

Category	Commenter	Comment	Response	Updates to Waiver
ARP Funds Allocation	Email, Alana Schriver Executive Director, NE Association of Service Providers	As the state association for DD provider agencies, we can assure the state that this additional funding is desperately needed.	The Division of Developmental Disabilities (DDD) appreciates this feedback.	No Changes.
ARP Funds Allocation	Email, Alana Schriver Executive Director, NE Association of Service Providers	Retention has always been an issue in this industry, but Nebraska's competitive labor market post-pandemic has exacerbated this issue even further. DD provider rates have not been rebased since 2019, meaning we haven't been able to adjust wages on pace with industries who are able to set their own prices. An infusion of one-time funds could be used for hiring and retention bonuses to address the direct care workforce crisis in our state.	DDD appreciates the feedback. The Division rate study was implmented over a 2 year period with a 4% increase in July 2020 and a 2.6% increase in 2021. The Division has also secured annual rate increases since the last rate rebasing through legislative appropriations. These amount to a 26% increase in 2022, a 3% increase in 2023 and a 2% increase in 2024.	No Changes.
ARP Funds Allocation	Email, Alana Schriver Executive Director, NE Association of Service Providers	One-time funds would also be extremely useful for providers wanting to begin supporting children on the new Family Support Waiver. Space is currently a barrier. Many of our members have expressed the desire to serve individuals on the FSW, but aren't hesitant to have children and adult participants in the same rooms and vehicles. One-time funds could be used to purchase a vehicle and outfit it specifically for children's needs. The funds could go towards site renovations to create kid-friendly areas.	DDD appreciates this feedback.	No Changes.
ARP Funds Allocation	Email, Alana Schriver Executive Director, NE Association of Service Providers	Many services require electronic visit verification. One-time funds could be used to update staff technology (smart phones, tablets) needed to complete EVV requirements.	DDD appreciates this feedback.	No Changes.
ARP Funds Allocation	Email, Alana Schriver Executive Director, NE Association of Service Providers	We are grateful to the Division of Developmental Disabilities for their effort to maximize any potential DD provider stabilization payments. This funding is extremely appreciated, needed, and will benefit many individuals with IDD across the state by shoring up the services they rely on to lead their most productive lives.	DDD appreciates this feedback.	No Changes.
ARP Funds Allocation	Public Presentation-Joe Valenti	What is the amount of funds being disbursed?	DDD is working with Medicaid partners to determine the exact allocation, which will depend on the services provided in 2024 and the available American Resuce Plan (ARP) funds outlined in the approved state spend plan.	No Changes.
ARP Funds Allocation	Public Presentation-Joe Valenti	What are the requirements on the funds, uses, etc.?	Supplemental payments will be made to agency providers to support the Home and Community-Based Services (HCBS) workforce and to ensure the financial stability of HCBS providers.	No Changes.
ARP Funds Allocation	Public Presentation-LeAnna	Who are these payments for and why are they necessary?	Supplemental payments will be made to agency providers to support the HCBS workforce and to ensure the financial stability of HCBS providers.	No Changes.
ARP Funds Allocation	Public Presentation-Envisions	Will there be reports required from providers on how the money is spent?	There will not be additional reporting requirements for these supplemental payments. Agency providers are responsible for maintaining records for future audits or record requests.	No Changes.
ARP Funds Allocation	Public Presentation-Joe Valenti	It seems unusual you do not have a dollar amount.	DDD is working with Medicaid partners to determine the exact allocation, which will depend on the services provided in 2024 and the available ARP funds outlined in the approved state spend plan.	No Changes.
ARP Funds Allocation	Public Presentation-Joe Valenti	I thought ARP Funding was done, the due date is passed.	The state has a deadline of March 2025 to spend all ARP funding.	No Changes.

ARP Funds Allocation	Public Presentation-Edison	I have not seen you do a presentation on waiver amendments before, why did you want to do a presentation on this set of waiver changes?	DDD always presents on waiver changes during public comment periods when amending, applying, or making substantive changes to waivers. However, Centers for Medicare and Medicaid Services (CMS) allows certain technical amendments, such as increasing waiver capacity, to be submitted without public comment.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why isn't the additional funding being offered to individuals on the DD waitlist? If not, can individuals on the DD waitlist be admitted to ICF DD if they meet Level of care? If not, why not?	Under Section 9817 of the ARP, states can implement a variety of activities, including enhancements to HCBS services, eligibility, infrastructure, and reimbursement methodologies, to enhance, expand, or strengthen Medicaid HCBS. All spending is subject to CMS approval within the state spend plan. Individuals currently on the waitlist for specialized services may be admitted to an Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-IID), if they choose, and are able to meet the ICF-IID level of care assessment.	No Changes.
ARP Funds Allocation	Email, Lori Harder	How did you set the rate payment?	The rate methodology is noted in Appendix I-2a: Claims submitted to the state for services provided by agency providers from March 1 to May 30, 2024 will be reviewed to determine the percentage total of claims for each agency provider. Supplemental payments to providers will then be made proportionally to match the percentage of total claims based on available supplemental ARP funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What rate methodology did you use?	The rate methodology is noted in Appendix I-2a: Claims submitted to the state for services provided by agency providers from March 1 to May 30, 2024 will be reviewed to determine the percentage total of claims for each agency provider. Supplemental payments to providers will then be made proportionally to match the percentage of total claims based on available supplemental ARP funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What provider did you use to determine rate of payment amount?	The rate methodology is noted in Appendix I-2a: Claims submitted to the state for services provided by agency providers from March 1 to May 30, 2024 will be reviewed to determine the percentage total of claims for each agency provider. Supplemental payments to providers will then be made proportionally to match the percentage of total claims based on available supplemental ARP funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What data did you utilize? Who provided the data? How current is the data?	Claims submitted to the state for services provided by agency providers from March 1 to May 30, 2024 will be reviewed to determine the percentage total of claims for each agency provider.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Did Therap receive a payment?	Therap, the state's single case management system, is not considered an agency provider. Payments cannot be made until CMS approves the waiver amendment and the spending plan.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why didn't you just reduce the amount individuals pay for monthly service coordination and Therap?	DHHS does not believe that reducing spending on specific waiver services or to a specific vendor would support or protect the HCBS workforce or ensure the financial stability of HCBS providers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Is the payment based on percentage of individuals served?	The rate methodology is noted in Appendix I-2a: Claims submitted to the state for services provided by agency providers from March 1 to May 30, 2024 will be reviewed to determine the percentage total of claims for each agency provider. Supplemental payments to providers will then be made proportionally to match the percentage of total claims based on available supplemental ARP funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Was the quality of the service provided considered? If so how? If not, why not? What if the provider is on a performance plan?	The rate methodology only addresses paid claims. Any providers with paid claims will be eligible. Paid claims are reviewed for accuracy and integrity as specified in Appendix I-1.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Do you have performance based incentives for providers? If so, What are they?	DDD does not currently have performance-based incentives for providers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What input did the DD advisory council have on this request?	The DD Advisory Committee was advised that DDD was in a Public Comment period at the October 9, 2024 meeting.	No Changes.

ARP Funds Allocation	Email, Lori Harder	Why isn't the money being given to the tribes to ensure tribal members with DD?ID are identified and apply to receive waiver services?	The waiver changes are being requested to support the HCBS workforce and to ensure the financial stability of HCBS providers including many who serve tribally enrolled or affiliated participants. Additionally, tribal entities in the state were notified of the proposed waiver changes on September 11, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	How did you decide to incentivize providers given all the other priorities?	The funding provided under ARPA provides an opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why didn't you add that money to the Family Support Waiver to increase the annual amount available?	This waiver amendment is not being requested for the Family Support Waiver (NE.2366). The annual budget cap for that waiver is set in Nebraska Revised Statute §68-1530.	No Changes.
ARP Funds Allocation	Email, Lori Harder	When did you meet with NASP to discuss this? Are minutes available?	DDD works regularly with DD providers and provider associations, such as the Nebraska Association of Service Providers (NASP), to understand provider concerns and identify opportunities to support HCBS services and supports.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why didn't you use this amount to increase the adaptive technology available to individuals with DD/ID?	The waiver changes are being requested to support the HCBS workforce and to ensure the financial stability of HCBS providers. DDD will review and consider changes to Assistive Technology services as a part of future amendments and renewals to §1915 (c) HCBS Waivers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why didn't you utilize this money to assist with housing needs of individuals with DD/ID?	The waiver changes are being requested to support the HCBS workforce and to ensure the financial stability of HCBS providers. DDD will review and consider changes to residential services as a part of future amendments and renewals to §1915 (c) HCBS Waivers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What steps did you take to ensure effective utilization of the money based on the needs of the population? What data did you use? How are you evaluating effectiveness?	Under Section 9817 of the ARP, states can implement a variety of activities, including enhancements to HCBS services, eligibility, infrastructure, and reimbursement methodologies, to enhance, expand, or strengthen Medicaid HCBS. CMS strongly encourages states to utilize funds through the implementation of changes, systemically or structurally, that will enhance those services. The waiver amendment being requested will provide support to the HCBS workforce and ensure the financial stability of HCBS providers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Is your current rate methodology is not sufficient, what steps are you taking to address that issue?	DDD appreciates the feedback. The Division rate study was implmented over a 2 year period with a 4% increase in July 2020 and a 2.6% increase in 2021. The Division has also secured annual rate increases since the last rate rebasing through legislative appropriations. These amount to a 26% increase in 2022, a 3% increase in 2023 and a 2% increase in 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What information was provided to indicate that the rate methodology was not sufficient and additional payments were warranted?	The waiver changes are being requested to support the HCBS workforce and to ensure the financial stability of HCBS providers based on feedback from agency providers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What is ARPA funding, and why and how can it be used to support providers?	On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA) (Pub. L. 117-2). While states have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Which types of providers are eligible for ARPA support (e.g., healthcare, social services)?	The requested waiver changes specify agency providers with paid HCBS claims between March 1, 2024 and May 30, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why aren't you putting the funds into eNable accounts or opening eNable accounts for individuals with DD/ID?	The waiver changes are being requested to support and protect the HCBS workforce and to ensure the financial stability of HCBS providers. While states have broad flexibility in the use of the funds CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. Additionally, all ARPA spending must be approved in advance by CMS through the state spend plan.	No Changes.
ARP Funds Allocation	Email, Lori Harder	How can state government allocate ARPA funds to support providers?	States have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. The waiver amendment has been requested to support HCBS providers through financial stabilization.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to support both public and private providers?	The requested waiver changes allow for supplemental payments to agency providers with paid HCBS claims between March 1, 2024 and May 30, 2024.	No Changes.

ARP Funds Allocation	Email, Lori Harder	How do providers apply for or receive ARPA support from local/state governments?	Providers can apply for American Rescue Plan Act (ARPA) grants through the Nebraska DHHS, through DHHS Grants Funding Opportunities page located on DHHS.ne.gov. The requested waiver changes allow for supplemental payments to agency providers with paid HCBS claims between March 1, 2024 and May 30, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What is the role of federal agencies in distributing ARPA funds to providers?	On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA) (Pub. L. 117-2). Section 9817 of the ARPA provides qualifying states with a temporary 10 percentage point increase to the federal medical assistance percentage (FMAP) for certain Medicaid expenditures for HCBS. While states have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. The state has a deadline of March 2025 to spend all ARP funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	How long do providers have to use the ARPA funds they receive?	The state has a deadline of March 2025 to spend all ARP funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What are the specific healthcare sectors (e.g., hospitals, clinics, home health services) targeted for ARPA support?	The waiver amendment is directed at providing a one time payment to providers increase financial stability and allowing them to retain, expand, and maintain critical services that meet the needs of people utilizing or intending to utilize HCBS.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to support both direct care providers and administrative staff?	The waiver amendment is directed at providing a one time payment to providers increase financial stability and allowing them to retain, expand, and maintain critical services that meet the needs of people utilizing or intending to utilize HCBS.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What reporting and accountability measures must providers follow after receiving ARPA funds?	After CMS approval, supplemental payments will be made to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024. There will not be additional reporting requirements for these supplemental payments. Paid claims are reviewed for accuracy and integrity as specified in Appendix I-1.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to compensate providers for lost revenue due to COVID-19?	Yes, subject to CMS approval. While states have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. The waiver amendment is directed at providing a one-time payment to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Are there restrictions on the use of ARPA funds for capital improvements, such as facility upgrades?	Yes, subject to CMS approval. While states have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. The waiver amendment is directed at providing a one-time payment to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to cover COVID-19-related costs like testing, treatment, and vaccination?	Yes, subject to CMS approval. While states have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. The waiver amendment is directed at providing a one-time payment to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can Nebraska use ARPA funds to help providers transition to telehealth services?	ARPA Telehealth Enhancement funds have been provided for the express purpose of providing telehealth services to patients in home and community settings.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to support behavioral and mental health services?	Yes. Nebraska ARPA funds have been utilized to support the Behavioral Health system in Nebraska as detailed in the state's ARPA spend plan available at <a href="https://dhhs.ne.gov/Pages/Medicaid-Providers.aspx">https://dhhs.ne.gov/Pages/Medicaid-Providers.aspx</a> .	No Changes.

ARP Funds Allocation	Email, Lori Harder	Are providers allowed to use ARPA funds to hire additional staff or expand services?	Yes, subject to CMS approval. While states have broad flexibility in the use of the funds, CMS strongly encourages states to use the funds to implement structural or systemic changes to support and enhance HCBS services. The waiver amendment is directed at providing a one-time payment to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds support childcare and long-term care providers, including assisted living facilities?	Yes, The American Rescue Plan Act (ARPA) provides funds to state, local, tribal and territorial governments to help respond to the COVID-19 pandemic. The funds can be used by a variety of entities.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can funds be used for training and workforce development in the healthcare sector?	Yes. Nebraska ARPA funds have been utilized to support HCBS training and workforce development in Nebraska as detailed in the state's ARPA spend plan available at <a href="https://dhs.ne.gov/Pages/Medicaid-Providers.aspx">https://dhs.ne.gov/Pages/Medicaid-Providers.aspx</a> .	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds support community health centers or rural healthcare providers?	Yes, The American Rescue Plan Act (ARPA) provides funds to state, local, tribal and territorial governments to help respond to the COVID-19 pandemic. The funds can be used by a variety of entities.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can providers use ARPA funding to address public health disparities in underserved communities?	Yes, The American Rescue Plan Act (ARPA) provides funds to state, local, tribal and territorial governments to help respond to the COVID-19 pandemic. CMS encourages states to use the funds to implement changes including addressing social determinants of health and improving equity for older adults and people with disabilities.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to address shortages in personal protective equipment (PPE) for providers?	Yes, The American Rescue Plan Act (ARPA) provides funds to state, local, tribal and territorial governments to help respond to the COVID-19 pandemic. Funds can be used to purchase equipment and supplies to respond to COVID-19. The waiver amendment is directed at providing a one-time payment to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can funds be used for initiatives to promote health equity and address social determinants of health?	Yes, The American Rescue Plan Act (ARPA) provides funds to state, local, tribal and territorial governments to help respond to the COVID-19 pandemic. CMS encourages states to use the funds to implement changes including addressing social determinants of health and improving equity for older adults and people with disabilities.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Can ARPA funds be used to enhance provider capacity for emergency preparedness and response?	Yes, the Division of Public Health and Division of Developmental Disabilities submitted requested plans for the American Rescue Plan related to provider capacity and emergency response as detailed in the state's ARPA spend plan available at <a href="https://dhs.ne.gov/Pages/Medicaid-Providers.aspx">https://dhs.ne.gov/Pages/Medicaid-Providers.aspx</a> .	No Changes.
ARP Funds Allocation	Email, Lori Harder	How can providers collaborate with local governments to maximize the impact of ARPA funding?	Providers can contact DHHS at <a href="mailto:dhs.grants@nebraska.gov">dhs.grants@nebraska.gov</a> or PO Box 95026, Lincoln, NE 68509-5026 for assistance on how to utilize ARPA funding.	No Changes.
ARP Funds Allocation	Email, Lori Harder	What happens if a provider misuses ARPA funds or fails to comply with grant requirements? What accountability exists?	Suspected Fraud, Waste, or Abuse should be reported to the Medicaid Fraud and Patient Abuse Unit of the Attorney General's Office at (800) 727-6432, <a href="mailto:ago.medicaid.fraud@nebraska.gov">ago.medicaid.fraud@nebraska.gov</a> , or 1221 N Street, Suite 500, Lincoln, NE 68509-8920. The waiver amendment is directed at providing a one-time payment to agency providers based on paid claims submitted between March 1, 2024 and May 1, 2024. The one-time payments are not considered a grant and do not have any additional requirements, tracking, or reporting upon receipt.	No Changes.
ARP Funds Allocation	Email, Lori Harder	How are these funds used to support vulnerable individuals?	The waiver amendment is directed at providing a one-time payment to providers to increase financial stability and allow them to retain, expand, and maintain critical services that meet the needs of vulnerable individuals served by the HCBS waivers.	No Changes.
ARP Funds Allocation	Email, Lori Harder	Why didn't Nebraska use this funds to address program cuts such as those proposed under Medicaid to all optional services in the next biennial budget such as dental, vision, hearing, and physical/occupational and speech therapy?	No cuts have been made to Medicaid optional services. Additionally, Nebraska must expend all ARPA funding by March 2025, prior to the next biennium which begins July 1, 2025.	No Changes.

<p><b>ARP Funds Allocation</b></p>	<p>Email, Kristen Larsen, NCDD Executive Director</p>	<p>On behalf of the Nebraska Council on Developmental Disabilities (NCDD), I am submitting public comment in <b>support of</b> DHHS’s Division of Medicaid and Long-Term Care (MLTC), and Division of Developmental Disabilities (DDD) proposed amendments to the 1915(c) Medicaid Home and Community Based Services (HCBS) Comprehensive Developmental Disabilities Services (NE.4154) and the Developmental Disabilities Day Services Waiver for Adults (NE.0394). NCDD supports the following changes to both the CDD and DDAD waivers:</p> <p>Appendix I-2(a): Updated rate determination methods to include a new rate methodology to provide for a one-time agency provider supplemental payment.</p> <p>Appendix I-3(c): Updated the supplemental or enhanced payments description to identify unallocated American Rescue Plan (ARP) funding to provide for a one-time agency supplemental payment.</p>	<p>DDD appreciates the feedback.</p>	<p>No Changes.</p>
<p><b>ARP Funds Allocation</b></p>	<p>Email, Kristen Larsen, NCDD Executive Director</p>	<p>NCDD applauds DHHS’s efforts to seek CMS approval to use the unallocated ARPA HCBS funds to support DD providers by providing a one-time agency supplemental payment. Nebraska HBCS providers are experiencing financial and DSP work force challenges, so this desperately needed additional funding will make it possible for providers to stabilize, recruit and retain staff, and provide key supports to thousands of individuals with developmental disabilities.</p>	<p>DDD appreciates this feedback.</p>	<p>No Changes.</p>
<p><b>ARP Funds Allocation</b></p>	<p>Email, Kristen Larsen, NCDD Executive Director</p>	<p>NCDD will continue to advocate for Nebraska policymakers to take steps to ensure IDD provider rates support a Direct Support Professional (DSP) hiring wage at 150% of Nebraska’s rising minimum wage. Conducting a HCBS rates rebase study will address insufficient provider rates due to inflation, higher cost of living rates, and ramifications from a robust competitive job market due to the rising minimum wage. A commitment to increase HCBS reimbursement rates will result in Nebraska HCBS providers offering wages that attract and retain staff who provide individuals with developmental disabilities key supports to live fulfilling lives.</p>	<p>DDD appreciates this feedback.</p>	<p>No Changes.</p>