
- Removed reserved capacity.
- Updated qualifications of individuals performing initial evaluations.
- Updated the Level of Care (LOC) criteria and process for evaluation/reevaluation
- Replaced Disabilities Service Specialist (DSS) with DDD personnel.
- Specified plan access to services for individuals with Limited English Proficiency (LEP).
- Updated references of ICAP to new level of care assessment tool.

Appendix C: Participant Services (1 of 2)

- Aligned service limitations language in all services to specify services cannot be provided at the same time as school hours set by the school district for all students.
- Updated applicable services to be provided by Relative Legal Guardians and Legally Responsible Individuals (LRIs) acting as Agency employees, unless otherwise approved by DDD Central Office.
- Added specifications for payments to Legally Responsible Individuals (LRIs) and Relative Legal Guardians.

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Appendix C: Participant Services (2 of 2)

Added the following services:

- LRI Personal Care
- Health Maintenance Monitoring
- Remote Supports

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Appendix D: Participant-Centered Planning and Service Delivery

- Updated Service Coordination qualifications:
 - Bachelor's Degree in a human behavioral sciences field or four years of equivalent experience serving individuals with intellectual or other disabilities, long-term care, and other related fields; and
 - Knowledge of current practices in the field of community-based services; and
 - Knowledge of program resources/services available in Nebraska for persons with intellectual and other developmental disabilities; and
 - Ability to mobilize resources to meet participants.
 - *Note: Additional qualification requirements are included in the waiver.*
- Updated references of ICAP to new level of care assessment tool.

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Appendix F: Participant Rights

- Updated reasons for grievances.

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Appendix G: Participant Safeguards

- Updated Reported Incidents definitions to align with HCBS Final Rule.
- Updated reportable incidents.
- Added Critical Incident performance measure.

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Appendix I: Financial Integrity and Accountability

- Updated references of ICAP to new level of care assessment tool.
- Updated services that require the use of Electronic Visit Verification (EVV).

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Appendix J: Cost Neutrality Demonstration

- Updated cost analysis information.

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Proposed Draft Overview:

Aged and Adults and Children with Disabilities (AD) Waiver

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Appendix B: Access and Eligibility

- Update qualifications of individuals performing Initial Evaluation.
- Removed wording for assessment transition from CONNECT LOC to interRAI.
- Removed wording requiring LOC assessment to be completed within 14 days to align with Regulation.
- Specified plan access to services for individuals with Limited English Proficiency (LEP) language.

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Appendix C: Participant Services

- Updated applicable services to allow for payments to Relative Legal Guardians acting as Agency employees, unless otherwise approved by DDD Central office.
- Added specifications for payments to Legally Responsible Individuals (LRIs) and Relative Legal Guardians.
- Added wording for statutory requirements for Legal Guardians as new providers after July 1, 2025.
- Revised Service Specifications for the following services:
 - Home Modifications
 - Vehicle Modifications
- Added the following service:
 - LRI Personal Care

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Appendix D: Participant-Centered Planning and Service Delivery

Updated Service Coordination qualifications:

- Bachelor's Degree in a human behavioral sciences field or four years of equivalent experience serving individuals with intellectual or other disabilities, long-term care, and other related fields; and
- Knowledge of current practices in the field of community-based services; and
- Knowledge of program resources/services available in Nebraska for persons with intellectual and other developmental disabilities; and
- Ability to mobilize resources to meet participants.
- *Note: Additional qualification requirements are included in the waiver.*

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Appendix F: Participant Rights

- Updated reasons for grievances.

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Appendix G: Participant Rights

- Removed supervision requirements for Board-Certified Behavior Analysts (BCBAs).
- Updated Reported Incidents definitions to align with HCBS Final Rule.
- Updated Reportable Incidents.

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Appendix I: Financial Integrity and Accountability

- Updated services that require the use of EVV.

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Appendix J: Cost Neutrality Demonstration

- Updated cost analysis information.

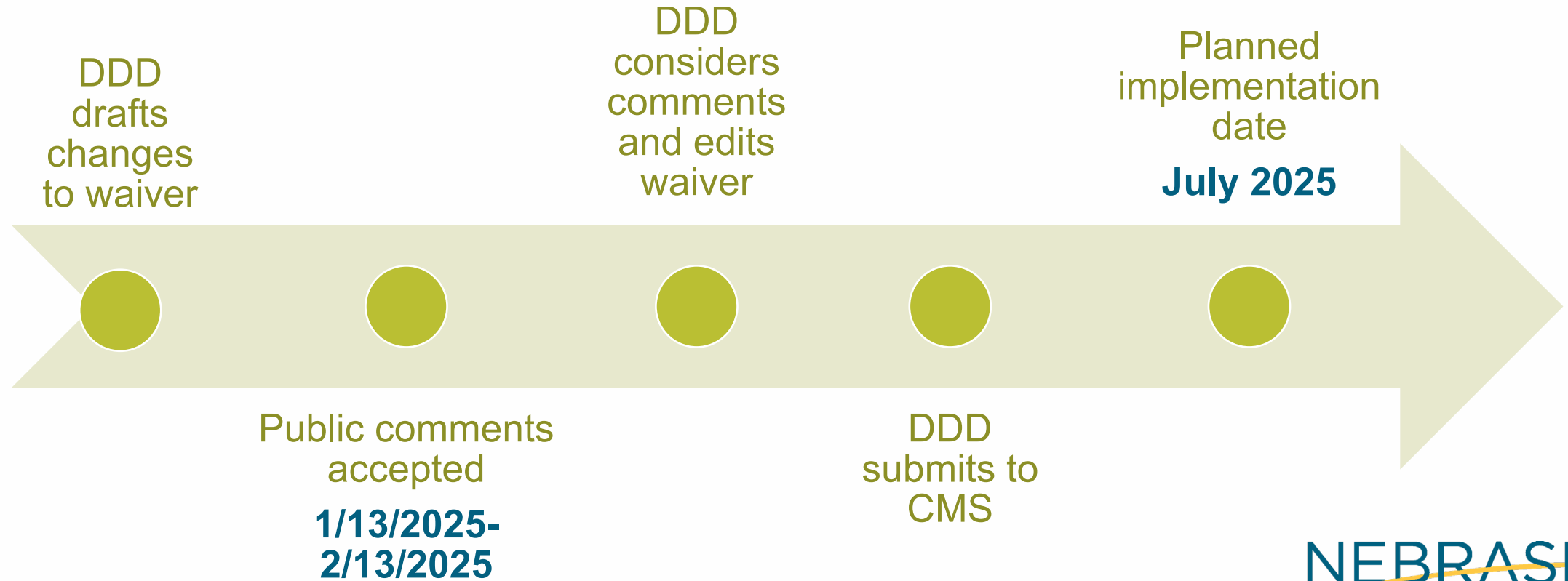
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Waiver Timeline



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Resources

- Comments on the proposed waiver can be emailed to: DHHS.HCBSPublicComments@nebraska.gov
- Public Comment information including copies of HCBS waiver applications on the DDD website:



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

SHARE YOUR THOUGHTS

Public comments will be accepted:

DHHS.HCBSPublicComments@nebraska.gov

Division of Developmental Disabilities
(877) 667-6266



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