The agenda was mailed to Council members prior to the meeting. The meeting was chaired by Jennifer Meints and called to order at 9:36 AM, CDT. Quorum was present. Currently there is one vacancy on the Council: an agency representative from the Department of Health and Human Services’ Division of Behavioral Health.

**Present:** Jessica Barrett, Reagan Boyer, Quinton Corwin, Brenda DeLancey, Jason Gieschen, Tony Green, Matt Kaslon, Seamus Kelly, Jennifer Meints, Cheryl Montgomery, Ryan Moore, Sara Morgan, Stephen Morton, Sharon Orduña, Erin Phillips, Paige Rose, Rachel Siffring, Judy Trent, Nate Watson, Kirsten Wilcox, and Jane Ziebarth-Bovill.  
**Absent:** Amy Rhone, Mark Shriver, and Dee Valenti.  
**Guests:** Eric Evans, Susan Gieschen, Jennie Schneider, Katie Weidner, and Pam Wilcox.  
**Staff:** Kristen Larsen, Joni Dulaney, and Nikki Krause.  

**Nebraska Open Meetings Act**  
Jennifer Meints explained that Council meetings fall under the Nebraska Open Meetings Act and a copy of the Act is on the sign-in table by the entrance to the meeting room.

The Governor’s Public Meeting Calendar referred members of the public and media to the Council’s Meetings webpage for additional information (posted July 8, 2021).

**Approval of Minutes**  
Council members were asked if there were any corrections to the draft April 16, 2021 DD Council meeting minutes. As there were no corrections, Erin Phillips called for a motion to approve the minutes. Matt Kaslon made the motion and Jessica Barrett seconded. A roll call vote was taken: Yes – 15, No – 0, Abstain – 4.* Motion carried.

**Financial Report**  
The Department of Health and Human Services (DHHS) is the Designated State Agency (DSA) for the Council. DHHS is the flow thru for Council funds. However, it is the Council that decides on how Council funds are to be allocated.

Kristen Larsen presented the Federal Fiscal Year (FFY) 2021 Financial Report, a handout at the meeting. For FFY2021 (October 1, 2020 to September 30, 2021), the Council budgeted $310,230. The Year to Date Expenditures for the third quarter of FFY2021 (October 1, 2020 to June 30, 2021) were $213,471 – 69% of the FFY2021 budget. Due to the COVID-19 pandemic, there were significant savings in Operating and Travel Expenses.

The Financial Forecast (what is being anticipated) shows a breakout of income and expenses by Federal Fiscal Year.

Due to COVID-19, the Administration on Community Living (ACL) issued a No-Cost Extension with a new Notice of Award (NoA) for FFY2019 on September 22, 2020. The new NoA revised the period of performance to October 1, 2018 to September 30, 2021. This allows the Council to keep drawing down the FFY2019 funds through September 30, 2021.

Also due to COVID-19, the Administration on Community Living (ACL) issued a No-Cost Extension with a new Notice of Award (NoA) for FFY2020 on June 11, 2021. The new NoA revised the period of performance to October 1, 2019 to September 30, 2022. This allows the Council to keep drawing down the FFY2020 funds through September 30, 2022.

NOTE: Once all of the FFY2020 funds are spent, the remaining obligations will be shifted to come out of FFY2021 funds.

FFY2021 will need to follow the regular period of performance schedule. The Project Period and Obligation of Funds is from October 1, 2020 to September 30, 2022. Liquidation of Funds needs to be done by September 30, 2023.

The Council is doing a good job drawing funds down and should be able to draw the funds down to $0.

One of the responsibilities of Council members, per the DD Act, is to approve the annual Financial Budget. A handout was provided with the proposed FFY2022 Budget (October 1, 2021 to September 30, 2022). The Estimated Council Expenses for FFY2022 is $392,269.

- Personal Expenses & Benefits - $190,644
- Operating Expenses - $132,503
  NOTE: Operating Expenses includes temporary Council staff salary and the Employment Study Contract.
- Travel - $42,743
  NOTE: Travel has gone up significantly due to the passage of LB381 in February 2020. Starting January 1, 2021, meal expenses incurred during travel shall be reimbursed on a per diem basis pursuant to Neb. Rev. Stat. § 81-1174, based on the destination of the travel. Non-state employees will be reimbursed at 100% of the GSA Per Diem Rates on the original Destination City. The first and last day of travel will be prorated at 75% of the State Per Diem Rate. Meal receipts are no longer required.
- Functions of the DSA - $26,379

Page 2 of the handout lists the grant awards (income) for FFY2019, FFY2020, FFY2021 and the anticipated grant award for FFY2022 as well as the expenditures for August 1, 2021 to September 30, 2022 and anticipated future expenditures. A motion was made by Sara Morgan to approve the proposed FFY2022 Budget in the amount of $392,269 and Matt seconded. A roll call vote was taken: Yes – 20, No – 0, Abstain – 0.* Motion carried. [Ryan Moore joined the meeting during the Financial Report.]

Kristen advised the Council that Graceson Immanuel’s last day was June 4, 2021. He was the Council’s temporary Federal Aid Administrator. He took a full-time position with the Department of Veterans Affairs. Kristen has begun working with State Personnel to hire a temporary Program Specialist to assist with subawards and source documentation.
Meeting Dates for FFY2022
Committee and Council meeting dates for FFY2022 were set.
Council meeting – November 19, 2021
Legislative and Advocacy Committee meeting – February 3, 2022
Council meeting – February 4, 2022
Planning Committee meeting – April 7, 2022
Council meeting – April 8, 2022
Grant Review Committee meeting – August 4, 2022
Council meeting – August 5, 2022

Member Appointments and Recognition of Outgoing Members
Eligible Council members whose term expires on October 1, 2021, and are interested in continuing to
serve on the Council, are encouraged to apply with the Governor. Applications can be submitted either
online at the Boards & Commissions – Application for Executive Appointment webpage at
https://governor.nebraska.gov/board-comm-req or by mailing a completed Executive Appointment
Application to Kathleen Dolezal at the Office of the Governor. Council members eligible to apply for
reappointment are:
   • Jason Gieschen
   • Stephen Morton

Council member Reagan Boyer, who has decided not to seek a second term, and Council member
Jessica Barret, whose second term is ending, were recognized for their dedication and outstanding
commitment in working toward the development of better futures for and with people with
developmental disabilities. Their contributions to the State of Nebraska for their service on the Nebraska
Council on Developmental Disabilities is most gratefully appreciated.
NOTE: Council members whose terms expire on October 1, 2021 will continue to serve on the Council
until the Governor appoints a replacement.

Kristen mentioned that there is a vacancy on the Council for a DHHS Behavioral Health representative.
Mikayla Johnson is no longer with DHHS. Mikayla’s last day was August 4, 2021. Kristen has contacted
Sheri Dawson, Director of Behavioral Health, about recommending a replacement for Mikayla.

Election of Council Officers
Per the By-Laws, officer elections for FFY2022 were conducted at today’s Council meeting. This includes
the offices of: Chair, Vice-Chair, and Secretary. These officers shall be elected to serve a term of office
from October 1, 2021 through September 30, 2022. Officers may be re-elected for a maximum of an
additional two (2) consecutive terms. The limit on terms being only for that office. Council members may
be elected to another office without a break in service. Any public Council member shall be eligible to
hold the office of Chair or Vice-Chair (not an agency representative). Any Council member shall be
eligible to hold the office of Secretary. On July 12, 2021, Kristen sent an email to all Council members
seeking nominations for Council Officers.

Chair – The Chair presides at all meetings of the Council and the Executive Committee, provides overall
direction for Council activities, and is an ex-officio member of all Council standing and ad hoc
committees. Both Matt Kaslon and Jennifer Meints said they would be willing to run for Chair. There were
no additional nominations from the floor.
Seamus Kelly nominated Matt for the position of Chair and Sara seconded. Brenda DeLancey nominated Jennifer for the position of Chair and Erin seconded. A vote was taken by secret ballot. Jennifer Meints will be the Chair for FFY2022. (Jennifer 16 votes, Matt 4 votes)

Vice-Chair – The Vice-Chair assists the Chair in the performance of his/her duties and performs all duties of the Chair in his/her absence. Rachel Siffring said she would be willing to run for Vice-Chair. When asked if there were any nominations from the floor, Matt Kaslon, Erin Phillips, Ryan Moore, and Sharon Orduña were named. They all confirmed they would be willing to run for Vice-Chair.

Reagan Boyer nominated Rachel for the position of Vice-Chair and Jane Ziebarth-Bovill seconded. Cheryl Montgomery nominated Matt for the position of Vice-Chair and Seamus seconded. Sara nominated Erin for the position of Vice-Chair and Nate Watson seconded. Jason Gieschen nominated Ryan for the position of Vice-Chair and Jessica seconded. Brenda nominated Sharon for the position of Vice-Chair and Tony Green seconded. A vote was taken by secret ballot. Sharon Orduña will be the Vice-Chair for FFY2022. (Sharon 6 votes, Ryan 5 votes, Matt 4 votes, Rachel 3 votes, Erin 2 votes)

Secretary – The Secretary will review the draft minutes taken by Council staff prior to them being posted on the Council’s public webpage and inclusion in the meeting packets mailed to Council members and will present the Council minutes for formal approval at the subsequent Council meeting. Erin Phillips said she would be willing to run for Chair. When asked if there were any nominations from the floor, Matt Kaslon was named. Matt confirmed he would be willing to run for Secretary.

Nate nominated Erin for the Secretary position and Stephen Morton seconded. Sharon Orduña nominated Matt for the Secretary position and Brenda seconded. A vote was taken by secret ballot. Matt Kaslon will be the Secretary for FFY2022. (Matt 17 votes, Erin 2 votes, Abstain 1)

NOTE: Kristen will forward the Council’s recommendation for Chair to the Governor’s Appointments Office. The Governor appoints the Council Chair based on the Council’s recommendation, per Council By-Laws.

Committee Preferences
All Council members are expected to serve on one of the standing committees – Legislative and Advocacy, Planning, or Grant Review. Jennifer gave a brief summary of the responsibilities of each committee. Members were asked to complete the FFY2022 Committee Preference form included in the meeting packet and turn it in to Nikki Krause by the end of the meeting. Council staff and Chair will review Council members’ preferences. Committee preferences will be followed as closely as possible while adhering to iTACC’s recommendation of being mindful of potential conflicts of interest for those serving on the Planning and Grant Review Committees.

Council members were asked to note their interest in running for Chair of a committee on the Committee Preference form. Committee Chair elections for FFY2022 will be held during the November 19, 2021 Council meeting.

Council members were encouraged to recommend non-Council members who would make good representatives to one of the three the standing committees. Their names and contact information can be listed on the back of the Committee Preference form.
Brenda DeLancey, Grant Review Committee Chair, reported that the Committee met on August 12, 2021 to make recommendations on the continuation subaward application from People First of Nebraska, and formal subaward applications in response to the Requests for Applications (RFA) in the areas of Transitioning Youth into Adult Services and Home and Community-Based Services (HCBS) Provider Needs Assessment. Joni Dulaney shared that a subaward applicant training PowerPoint, Submitting a Proposal for Funding Consideration, was created and shared with all applicants in DD Suite and was posted to the Council’s Subawards website.

People First of Nebraska (PFN) Continuation Subaward Application
People First of Nebraska submitted an application for continuation funds in the amount of $85,000 for a two-year period. The average score of the application by the Committee was 145 out of 175. The Committee recommended funding PFN in the amount of $85,000 for a two-year period with the contingency to provide the name of the Disability Employment Expert in the Detailed Narrative and the recommendation to address both the short and long-term benefits of their project for individuals with developmental disabilities and their families/guardians.

A roll call vote was taken: Yes – 17, No – 0, Abstain – 2.* Motion carried. [Jane stepped away from the meeting.] Transitioning Youth into Adult Services
The Arc of Nebraska submitted an application for funds in the amount of $53,460 for a two-year period and PTI Nebraska submitted an application for funds in the amount of $60,000 for a two-year period. The average score of the application for The Arc of Nebraska was 65.27 out of 150 and the average score of the application for PTI Nebraska was 116.58. The Committee felt that The Arc of Nebraska failed to answer some of the questions asked and a lot of information was missing. The Committee recommended to deny funding to The Arc of Nebraska and award funding in the amount of $60,000 for a two-year period to PTI Nebraska with the contingency to provide Budget Justification and clarify the Budget, which does not include the cost of the unfilled Outreach Coordinator/Project Director, and the recommendation to work with the Division of Developmental Disabilities in DHHS and Nebraska ATP (Assistive Technology Partnership).

A roll call vote was taken: Yes – 17, No – 0, Abstain – 3.* Motion carried.

HCBS Provider Needs Assessment Project
No applications were received in response to the RFA for the HCBS Provider Needs Assessment Project. Kristen explained that some of the interested entities did not apply due to difficulties meeting the match and/or the funding amount of $60,000, for two years, was inadequate to meet the requirements of the subaward. This is an important issue that needs addressed. The results of this project would not only be of benefit to the Council, but the Division of Developmental Disabilities and other entities would see where the provider gaps were. Nate moved to increase the amount of funding of this project to $85,000 (or less), for a two-year period, and that Council staff should go forward and contract directly with a Governmental entity for this project and Matt seconded.

A roll call vote was taken: Yes – 20, No – 0, Abstain – 0.* Motion carried.

Nebraska’s National Core Indicators (NCI) Survey Data
Katie Weidner from the Division of Developmental Disabilities presented on Nebraska’s NCI Survey Data. The NCI project is a collaboration between the National Association of State Developmental Disabilities Directors and the Human Services Research Institute. The core indicators are standard measures used across states to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including employment, rights, service planning, community inclusion, choice, and
health and safety. Each participating NCI state asks the same national questions to measure and track performance. Each state may ask 10 state-specific questions, of their choice, in addition to the national questions. Usually this is an in-person survey but due to COVID last year, they were unable to do that. 420 participants, who receive a wide variety of services, were randomly selected. Katie presented on the In Person data from the 2018-2019 reporting cycle.

NOTE: The survey Katie presented is attached to the end of the minutes for review.

NOTE: The NCI website is https://www.nationalcoreindicators.org/. It is a very user-friendly website and you can view the NCI participating states and their reports.

**Location of Committee/Council Meetings for FFY2022**

It was determined that the Council has outgrown the Highlands and needs a larger location to meet. Country Inn & Suites was easy to get to since it is located right off the interstate. The accommodations, conference rooms and hotel rooms, were good. The food was very good and the amount of parking was great. It was decided to have all the meetings for FFY2022 at Country Inn & Suites [5353 N. 27th Street – Lincoln]. In the case of inclement weather, a hybrid meeting [in-person & virtual] would be a possibility.

NOTE: Kristen will send the Highlands a thank you note on behalf of the Council.

**Opportunity Subaward Applications Review for FFY2022**

In June, the Council released an RFA for Opportunity Subawards and five applications were received. The applications received were from Disability Rights Nebraska, The Arc of Nebraska, the Kolb Foundation for Disability Education, the Munroe-Meyer Institute (MMI), and Duet. Each of the five applications were discussed, as a large group, and voted on separately for funding.

* **Kolb Foundation for Disability Education**

The Kolb Foundation for Disability Education submitted an application for an Adult Sibling Network Project. A motion was made by Matt to award funding in the amount of $15,000 with the contingency to clarify the budget regarding the 25% payment of Christine Crosby’s house payment to be used as match and to include the cost of printing supplies and Brenda seconded.

A roll call vote was taken: **Yes – 16, No – 0, Abstain – 0.** Motion carried. [Seamus, Stephen, Erin, and Jane left the meeting.]

* **Munroe-Meyer Institute (MMI)**

MMI submitted an application for an Empowering Families of Children with Autism in Nebraska through Community Trainings and Awareness Project. A motion was made by Matt to award funding in the amount of $15,000 with the recommendation to reach parents outside of the Omaha area virtually and the recommendation to collaborate with the Educational Service Units and Ryan Moore seconded.

A roll call vote was taken: **Yes – 16, No – 0, Abstain – 0.** Motion carried.

* **Duet**

Duet submitted an application for a Personal & Professional Development Training; Staff Supported Person, & Caregiver Training Project. A motion was made by Tony to award funding in the amount of $14,132 with the recommendation to clarify the sustainability of the project regarding motivational interviewing and on how they will sustain the effort moving forward beyond the initial training and Matt seconded.

A roll call vote was taken: **Yes – 15, No – 0, Abstain – 0.** Motion carried. [Rachel Siffring stepped away from the meeting.]

* **Disability Rights Nebraska**

Disability Rights Nebraska submitted an application for an Inclusive Education Lay Advocacy Project in the amount of $15,000. It was mentioned that Disability Rights Nebraska is the only entity available to parents which coordinates in-person help at a student’s Individual Education Plan meeting. However, the
Council had concerns regarding funding this project for a third year and only having 12-22 people trained. No support documentation was provided and no letters of support/collaboration were provided. Reagan made the motion to not fund Disability Rights Nebraska and Matt seconded. A roll call vote was taken: Yes – 14, No – 2, Abstain – 0.* Motion carried.

The Arc of Nebraska submitted an application for an Expanding Medicaid Buy-In Project in the amount of $14,504. The Council felt that this was not a solid application. The application was very brief and lacked specific details and while most of the funding would go to personnel salary, there would be a very limited amount of time doing face-to-face outreach. Tony moved to deny funding to The Arc of Nebraska and Matt seconded.
A roll call vote was taken: Yes – 13, No – 2, Abstain – 1.* Motion carried.

Updates from State Agency Representatives
NOTE: Due to time constraints, Agency Representatives were not able to provide oral updates. Written reports are attached to the end of the minutes for review. [Tony Green, Division of Developmental Disabilities; Sara Morgan, Maternal and Child Health – Division of Public Health; Amy Rhone, Department of Education – Office of Special Education; Paige Rose, Nebraska Vocational Rehabilitation; Nate Watson, Medicaid and Long-Term Care and Aging]

Updates from the DD Network Representatives
NOTE: Due to time constraints, DD Network Representatives were not able to provide oral updates. A written report is attached to the end of the minutes for review. [Seamus Kelly, Disability Rights Nebraska]

Council Chair and Staff Updates
Kristen mentioned that staff are moving from the 3rd floor of the Nebraska State Office Building-Lincoln to the 6th floor. Staff’s move date is scheduled for August 16, 2021.

The Hybrid Tri-Board Training on June 25, 2021 was phenomenal and very well received. Jonathan Martinis delivered an energizing keynote address regarding Supported Decision Making.

The Council received word that ACL’s new reporting system will open on August 30, 2021. Councils will have until September 30, 2021 to submit their State Plans and corresponding Annual Work Plans in the system. All submitted State Plans will be granted conditional approval to begin work on October 1, 2021.

Work is wrapping-up on the second edition of Newsline 2021 and it will be disseminated soon.

Council Member Updates
Rachel mentioned that the Circle of Friends Group opened a coffee stand at school called The Grind.

Matt mentioned that since he was elected as the Secretary, he might need some additional help to go through all the meeting materials. Matt also mentioned that he had an interview to join the Nebraska State Independent Living Council.

Jason competed in Power Lifting at the Cornhusker State Games and earned three gold medals. Next June, Jason will be a representative for Team Nebraska in the USA Games.

Kirsten Wilcox said that she liked being at the Council meeting and was glad that she was a Council member.
Jessica mentioned that she is now a member of The Arc of Nebraska Board.

**Public Comment**
Jennie Schneider mentioned that Ryan was in a Nebraska public schools commercial for diversity inclusion in schools.

**Adjourn**
The meeting adjourned at 3:47PM CDT.

The next Council meeting is scheduled for November 19, 2021.

Nebraska Council on Developmental Disabilities

**Mission**
The Council engages in **Advocacy**, **Capacity Building**, and **Systemic Change** activities that assure that individuals with developmental disabilities and their families participate in the design and have access to needed community services, individualized support, and other forms of assistance that promote **self-determination**, **independence**, **productivity**, and **integration** and **inclusion** in all facets of community life.
National Core Indicators Project (NCI) In-Person Surveys

August 2021

Katie Weidner, Quality Assurance Administrator
Katie.Weidner@Nebraska.gov
402-471-8717
National Core Indicators (NCI) Project Overview

• The National Core Indicators (NCI) project is a collaboration between the National Association of State Developmental Disabilities Directors and the Human Services Research Institute that began in 1997.

• Nebraska has participated in the NCI Project since the 2016-2017 survey cycle.
National Core Indicators (NCI) In-Person Survey

• The In-Person (IP) Survey is used to assess the quality and satisfaction of participants receiving ICF and HCBS Waiver services.
  - Anonymous survey of 420 participants selected randomly
  - The survey covers a wide variety of topics including Rights and Respect, General Satisfaction, Community Inclusion, Access, Choice, and Work.

• Participants and families can use the data to compare service satisfaction for Nebraska compared to national averages.

• Providers and other stakeholders can use the data when advocating with policy makers and the legislative and executive branches of government.

• The Division uses the data to compare Nebraska and national averages in order to inform strategic decision-making.

• NCI reports are available online at:
  • https://www.nationalcoreindicators.org/resources/reports/
NCI In-Person Survey: Topics Addressed

- Individual Outcomes
- Health, Welfare, and Rights
- System Performance
Demographics

Gender

- Male: 58%
- Female: 42%
Demographics: Race & Ethnicity

- American Indian: 2%
- Black or African American: 1%
- Two or More: 3%
- White: 93%
Demographics: Residential Designation

- Metropolitan: 21%
- Micropolitan: 32%
- Rural: 13%
- Small town: 34%
## Choices and Decision Making

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<th>NE Average</th>
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<tr>
<td>Residence</td>
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<tr>
<td>Work</td>
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<td>Day Activity</td>
<td>52%</td>
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<td>Staff</td>
<td>62%</td>
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<tr>
<td>Roommates</td>
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<td><strong>Total Scale</strong></td>
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<table>
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<td>How to Spend Money</td>
<td>97%</td>
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<tr>
<td>How to Spend Free Time</td>
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<tr>
<td>Had Enough Choice for Free Time</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Total Scale</strong></td>
<td><strong>95%</strong></td>
</tr>
</tbody>
</table>
Work

- Has a paid job (29%)
- Has community employment as goal in service plan (41%)
- Attends day program or workshop (81%)
- Does not have a paid job, but wants job in community (34%)
- Does volunteer work (41%)
- Receives paid time off (20%)
- Taking classes or training to get a job or improved job (19%)
Community Inclusion

Nebraskans report satisfaction at or above the national average in most categories.

- Went to a coffee shop or restaurant
- Went on a vacation
- Has things they like to do at home
- Had the opportunity to learn new things
Community Inclusion

- Community Inclusion Composite Scale (85%)
- Attended religious service at least once in past month (57%)
- Went out for entertainment (81%)
- Went to restaurants at least once in the last month (90%)
- Participates in a community group (31%)
- Went on vacation in the last year (50%)
Community Inclusion

- Going out shopping once in the last month (84%)
- Running errands at least once in the last month (84%)
- Has enough to do when at home (88%)
- Gets help learning new things (87%)
- Able to go out & do things liked in community (82%)
- Able to go out & do things as often as liked (67%)
Relationships

- Has a best friend (79%)
- Can see friends when wants to (78%)
- Wants help to meet or keep friends (36%)
- Has friends who are not staff or family members (82%)
- Can see & communicate with family when desired (86%)

- Has alternative ways to communicate when cannot see friends (79%)
- Feels lonely (8%)
- Can date (79%)
Satisfaction

Nebraskans utilizing DD services report satisfaction in most measured areas and fare well against national averages!

Enjoy time shopping

Enjoy spiritual activities

Happy where they live

Like their paid community job

Service Coordination
Nebraskans generally report high satisfaction with service coordination services.

Service Coordinator asked what they wanted

Took part in the last planning meeting

Able to contact the Service Coordinator when they want or need to
Service Coordination

- Remembers what is in the service plan (42%)
- Knows who to ask if wants to make changes (87%)
- Has a goal in service plan to increase independence or improve functional skills (100%)
- Talked about learning new things at last meeting (81%)
- Staff come and leave when they are supposed to (95%)
The ability to access places has improved over the last 3 years.
Health

Nebraska scores above the national averages in many areas of health.

- Regular dental visits
- Regular eye exams
- Regular physicals

Health: Medications

• Takes medication for behavior challenges (31%)

• Takes at least one medication for mood, anxiety, psychotic &/or behavioral challenge (61%)

• Has behavior plan if on medication for challenging behaviors (93%)

• Has behavior plan (50%)
Wellness 2018-19

- Uses Nicotine or Tobacco Products
- Exercises or Does Physical Activity that Makes Muscles Work Hard
- Exercises Or Does Physical Activity At Least Once Per Week For Over 10 Minutes

Nebraska
Rights and Respect

Nebraska does well (compared to national averages) in many areas!

Key to their own home

Others request permission to enter space

There’s a place to go to be alone

Using the internet and having own cell phone
Rights and Respect

• Has key to home (61%)

• Has rules about having friends or visitors at home (49%)

• Others read mail or e-mail without asking (32%)

• Let person know before entering home (92%)

• Let person know before entering bedroom (89%)

• Has a place to be alone at home (98%)

• Can be alone with friends or visitors at home (83%)
Rights and Respect

• Has attended self advocacy meeting (30%)
• Staff treat person with respect (91%)
• Can lock their bedroom door (43%)
• Voted or chose not to vote (27%)
• Can stay home if other in the house go somewhere (35%)
• Can use phone or internet when desired (89%)
• Has a cell phone (53%)
Safety

• At least one place where feels afraid or scared (24%)
  • Majority of those responding to this question indicated crowds, cities, Omaha, and dark or loud places

• Has someone to talk to if feeling afraid or scared (93%)
Wellness Checks during Pandemic

• Began May 15, 2020
• Screened for things such as Housing, Food, Transportation, Utilities, Personal Safety, Mental Health, Financial Strain, etc.
• 193 individuals on DD waivers were contacted via telephone.
• The wellness check tool was used to screen participants for social determinants of health, as well as identify community-based resources to address unmet needs and improve outcomes
• Resource Referral and Coordination was offered when needed (including a notice to the Service Coordinator)
• Additional questions to assess specific pandemic effects on waiver services were asked.
Nebraska struggled in some areas in 2018-2019.

### Rights and Respect 2018-19

- **Can Lock Bedroom Door If Wants**
  - Nebraska: 30
  - National Average: 50

- **Can stay home alone**
  - Nebraska: 20
  - National Average: 40

- **Has Voted**
  - Nebraska: 20
  - National Average: 40

*Helping People Live Better Lives.*
In most categories, Nebraska was close to, met, or exceeded the national average, however the ability to lock bedroom doors, ability to stay home, and voting are well below the national averages.
Rights and Respect

Rights and Respect 3 year Comparison

- Others Let Person Know Before Entering Home
- Has Key To Home
- Can Lock Bedroom Door If Wants
- Others Let Person Know Before Entering Bedroom
- Has A Place To Be Alone
- Can Be Alone With Friends Of Visitors
- There Are Rules About Having Friends Or Visitors In The Home
- Others Read Person’s Mail or Email Without Asking
- Can Use Phone Or Internet When Wants
- Staff Treat Person With Respect Always
- Has Attended A Self-Advocacy Group, Meeting, Conference, or Event
- Has Voted

Legend: 2016-17, 2017-18, 2018-19
Satisfaction level is up in 2018-19 and over the past three years!
Satisfaction level is up in 2018-19 and over the past three years!
Nebraska ranks significantly above the national average in many areas in 2018-19 and in most categories over the three years of surveying conducted.
Access to places has improved over the 3 years of data available, however Nebraska is below the national average in 2018-19.
Choice and Decision Making
Nebraskans report satisfaction in choice and decision-making at or above the national average in most areas!

Choice in deciding daily schedule

Choice of free time activities

Choice of what to buy
Two areas that were below the national average included a choice of where to live and a choice of day program or workshop.

Work

Work 2018-19

- Receives Paid Time Off: 9
- Does Not Have Community Job But Wants One: 40
- Has Community Employment As A Goal: 48
- Takes Classes, Training, Or Does Something to Get A Job Or Do Better At Current Job: 12
- Attends Day Program or Sheltered Workshop: 80
- Volunteers: 41

Nebraska
Nebraska compares favorable compared with national averages, however yearly comparisons have mixed results.
Nebraska is above the national averages in most areas.
Nebraska reports at or below the national averages for Hearing Tests, Pap Tests, and Colonoscopies.
Health

Nebraska and national averages are not significantly different and are at or above other states.

Nebraskans receiving DD services report struggling to understand their ISPs, less satisfaction in their ability to choose services and talk about new learning, and struggling to remember what is in the service plan.
Nebraska compares favorably with national averages and has remained constantly high over the past three years.

Nebraska and national averages are virtually the same as our yearly comparisons over the past three years.
Staff Stability Survey
NCI Staff Stability Survey

  - Voluntary for providers, however, the Division highly encourages provider participation.

- Providers can use the data to compare their own agency against the Nebraska and national averages.

- Providers and other stakeholders can use the data when advocating with policy makers and the legislative and executive branches of government.

- The Division uses the data to compare Nebraska and national averages in order to inform strategic decision-making.

- Statistically valid data is very important, however the 2020 data did not meet this threshold due to the lack of providers completing the survey.

- NCI reports are available online at:
  - [https://www.nationalcoreindicators.org/resources/reports/]

National Staff Stability Survey Demographics

3,604 provider agencies responded to the survey

<table>
<thead>
<tr>
<th>States Participating in the Staff Stability Survey</th>
<th>Tenure (Length of Employment) of DSPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 states including the District of Columbia</td>
<td>36.1% for less than 6 months</td>
</tr>
<tr>
<td>Alabama (AL)</td>
<td>17.9% between 6 and 12 months</td>
</tr>
<tr>
<td>Indiana (IN)</td>
<td>14.0% between 12 and 24 months</td>
</tr>
<tr>
<td>New York (NY)</td>
<td>12.7% between 24 and 36 months</td>
</tr>
<tr>
<td>Arizona (AZ)</td>
<td>19.3% 36 months or more</td>
</tr>
<tr>
<td>Kentucky (KY)</td>
<td></td>
</tr>
<tr>
<td>Ohio (OH)</td>
<td></td>
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<tr>
<td>Colorado (CO)</td>
<td></td>
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<tr>
<td>Louisiana (LA)</td>
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<td>Oregon (OR)</td>
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<td>Connecticut (CT)</td>
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<tr>
<td>Maryland (MD)</td>
<td></td>
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<tr>
<td>South Carolina (SC)</td>
<td></td>
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<tr>
<td>Washington DC (DC)</td>
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<tr>
<td>Missouri (MO)</td>
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<td>Tennessee (TN)</td>
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<td>Delaware (DE)</td>
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<tr>
<td>North Carolina (NC)</td>
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<td>Texas (TX)</td>
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<td>Georgia (GA)</td>
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<td>Nebraska (NE)</td>
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<tr>
<td>Utah (UT)</td>
<td></td>
</tr>
<tr>
<td>Illinois (IL)</td>
<td></td>
</tr>
<tr>
<td>New Jersey (NJ)</td>
<td></td>
</tr>
<tr>
<td>Vermont (VT)</td>
<td></td>
</tr>
</tbody>
</table>

Note: The Nebraska data has been compared to the national averages as not all states survey all eligible providers.
Comparison of Supports

Does your agency provide residential supports to adults with IDD?

<table>
<thead>
<tr>
<th></th>
<th>Yes (%)</th>
<th>No (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE</td>
<td>30.3%</td>
<td>69.7%</td>
</tr>
<tr>
<td>NCI AVG.</td>
<td>36.5%</td>
<td>63.5%</td>
</tr>
</tbody>
</table>

Does your agency provide in-home supports to individuals in their family home?

<table>
<thead>
<tr>
<th></th>
<th>Yes (%)</th>
<th>No (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE</td>
<td>6.1%</td>
<td>93.9%</td>
</tr>
<tr>
<td>NCI AVG.</td>
<td>50.7%</td>
<td>49.3%</td>
</tr>
</tbody>
</table>

Does your agency provide non-residential supports and services outside of the home?

<table>
<thead>
<tr>
<th></th>
<th>Yes (%)</th>
<th>No (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE</td>
<td>3.0%</td>
<td>97.0%</td>
</tr>
<tr>
<td>NCI AVG.</td>
<td>22.6%</td>
<td>77.4%</td>
</tr>
</tbody>
</table>

Nebraska providers offer more in-home supports and non-residential supports than the national average.
Nebraska has more large and moderate sized providers statistically than the national average.

Nebraska has more providers that provide all services than the national averages.
Nebraska’s total number of adults served by provider is not significantly different from the national average.
Comparison of Full-time and Part-time DSPs

<table>
<thead>
<tr>
<th></th>
<th>Full-time</th>
<th>Part-time</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCI AVG</td>
<td>76.4%</td>
<td>23.6%</td>
</tr>
<tr>
<td>NE</td>
<td>72.9%</td>
<td>27.1%</td>
</tr>
</tbody>
</table>

Nebraska has slightly more part time employees by average in comparison to the national average. This becomes significant when looking at wages and benefits for full time versus part time staff.
Comparison of 2018 & 2019 Stability Survey Data

Average tenure in Nebraska compared to the national averages changes slightly when you look at it by category. Nebraska employees who separate are predominately in the six month or less and thirty-six month or more categories.
Turnover

<table>
<thead>
<tr>
<th></th>
<th>Vacancy Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NE</strong></td>
<td>4.1% to 13.7%</td>
</tr>
<tr>
<td></td>
<td>Avg. 8.9%</td>
</tr>
<tr>
<td></td>
<td>4.5% to 20.5%</td>
</tr>
<tr>
<td></td>
<td>Avg. 12.5%</td>
</tr>
<tr>
<td><strong>NCI Average</strong></td>
<td>7.60%</td>
</tr>
<tr>
<td></td>
<td>15.60%</td>
</tr>
</tbody>
</table>

- Across states, the turnover rate for DSPs in 2019 ranged from 23.8% to 64.8%; the weighted average turnover rate was 38.2%.
- Nebraska vacancy rates are higher than the national averages for full-time positions and lower than the national averages for part-time positions.
Nebraska average turnover and vacancy rates are higher than the national averages for both years compared.
Method I and Method II for Reporting Wages

Visualization of the difference between the two average wage calculation methodologies in this report

Method I of reporting wages (as has been reported in past reports)

State A
$9.50
$8.00
$11.00
$7.25
$10.50
Average wage being paid by reporting providers in State A (Unit=provider agency)
$9.50
$8.00
$11.00
$10.50
+$7.25
+$46.25
$46.25/5 agencies
=$9.25/hr.

Method II of reporting wages

State A
$9.50
$8.00
$11.00
$7.25
$10.50
Average wage being received by DSPs in state (Unit=DSP)
$9.50 x 400 DSPs = $3,800.00
$8.00 x 50 DSPs = $400.00
$11.00 x 4 DSP = $44.00
$10.50 x 300 DSPs = $3,150.00
+$7.25 x 50 DSPs = $362.50
804 DSPs earning total of $7,756.50/hr.
$7,756.50/804 = $9.65/hr.
Wages- Comparison of Method I and Method II

Nebraska provider wages are at or very near national averages using both methods of calculation.
Nebraska’s median (middle) wage is higher than the national average and Nebraska wages are consistent by service provided unlike the national averages by services provided.
Benefits

Nebraska scores higher than the national average for paid vacation and paid sick time offered to DSPs.
## Benefits

### Employer-sponsored retirement plan (401K, 403b or other plan) a benefit offered to some or all DSPs
- **Benefits NE**: 75.80%
- **Benefits NCI**: 80.60%

### Some form of paid time off to employees. Paid time off is either tracked by type (vacation, sick, personal) or pooled. Pooled paid time off is a method for offering...
- **Benefits NE**: 84.80%
- **Benefits NCI**: 90.6%

### Offered pooled paid time off to some or all DSPs
- **Benefits NE**: 42.90%
- **Benefits NCI**: 46.6%

### Health insurance
- **Benefits NE**: 81.80%
- **Benefits NCI**: 88.3%

### Vision coverage
- **Benefits NE**: 69.70%
- **Benefits NCI**: 71.9%

### Offered dental coverage
- **Benefits NE**: 84.80%
- **Benefits NCI**: 78.2%

### Offer Other Types of Benefits (categories are not mutually exclusive)

<table>
<thead>
<tr>
<th>Benefit</th>
<th>NE Avg.</th>
<th>Benefits NCI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life insurance</td>
<td>72.70%</td>
<td>63.60%</td>
</tr>
<tr>
<td>Other</td>
<td>14.10%</td>
<td>15.20%</td>
</tr>
<tr>
<td>Health incentive programs</td>
<td>41.30%</td>
<td>64.70%</td>
</tr>
<tr>
<td>Flexible spending account</td>
<td>18.20%</td>
<td>42.40%</td>
</tr>
<tr>
<td>Employer-sponsored disability insurance</td>
<td>39.40%</td>
<td>61.40%</td>
</tr>
<tr>
<td>Employer-paid job-related training</td>
<td>70.50%</td>
<td>60.60%</td>
</tr>
<tr>
<td>Post-secondary education support</td>
<td>30.60%</td>
<td>24.20%</td>
</tr>
</tbody>
</table>

Nebraska providers fare well in most benefits reviewed. Pooled benefits are benefits under the umbrella of personal time instead of dispersed by individual benefit category. **Helping People Live Better Lives.**
Nebraska providers have a higher than average score in the category of “Realistic Job Preview” but are less in the categories of pay incentive/referral bonus and code of ethics training.
Nebraska is below national averages in most areas, however, improvement is noted when comparing year by year data.
Conclusion

• What do we do well?
  • Nebraska provides more than the average in-home and non-residential supports.
  • Nebraska providers provide most service types.
  • Sick/Vacation/Personal leave time for DSPs is available most of the time.
  • Nebraskans have choice and are involved in decision making as well as good healthcare and wellness.

• What needs improvement?
  • Retaining staff after the 6 month mark and after the 36 month mark.
  • Recruitment and retention efforts.
  • Increased involvement in self-determination.

WHAT DOES THIS MEAN?
Questions and Comments
Report to Council Members

August 13, 2021

Representative:  __Tony Green, Director________________________

Agency: Department of Health and Human Services – Division of Developmental Disabilities and Home & Community Based Services

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

American Rescue Plan Act of 2021 – HCBS:
- 10% available to States for reinvestment/supplanting into HCBS services
- Nebraska did submit its initial Spending Plan to CMS and is currently awaiting CMS feedback/approval. Copies posted to both MLTC & DD public webpages
  - DD: https://dhhs.ne.gov/Pages/DD-Providers.aspx
  - MLTC: https://dhhs.ne.gov/Pages/Medicaid-Providers.aspx

Aged & Disabled Waiver Renewal Status:
- Approved by CMS for 8/1/21 Implementation
- Chore Service – now unbundled into 3 separate services: Chore, Companion & Personal Care

DD Waiver Amendment Update:
- Submitted to CMS on 6/30/21 for 10/1/21 Implementation
- Awaiting CMS comments/feedback
- Summary of Changes located at:

Institutional Level of Care Assessment Redesign:
- Phase II (Intermediate Care Facility) Update: DD is planning to implement the recommendation of using the ICAP for ICF LOC. ICF LOC is targeted for implementation by July 1, 2022.

LR239:
- Working with the Legislative HHS Committee to gather requested data. Survey being developed to administer to persons on the Registry

Olmstead Plan Update:
- Olmstead Plan draft progress report release date is anticipated to be available in September 2021.
- TAC is reaching out this month via phone to conduct interviews with key informants
- TAC be on site in September (09/21/2021 through 09/23/2021)
- The next Olmstead Advisory Committee meeting is scheduled for Thursday, August 26, 11:00 AM - 12:30 PM

Future/upcoming Agency activities:
- DD Advisory Committee Meeting – August 19, 2021, 10:00-2:00 PM – Nebraska State Office Building, Lower Level C, 301 Centennial Mall South, Lincoln, NE
- Monthly HCBS Stakeholder Meeting – September 13, 2021, 4:00 PM – 5:00 PM CST WebEx Meetings. Link on the DD Event Calendar http://dhhs.ne.gov/Pages/Developmental-Disabilities.aspx
Nebraska Council on Developmental Disabilities

State Agency Representative Report to Council Members
August 2021

Representative: Sara Morgan
Agency: Department of Health and Human Services

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Continuing to work on:

- Partnering with the State Unit on Aging to pass through funds to increase vaccine for older adults and people with disabilities
- CYSHCN Parent Resource Coordinator Program with UNMC MMI
- Pediatric Mental Health Care Access program work to increase screening of children with and without special health care needs in community settings
- Contract with the US Census Bureau to oversample Nebraska and obtain more data on indicators specific to CYSHCN

Future/upcoming Agency activities:

- Family Engagement Program contract awarded in October (estimated)
- Title V Application/Annual Report submission late August
Nebraska Council on Developmental Disabilities

State Agency Representative
Report to Council Members

Representative: Amy Rhone

Agency: Nebraska Department of Education, Office of Special Education

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

School Renewal and Acceleration – IDEA- ARP funds were allocated to districts this past Tuesday. Districts are required to amend the current IDEA applications with how they will use these funds. These funds are ADDITIONAL IDEA funds and must be used in compliance with the federal regulations.

School Start – OSE is working to support many families as we enter the return of school and no mask mandates or statewide emergency declaration. All services are to be fully in place, requiring the OSE to provide technical assistance and guidance to both districts and families to best support families. Continue to see a drastic increase in State Complaint filings.

- LB 527 Transition Memo
  - LB527 - Age14 Transition Services Memo
  - The language in the law changes the wrong chapter (chapter 83) not chapter 79 which is education so there will either need to be a clean up bill next leg. Session or Rule 51 change.
  - Changes the age of Transition planning from 16 to 14. The current language in Rule 51 states “beginning no later than age 16”. So, Rule 51 does offer legal support for this change.
  - We are a year out for the change in Rule 51. If it is put into effect next August...there will not be any flexibility for the 14 and 15 year olds.
    - Begin with a 90 day timeframe (calendar days) of writing Transition plans for students ages 14 and 15. This begins August 28th-90 calendar days from this date.
    - Is it by 14 or those that are 14? It is both. The bill was not written with detail. The memo provided by NDE is the intent is to begin at 14.....Any student who will be turning 14 in the IEP year should begin transition planning. So, when they are 14, they will be moving into planning by 14.
  - Reminder that for transition planning, required to have at least 2 assessments
  - Intent of the law was to change chapter 79-NDE is recommending planning is beginning for all students

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

Have had a few complaints of students 18-21 years old in age being “graduated” and then when applying for DD waiver services, are told that this is required to be provided by the district until the student reaches 21. Once a student is graduated from a district, the only one who can “overturn” this is a hearing officer. NDE is working to develop guidance around this very important topic to support both districts and families. Will be reaching out to DD to coordinate the guidance.

NDE is currently working to fill the vacant position of Deputy Commissioner of the Student and Client Supports and Services Division.

Future/upcoming Agency activities:

Continued technical assistance and guidance as we move into the 2021-22 school year. Must continue to provide support around remote options, mask requirements, IEP development, service delivery, and following CDC guidance.
Representative: Paige Rose
Agency: Nebraska VR

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

- VR is out of Order of Selection for Priority Group 1, meaning there is no wait for services for the individuals with the most significant barriers to employment. Wait list continues for P2 and P3. Monitor vr.nebraska.gov for updates on those status groups.

- Year 1 of the Combined State Plan wrapped up June 30th. Progress is being reviewed with VR Leadership Council and more alignment will be occurring with the State Rehabilitation Council for feedback and assistance reaching state plan goals.

- State Staff training for all staff took place virtually July 26th-29th with nationally recognized speakers headlining.

- VR and DD coordinated to finalize an updated Memorandum of Understanding between the agencies.

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

- Newly formed Inclusion, Diversity, and Equity Committee produced an Inclusion, Diversity, & Equity Climate Survey required for all staff. After feedback is synthesized, a second survey on client interactions will be developed. Information will be used to assess training, hiring, performance, and supervision needs of the agency.

- LB527 requiring transition planning to begin at age 14 rather than age 16 has impacted staffing needs for VR team. Hiring has continued and communication has been occurring with districts for referrals and presence in middle schools.

- Coordination continues with Assistive Technology Partnership to provide technology training to I/DD Service Providers for virtual job support resources.

- Interviews have been completed to replace the Pre-Employment Services Program Director but no announcement yet.

Future/upcoming Agency activities:

- An RFP was conducted for the Supported Employment Cost Methodology Study and work will begin soon with Public Consulting Group. Data collected will be used to advise rate adjustments for Milestone payments to I/DD Providers for Supported and Customized Employment.
Representative:  Nate Watson, Deputy Director

Agency:  DHHS – Medicaid & Long-Term Care

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Medicaid Expansion

The Heritage Health Adult Medicaid Expansion program has now been serving eligible Nebraskans for nearly one year. To be eligible for health coverage through this program, adults must be between the ages 19-64 and annually earn up to 138% of the federal poverty level, or about $17,000 per year for a single person. This coverage may be a new option to individuals with disabilities who were ineligible for Medicaid in the past. As of late July, over 46,000 Nebraskans have been found eligible for coverage through Medicaid Expansion.

Starting October 1, 2021, Heritage Health Adult’s two tier benefit system will transition to a single benefit category. This change means that all Medicaid Expansion beneficiaries will automatically receive full Medicaid benefits, including dental, vision, and over-the-counter medications.

Electronic Visit Verification

The Federal 21st Century Cures Act (2016) requires Nebraska to implement a new electronic visit verification (EVV) system for Medicaid Aged & Disabled Waiver and Personal Assistance Services (PAS) providers this year. EVV electronically captures and verifies provider visit information, which will help ensure Medicaid beneficiaries are getting the care they need and that provider claims are processed accurately.

Nebraska launched its EVV system on January 3, 2021. Personal Assistance Services (PAS) continues to work with beneficiaries and providers as we use the new EVV system, including educating providers on the EVV platform and how it works. As of May 2021, there are 3,377 providers registered with EVV. Over $83 million has been processed and paid for claims received through the EVV platform.
Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

Medicaid Insurance for Workers with Disabilities

The Medicaid Insurance for Workers with Disabilities (MIWD) program allows individuals with disabilities who would be ineligible for Medicaid because their income exceeds the guidelines to continue to receive medical coverage.

In 2020, the legislature passed a bill which made a number of changes to MIWD, including the creation of two new eligibility groups, modifying standards for eligibility, and lowering premium caps. These changes will go into effect on October 1, 2021 and will allow more individuals to qualify for and maintain Medicaid benefits through the MIWD program.

DHHS has hosted multiple presentations about these upcoming program changes and has created a public webpage that has more information. Below is a link:

https://dhhs.ne.gov/Pages/MIWD.aspx

Informational materials include a one-pager, FAQ, premium calculation chart, and a recorded presentation.

Future/upcoming Agency activities:

Please see above, which includes current and upcoming activities.
Nebraska Council on Developmental Disabilities

DD Network Partner Representative
Report to Council Members

August 13, 2021

Representative: Seamus Kelly/Eric Evans
Agency: Disability Rights Nebraska

I. Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Monitoring: Staff continue virtual monitoring and have been working on enhancing our monitoring strategies for the Beatrice State Developmental Center. This included brainstorming about areas of concern that our monitoring has revealed. In addition, we compiled questions that will help our agency obtain data from the facility and guide our future monitoring plans. Weekly incident report packets were reviewed and virtual monitoring calls to the facility were conducted.

We began preparing for the imminent resumption of in-person monitoring. The process of identifying which facilities would be the first for monitoring visits started by reaching out to partner watchdog entities to inquire whether they had any recent complaints against specific facilities that should be added to our list of priorities. Using a combination of factors including past complaints from clients, poor ratings by government monitors, litigation, etc., the team developed a list of the likely high priority facilities to visit when in-person visitation was granted and then began in-depth research of these targets to provide a complete picture of the facility's history, capacity, newsworthy incidents, services provided, and current visitation policy. When possible, we contacted the local law enforcement agencies and/or city planners to learn of any code violations or criminal cases arising from the facility. While the research revealed several potential targets appear to be well-run facilities with few concerning aspects that moved them to a lower priority for in-person monitoring, some of the research and interviews of law enforcement created significant concerns about the facility and made them a higher priority for monitoring.

We also added congregate facilities for juvenile detention to our remote monitoring activities when vaccinations became available for people 12 years of age and older. Disappointingly, three of the juvenile facilities (Lancaster, Sarpy, Northeast Juvenile Services) had no plan yet in place to vaccinate any of the young people in their care. On a positive note, however, each of those facilities pledged to develop a plan in response to the monitoring inquiry and accepted sample juvenile vaccination plans from other states as a model. In the next quarter, we hope to have further information from the remaining juvenile facilities (YRTC and Douglas) who had not yet complied with the monitoring request for information in this quarter.

In addition to the traditional monitoring work, Disability Rights Nebraska staff continued their advocacy to ensure the state's vaccination plan would reach people with disabilities living in congregate facilities as well as those living independently but without the ability to travel to a vaccination clinic. In the prior quarter, the state moved all vaccination priority decisions to the local public health directors, which required us to shift advocacy from the state to the sixteen local health departments. Concerningly, the state did not set any guidelines to ensure nondiscrimination in the initial limited vaccines available. Disability Rights Nebraska began
reaching out to the individual public health departments to learn more about their plans for serving people who could not leave their homes and to encourage a more effective public education effort to ensure people knew they could receive that service. We also reached out the Nebraska Association of Public Health Directors to encourage that umbrella organization to educate their members about the need to accommodate an individual’s in-home vaccination request.

Disability Rights Nebraska staff also participated in a half day stakeholder listening session regarding vaccine access and how the state met the needs of people with disabilities in the pandemic that was conducted jointly by the CDC and Association of States and Territorial Health Officials. We provided a copy of our report “A Widening Divide” to all participants and lifted up the ongoing concerns we have observed throughout the pandemic.

Finally, the supplemental complaint we filed with the federal Department of Health and Human Services Office for Civil Rights regarding the state’s COVID-19 testing program was finally taken up for review by the federal agency. Within a day of our filing the supplement last quarter, the Acting Director of the Office for Civil Rights set a meeting to review our allegations. As the federal agency began to initiate action, the State started to make some improvements to their TestNebraska website, including a new tollfree number to provide callers with help to set up a COVID-19 test that would not require the person to drive-through themselves. While we acknowledged the step forward, we did express concern at the uncertainty of whether the remedy would be in-home testing or assistance getting transport to the drive-through sites as well as uncertainty about how each local health department was receiving information about the need to accommodate such requests. OCR staff was designated to review the TestNebraska program and in June the OCR regional director conducted a lengthy interview with representatives from Disability Rights Nebraska and from the State of Nebraska to clarify the facts. Both the P&A and the state then provided additional written thoughts to the OCR that are under review as of the writing of this report.

**Public Policy Education and Advocacy:** The Nebraska Legislature adjourned *sine die* on May 27th, 2021. The legislature introduced 684 bills and 261 Legislative Resolutions. After a review of all the bills, Disability Rights Nebraska identified its priority legislation for this session. Overall this was another very successful legislative session for Disability Rights Nebraska—we achieved most of our legislative goals. Following are further updates to our high priority legislation for 2021:

**LB 154 (Support):** LB 154 was introduced by Senator Wayne to collect data on student discipline practices in Nebraska. Senator Wayne has proposed similar legislation previously which we have supported with a friendly amendment to include restraint and seclusion in that set of collected data. His office has asked us for suggested language previously, which we have provided. When LB 154 was introduced, it included restraint and seclusion language and included breaking down the collected discipline data by disability, too. We provided testimony supporting LB 154. *The bill passed the legislature and has been signed by the Governor.*

**LB 247 (Support):** This bill creates the Mental Health Crisis Hotline Task Force of the Nebraska Legislature. This legislation simply creates a task force to plan the implementation of the hotline. We supported the bill as it requires representation from the mental health/behavioral health advocacy community on the task force. Disability Rights Nebraska submitted written testimony in support. *The bill passed the legislature and has been signed by the Governor.*

**LB 309 (Oppose):** The Assistance Animal Integrity in Housing Act would criminalize the misrepresentation of service or support animals as well as provide additional restrictions,
permissions, and regulations of service/support animals in the housing context. Disability Rights Nebraska has been directly involved with senators on this issue: responding to (opposing) similar legislation in previous sessions, testifying at the hearing on a legislative resolution last interim, and meeting with Senator Lindstrom independently to explain our position and the federal requirements/law. Disability Rights Nebraska testified in opposition to this legislation. The bill sits in committee and is unlikely to advance.

**LB 493 (Support):** This bill would appropriate $17 million to the Developmental Disability "Waiting List". Disability Rights Nebraska testified in support and provided additional written support when the bill was being debated on the legislative floor (General File). The bill was absorbed into the main budget but the amount was scaled back to $1 million for each year of the biennium. The amount would be in addition to what the appropriation for the waiting list is in the main budget. This bill would simply appropriate extra funds directly for the waiting list.

**LB 540 (Support):** This bill would change terminology in Nebraska's civil rights statutes regarding disability. For example, it replaces the term “handicapped” with “disability” and updates references to disability. It also inserts disability into the list of groups protected from public accommodation discrimination just as with employment or housing discrimination. The language in these statutes excludes persons with mental illness or with “hidden” or “invisible” disabilities. This was a bill that Disability Rights Nebraska brought to Senator Walz last session. She introduced it then but the bill did not go anywhere. Senator Walz introduced the bill again this session (on her own—without our prodding). Disability Rights Nebraska testified in support of the bill and our policy interns also wrote personal testimony in support. The bill passed the legislature and was approved by the Governor. It faced no opposition at any stage.

**LB 376 (Support):** This bill would create a new pilot (3-year) “Family Supports Waiver” for families with children with disabilities. 850 families would receive up to $10,000 for developmental disability services. Disability Rights Nebraska provided testimony in support at the public hearing. We also communicated with senators about the importance of these services and that "living with a disability is expensive" during the General File debate on the bill. The bill advanced from General File but was filibustered during Select File debate.

**LB 529 (Support):** This bill would provide lottery funds for scholarships; one of the additional activities funded was mental health training and awareness for schools and teachers. Disability Rights Nebraska testified in support of LB 529, noting the importance of these mental health training/awareness funds. However, at the 11th hour, Senator Murman proposed an amendment (AM 1422) to attach language similar to his Legislative Bill 673 to this bill, which caused a handful of senators to rise up and successfully filibuster LB 529. Provisions of LB 529 regarding scholarships and the Education Improvement Fund were attached to LB 528--unfortunately the mental health training/awareness funding was not. The bill did not survive a filibuster.

**LB 620 (Support):** This bill would redefine “solitary confinement” and “restrictive housing”. Disability Rights Nebraska testified in support. The bill still sits in committee.

**LB 663 (Oppose):** LB663 establishes the creation of a mental and behavioral health indicator within the Nebraska Criminal Justice Information System to provide the transfer of identifying data of those individuals who have been the subject of inpatient treatment by a mental health board. The information is then transferred to the Nebraska Commission on Law Enforcement so that emergency responders can be alerted that a person at the destination has been the subject of a mental health board commitment. Disability Rights Nebraska, along with
the Division of Behavioral Health (Nebraska DHHS), strenuously opposed this bill at the hearing. *The bill still sits in committee.*

**LB 673 (Oppose):** This bill would codify the use of physical intervention for school staff in response to student behavior and would set up a system to remove disruptive students from class. Again, Disability Rights Nebraska strenuously opposed the bill at the hearing. Disability Rights Nebraska also communicated our opposition with all senators when this bill’s language was proposed as amendments to LB 529: AM 719, AM 990, and finally AM1422. *The bill itself has been Indefinitely Postponed. Attempts to amend the language to LB 529 failed.*

**III. Current Agency activities/trends/improvements/issues impacting individuals with I/DD:**

**Monitoring:** We are continuing our monitoring work, but with the current COVID 19 situation we have not returned to in-person monitoring.

**Public Policy Advocacy:** We submitted requests to our Congressional delegation to submit budget increase requests for several of our federal programs, including the Protection and Advocacy for Developmental Disabilities program.

**Agency Planning:** We are in the process of developing our work plans and budget for FY 2022 which begins October 1st.

**Supported Decision-Making:** This year’s Developmental Disabilities Network Tri-Board meeting focused on supported decision making as a less-restrictive alternative to guardianship/conservatorship. The meeting has helped to launch an initiative to establish supported decision making in Nebraska.

**III. Future/upcoming Agency activities:** As we are developing this year’s workplan and budget we intend to devote substantial resources to support education and advocacy efforts relating to supported decision-making.