

Summary of Waiver Changes for 1915(c) Medicaid Home and Community-Based Services Waivers

Comprehensive Developmental Disabilities (NE.4154)

Developmental Disabilities Day (NE.0394)

Family Support Waiver (NE.2366)

February 13, 2025 – March 15, 2025

**Nebraska Department of Health and Human Services
Division of Developmental Disabilities**

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Summary of Waiver Changes for 1915(c) Medicaid Home and Community-Based Services Waivers

Comprehensive Developmental Disabilities (NE.4154) Developmental Disabilities Day (NE.0394) Family Support Waiver (NE.2366)

The Division of Medicaid and Long-Term Care (MLTC) plans to submit a request for amendments to the 1915(c) Medicaid Home and Community Based Services (HCBS) for the following waivers: Comprehensive Developmental Disabilities (NE.4154), Developmental Disabilities Day (NE.0394), and Family Support Waiver (NE.2366). Upon approval by the Centers for Medicare and Medicaid Services (CMS), these amendments would go into effect on July 1, 2025.

The full text of the proposed waivers, including requested changes can be found online at:
<https://dhhs.ne.gov/Pages/DD-Public-Comment.aspx>

Changes Resulting from Public Comment

The following changes to the Comprehensive Developmental Disabilities, Developmental Disabilities Adult Day, and Family Support waivers are being proposed in addition to the original proposed substantive revisions outlined in the 1915(c) waivers:

Comprehensive Developmental Disabilities Services Waiver (NE.4154)

Appendix B-6: Evaluation/Reevaluation of Level of Care

- (d) Updated Level of Care (LOC)
- (e) Updated age ranges for LOC assessments used

Appendix C-1/C-3: Service Specification

- Updated Benefits Counseling:
 - Removed limitations on virtual service delivery
 - Added 10 additional service hours at the Service Coordinators discretion to assist with job offers, promotions, or problem-solving to maintain employment
 - Added DDD Central Office approval exception for authorization beyond 30 hours
 - Expanded provider certification requirements
- Updated Employment Exploration:
 - Added educational aspect to service definition
 - Removed limitation that the Federal Work Incentives Planning and Assistance (WIPA) program must be sought prior to receiving service
 - Changed to include the cost of transportation in the provision of the service
 - Changed provider certification requirements
- Updated LRI Personal Care:
 - Changed provider licensing and certification requirements to align with current DD agency requirements
- Updated Shared Living:
 - Updated language to align with C-2(e)
- Changed the weekly limit on all-day services to an annual limit of 1820 hours.

Developmental Disabilities Day Services Waiver for Adults (NE.0394)

Appendix B-6: Evaluation/Reevaluation of Level of Care

- (d) Updated Level of Care (LOC) criteria

Appendix C-1/C-3: Service Specification

- Updated Benefits Counseling:
 - Removed limitations on virtual service delivery
 - Added 10 additional service hours at the Service Coordinators discretion to assist with job offers, promotions, or problem-solving to maintain employment
 - Added DDD Central Office approval exception for authorization beyond 30 hours
 - Expanded provider certification requirements
- Updated Employment Exploration:
 - Added educational aspect to service definition
 - Removed limitation that the Federal Work Incentives Planning and Assistance (WIPA) program must be sought prior to receiving service
 - Changed to include the cost of transportation in the provision of the service
 - Changed provider certification requirements
- Updated LRI Personal Care:
 - Changed provider licensing and certification requirements to align with current DD agency requirements
- Changed the weekly limit on all day services to an annual limit of 1820 hours.

Family Support Waiver (NE.2366)

Appendix B-6: Evaluation/Reevaluation of Level of Care

- (d) Updated Level of Care (LOC)
- (e) Updated age ranges for LOC assessments used

Appendix C-1/C-3: Service Specification

- Updated LRI Personal Care:
 - Changed provider licensing and certification requirements to align with current DD agency requirements

Changes listed below are the original proposed substantive revisions outlined in the 1915(c) waiver amendments posted on January 13, 2025.

Comprehensive Developmental Disabilities Services Waiver (NE.4154)

Entire Waiver:

Appendix C-1/C-3:

- Corrected spelling and grammar mistakes

Appendix C-1/C-3:

- Updated all mentions of the ICAP to the state-mandated ICF/IID level of care assessment tool

Main Application: 6. Additional Requirements

- Updated Public Input

Appendix B: Participant Access and Eligibility

Appendix B-1: Specification of the Waiver Target Group(s)

- Specified the target group for eligibility and enrollment in the CDD waiver

Appendix B-3: Number of Individuals Served

- (b) Limitation on the Number of Participants Served at Any Point in Time.
 - Selected the option that the state does not limit the number of participants that it serves at any point in time during a waiver year.
- (c) Reserved Waiver Capacity
 - Removed reserved capacity

Appendix B-6: Evaluation/Reevaluation of Level of Care

- Replaced Individual Support Plan (ISP) language with person-centered plan (PCP)
- Updated Qualifications of Individuals Performing Initial Evaluation
- Updated Level of Care (LOC) criteria
- Updated process for evaluation and reevaluation of care

Quality Improvement:

- Replaced Disabilities Service Specialist (DSS) with DDD personnel

Appendix B-8: Access to Services by Limited English Proficiency Persons

- Specified plan access to services for individuals with Limited English Proficiency (LEP)

Appendix C: Participant Services

Appendix C-1/C-3: Service Specification

- Revised Service Specifications for the following services:
 - Home Modifications
 - Vehicle Modifications
 - Removed EVV requirement from the following services:
 - Medical In-Home
 - Behavioral In-Home.
 - Broke out Residential Habilitation into the following separate services:
 - Continuous Home
 - Host Home
 - Shared Living
 - Youth Continuous Home
- Added the following services to better address participant needs:
 - Benefits Counseling
 - Employment Exploration
 - Health Maintenance Monitoring
 - LRI Personal Care
 - Remote Supports
 - Adult Day Retirement
- Removed the following service:
 - Therapeutic Residential Habilitation
- Updated language for all services related to school hours set by the local school district
- Updated language for all services that offer virtual supports as a modality to remote supports
- Updated supervision requirements for board-certified behavioral analysts (BCBAs)
- Updated applicable services to include services may be offered by legal guardians (see CDD Service Table for more details)

Appendix C-2: General Service Specifications

- Updated to allow for payment to Legally Responsible Individuals (LRIs) and Relatives/Legal Guardians

Appendix D: Participant-Centered Planning and Service Delivery

Appendix D-1: Service Plan Development

- Updated Qualifications of Service Coordinators

Appendix E: Participant Direction of Services

Appendix E-1: Overview

- Updated Participant Direction of Services

Appendix F: Participant Rights

Appendix F-3: State Grievance/Complaint System

- Updated reasons for grievances

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

- Updated language to comply with the HCBS Final Settings Rule

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions

- Updated supervision requirements for board-certified behavioral analysts (BCBAs)

Quality Improvement: Health and Welfare

- Added Critical Incident performance measure.

Appendix I: Financial Accountability

Appendix I-1: Financial Integrity and Accountability

- Updated the services subject to Electronic Visit Verification (EVV)

Appendix I-2: Rates, Billing and Claims

- Added risk tiers

Appendix J: Cost Neutrality Demonstration

- Updated cost analysis information

Developmental Disabilities Day Services Waiver for Adults (NE.0394)

Entire Waiver

- Corrected spelling and grammar mistakes
- Updated all mentions of the ICAP to the state-mandated ICF/IID level of care assessment tool

Main Application: 6 Additional Requirements

- Updated Public Input

Appendix B: Participant Access and Eligibility

Appendix B-1: Specification of the Waiver Target Group

- Specified the target group for eligibility and enrollment in the DDAD waiver

Appendix B-3: Number of Individuals Served

- (b) Limitation on the Number of Participants Served at Any Point in Time
 - Selected the option that the state does not limit the number of participants that it serves at any point in time during a waiver year
- (c) Reserved Waiver Capacity.
 - Removed reserved capacity

Appendix B-6: Evaluation/Reevaluation of Level of Care

- Replaced Individual Support Plan (ISP) language with person-centered plan (PCP)
- Replaced Disabilities Service Specialist (DSS) with DDD Personnel
- Updated Level of Care (LOC) criteria
- Updated process for evaluation and reevaluation of care

Quality Improvement: Level of Care

- Replaced Disabilities Service Specialist (DSS) with DDD Personnel

Appendix B-8: Access to Services by Limited English Proficiency Persons

- Specified plan access to services for individuals with Limited English Proficiency (LEP)

Appendix C: Participant Services

Appendix C-1/C-3: Service Specification

- Added the following services to better address participant needs

- Adult Day Retirement
- Benefits Counseling
- Employment Exploration
- Health Maintenance Monitoring
- LRI Personal Care
- Remote Supports
- Updated language for all services related to school hours set by the local school district
- Updated language for all services that offer virtual supports as a modality to remote support
- Updated applicable services to include services may be offered by legal guardians
- Updated supervision requirements for board-certified behavioral analysts (BCBAs)

Appendix C-2: General Service Specifications

- Updated Participant Services General Service Specifications to include payments for LRIs and Relative/Legal

Appendix D: Participant-Centered Planning and Service Delivery

Appendix D-1: Service Plan Development

- Updated Qualifications of Service Coordinators

Appendix E: Participant Direction of Services

Appendix E-1: Overview

- Updated Participant Direction of Services

Appendix F: Participant Rights

Appendix F-3: State Grievance/Complaint System

- Updated reasons for grievances

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

- Updated language to comply with the HCBS Final Settings Rule

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions

- Updated supervision requirements for board-certified behavioral analysts (BCBAs)

Quality Improvement: Health and Welfare

- Added Critical Incident performance measure

Appendix I: Financial Accountability

Appendix I-1: Financial Integrity and Accountability

- Updated services that require the use of EVV

Appendix I-2: Rates, Billing and Claims

- Added risk tiers

Family Support Waiver (NE.2366)

Entire Waiver:

- Corrected spelling and grammar mistakes
- Main Application: 6. Additional Requirements
- Updated Public Input

Appendix B: Participant Access and Eligibility

Appendix B-1: Specification of the Waiver Target Group(s)

- Specified the target group for eligibility and enrollment

Appendix B-3: Number of Individuals Served

- (b) Limitation on the Number of Participants Served at Any Point in Time
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Appendix B-6: Evaluation/Reevaluation of Level of Care

- Replaced Individual Support Plan (ISP) language with person-centered plan (PCP)
- Replaced Disabilities Service Specialist (DSS) with DDD Personnel
- Updated Level of Care (LOC) criteria

Appendix B-8: Access to Services by Limited English Proficiency Persons

- Specified plan for access to services for individuals with Limited English Proficiency (LEP)

Appendix C: Participant Services

Appendix C-1/C-3: Summary of Services Covered/Service Specification

- Added the following services to better address participant needs:
 - Health Maintenance Monitoring
 - LRI Personal Care
 - Remote Supports
- Updated applicable services to include services may be offered by legal guardians
- Updated supervision requirements for board-certified behavioral analysts (BCBAs)

Appendix C-2: General Service Specifications

- Update Participant Services General Service Specifications to include payments for LRIs and Relative/Legal Guardians

Appendix D: Participant-Centered Planning and Service Delivery

Appendix D-1: Service Plan Development

- Updated Service Coordinator Qualifications

Appendix F: Participant Rights

Appendix F-3: State Grievance/Complaint System

- Updated reasons for grievances

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

- Updated language to comply with the HCBS Final Settings Rule

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions

- Updated supervision requirements for board-certified behavioral analysts (BCBAs)

Quality Improvement: Health and Welfare

- Added Critical Incident performance measure

Appendix I: Financial Accountability

Appendix I-1: Financial Integrity and Accountability

- Updated services that require the use of EVV

Appendix J: Cost Neutrality Demonstration

- Updated cost analysis information