

NOTICE

Hybrid Meeting of the Nebraska Olmstead Advisory Committee

Tuesday, April 28th, 2026

9:00 a.m. Central Time

PLEASE TAKE NOTICE that on Tuesday, April 28th, 2026, at 9:00 a.m. Central/8:00 a.m. Mountain, the Nebraska Olmstead Advisory Committee will hold an hybrid meeting at the Nebraska Department of Education Building located at 500 South 84th Street, Lincoln, NE 68510—Board of Education Room. You may attend in person or join the meeting virtually through Zoom via Computer, Smart Device or Telephone at <https://us06web.zoom.us/j/87855615743?pwd=IcbyNbnmNst4mdL3owPjqDctfPqX7h.1>

An agenda of subjects known at this time is included with this notice, but the agenda shall be kept continually current and readily available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska during normal business hours. A notice of this meeting with the agenda and other materials is available on the Nebraska Department of Health and Human Services website <https://dhhs.ne.gov/Pages/Olmstead.aspx>.

On April 15, 2026, a notice of this meeting with the agenda was sent to all Committee members and was published in the Omaha World-Herald, a newspaper of statewide distribution. Notice of this meeting with the agenda and other materials are available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska, and posted with the following links kept continually current: an electronic copy of the agenda, all documents being considered at the meeting, with a link to the current version of the Open Meetings Act are on the website of the Nebraska Department of Health and Human Services – <https://dhhs.ne.gov/Pages/Olmstead.aspx>.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 853-1452. Individuals who are deaf or hard of hearing may call DHHS via the Nebraska Relay System at 711 or (800) 833-7352 TDD prior to the meeting.

Agenda

Hybrid Meeting of the Nebraska Olmstead Advisory Committee

Tuesday, April 28th, 2026

9:00 a.m. Central Time

In accordance with the Open Meetings Act, Chapter 84, Article 14 of the Reissue Revised Statutes of the State of Nebraska 1943, as amended, one copy of all reproducible written materials to be discussed is available to the public at the meeting and at the link below for examination and copying.

Join the virtual meeting by Zoom via Computer, Smart Device or Telephone at <https://us06web.zoom.us/j/87466407389?pwd=ZCJtbp58NbPckAgkgxgkg3z1eGi9OO.1>.

1. Call meeting to order

- Kathy Hoell & Mark Smith
- 9:00 a.m. CT– Mark Smith and Kathy Hoell, will call the meeting to order.
- Roll call.
- Indicate that on March 30, 2026, a notice of this meeting with the agenda and other materials was provided to the public and all members of the Committee. Notice of this meeting with the agenda and other materials were available for public inspection at 301 Centennial Mall South in Lincoln, Nebraska, and also posted with the following link kept continually current: an electronic copy of the agenda and all documents being considered at the meeting, with a link to the current version of the Open Meetings Act are on the website of the Nebraska Department of Health and Human Services – <https://dhhs.ne.gov/Pages/Olmstead.aspx>.
- Inform the public about the location of the Open Meetings Act which is accessible to members of the public <https://dhhs.ne.gov/Pages/Olmstead.aspx>. along with a copy of all reproducible written materials to be discussed at this meeting.
- Public comment on any agenda item(s): Pursuant to the Open Meetings Act, the Chair of the Committee reserves the right to limit comments on agenda items. In accordance with the Open Meetings Act, there is no time limit on comments made by members of the Committee. Members of the Committee and members of the public may comment on agenda items or listen to the Committee Meeting; however, if the Committee votes to hold a closed session pursuant to the Open Meetings Act, members of the public may not comment or listen during that time. The committee requires any member of the public desiring to address the body to identify their name, including an address and the name of any organization represented by such person in accordance with Neb. Rev. Stat. §84-1412. 2.

2. Consider a motion to approve the agenda

- Kathy Hoell & Mark Smith

- 3. Consider a motion to approve the minutes of December 19, 2025**
 - Kathy Hoell & Mark Smith
 - ***Pages 4-9***
- 4. Public Comment**
- 5. Updates from DHHS-DDD regarding HCBS Waivers and Policies**
 - Updates regarding submission of AD/TBI Waivers
 - Updates regarding submission of CDD/DDAD Waivers
 - Updates regarding League of Human Dignity transition
- 6. Discussion of Advisory Committee Attendance**
 - Colin Large
 - ***Page 10***
- 7. Concerns Regarding Role and Direction of Olmstead Advisory Committee**
 - Kathy Hoell & Mark Smith
- 8. Workgroup Guidance Information**
 - Kathy Hoell & Mark Smith
 - ***Pages 12-13***
- 9. Workgroup Reports**
 - Community Supports- Joni Thomas
 - Education- Mary Phillips and Stacy Bliss
 - Employment- Lindy Foley
 - Housing- Tobias Orr
 - Transportation- Dianne DeLair
- 10. Public Comment**
- 11. Upcoming Meeting Dates**
 - Next Meeting- April 29, 2026 at 9:00 am (In-Person) – Q2
 - Future Meetings-
 - i. July 22, 2026 at 9:00 am (In-Person) – Q3
 - ii. November 18, 2026 at 9:00 am (In-Person) – Q4
- 12. Motion to Adjourn**

Minutes

In-Person Meeting of the Nebraska Olmstead Advisory Committee

Wednesday, January 28, 2026

9:00 a.m. Central Time

1. Call meeting to order:

Kathy Hoell called to order the Hybrid regular meeting of the Olmstead Advisory Committee at 9:05 am on Wednesday, January 28, 2026

2. Roll Call

The following people were present:

Advisory Members Present:

In Person-Dianne DeLair, Linda Foley, Patrica Jurjevich, May Phillips, Tobias Orr, Peggy Reisher, Susan Tatum

Virtual- Trish Bergman, Stacy Bliss, Kim Daivs, Kathy Hoell, Kristen Larsen, Kierstin Reed, Lorie Regier, Joni Thomas, Joe Valenti

Advisory Members Absent: Jody Faltys, Timothy Heller, Melissa Lemmer, Carlos Sevan, Mark Smith

3. Approval of Meeting Agenda

Dianne DeLair proposed adding AD/CDD waiver changes to the Agenda. Tobias Orr made a motion to approve the agenda as amended, motion 2nd by Dianne DeLair. The agenda was approved as amended.

4. Approval of Meeting Minutes

Mary Phillips made a motion to approve minutes, a motion 2nd by Peggy Reisher. The minutes were approved as presented.

5. Call for Public Comment

- **Laura Vajgrt**- Concerns with the new AD/TBI proposal. Unsure of how exceptions work. Overall, it feels like we are still in the same spot.
- **Mary Angus**- Thank you for meeting on the 19th. Agree with previous commentor. Does not believe the NF cost limit is representative.

6. Nebraska Department of Transportation Discussion of Olmstead Activities (Jody Gibson)

- Helping to address different transportation needs related to ADA that were not necessarily a focus previously.
- NDOT is somewhat limited in its ability to make large changes to transit systems because we do not have jurisdiction over them.
- NDOT's biggest hurdle has been transitioning transit systems to trip-planning software that can connect systems to one another. Over the last year, we have required each transit system to adopt software that allows for this connectivity. We are working with

vendors to bring everyone on board. We will continue to pilot a program, for which funding is available, to connect individuals traveling between different areas of the state. This is very high cost, and we do not currently have sufficient funding, but we are looking for opportunities to continue this work.

- Goals to improve physical accessibility at public facilities to ensure all NDOT facilities meet ADA requirements. There are 62 total projects, and approximately 50% include some form of ADA or accessibility component.
- Two of the largest projects are starting in February; commitment to getting those numbers for the Workgroup.
- NDOT has an ADA Transition Plan, which is a 150-page document.
- For local projects, if federal funds are involved, NDOT is involved. If federal funds are not involved, we may not necessarily be involved and cannot require changes.
- NDOT is moving its website fully in-house and to a different platform, ensuring it meets all accessibility compliance standards.
- Ensuring that meetings are accessible to everyone. Currently, we use Webex, which is not always the most user-friendly, although we have not received any complaints about our meetings.

7. Proposed Discussion with AG Hilger and the Co-Chairs on Open Meetings Act Requirements or the Olmstead Advisory

- A. Legislation has been introduced related to the Open Meetings Act, addressing changes to the number of meetings that may be held online.
- B. LB898 and LB1145 have been introduced.
- C. The bill lists several committees, including advisory committees.
- D. The proposal would require advisory committees to hold one in-person meeting per calendar year, with all other meetings conducted in a hybrid format. Other requirements would still include having a physical location.
- E. LB1145 would not negatively impact accommodation for people with disabilities; some would argue it would increase the level of accommodation.
- F. There is a need for greater flexibility to allow people from across the state to attend meetings.
- G. ATP's Advisory Council is required to have geographic representation across the state, with 51% of members being individuals with disabilities or family members of individuals with disabilities. It is difficult to recruit members west of Seward.
- H. The Open Meetings Act does not refer to accommodation, leaving this responsibility to individual agencies. This results in agencies interpreting and applying accommodation requirements differently.
- I. Can accommodation be explicitly included in the Act? There is a desire for consistent and equitable application across all state agencies, particularly for agencies that may not be aware of their responsibility to provide accommodations for people with disabilities.
- J. An additional educational component may be needed, as this may not be on the radar of many agencies.
- K. We need to contact the committee to request an amendment.
- L. Recommend that the co-chairs reach out to the committee on behalf of the Olmstead Advisory Committee.

M. All departments should be offering accommodation.

Mary Phillips made a motion that the co-chairs submit testimony, written comments, or other actions in support of LB898. The motion 2nd by Peggy Reisher.

All in Favor: Trish Bergman, Stacy Bliss, Kim Davis, Dianne DeLair, Lindy Foley, Patricia Jurjevich, Kristen Larson, Mary Phillips, Tobias Orr, Kierstin Reed, Lorie Regier, Peggy Reisher, Mark Shriver, Susan Tatum, Joni Thomas, Joe Valenti.

All Opposed: None.

Abstain from Voting: Kathy Hoell

8. Subcommittee Reports

- **Community Supports** -Joni Thomas
 - Discussed the AD waiver changes and different components of that
 - Looking at where behavioral health data comes from or how we get it.
 - Discussed EVV but still have questions
 - We did receive information from Jeremy about the number of people who have reached their three strikes.
 - It's understood in the community that you get three opportunities to not clock in or clock out with 100% accuracy, but what happens when things happen out of their control
 - Direct negative on the workforce development.
 - It's more than the strictest state, which is Pennsylvania, and they allow 15% inaccurate rate.
 - People aren't trying to cheat the system
 - It takes about an hour to submit all the forms and proper paperwork to request that DHHS consider paying.
- **Education**-Stacy Bliss, Mary Phillips
 - Reviewed the new plan and goals
 - Discussed need to establish baseline for teacher shortages
 - Discussed working with the credentialing office through the higher ED departments and finding out how many teacher shortages they know across the state
 - Discussed meeting needs of shortages and strategies to raise awareness
 - Did discuss a needs assessment, but there is no budget -the plan isn't necessarily the committee's goals it is the state's goals. So, it is up to the relevant state agency to do the assessment of needs.
 - Committee doesn't do the work it is up to the state to do the work.
 - Discussed Paraeducators
 - Pilot with LPS where the districts nominate a paraeducator who has 60 credit hours or a degree in a different area and then work with them to become licensed special ed teachers.
 - Dean of Education will be at the next meeting.
- **Employment**- Lindy Foley

- Looking at disaggregating our employment outcomes by disability, specifically talking about supported employment
- looking at the quality of employment that the population is receiving
- Once people are placed in employment, and this is competitive integrated employment, once placed in employment, are they still employed after 6 months, employed after 1 year.
- DJ Ploutz attended the meeting to present data snapshot
- Kristen had shared with the work group a copy of the From Barriers to Opportunity employer perspectives on inclusive employment in Nebraska Employer Survey Report
- Nebraska is going to be applying for technical assistance opportunity through the National Expansion of Employment Opportunities Network (NEEON). Which is located within the Office of Disability Employment Programs at the federal level, and they are going to be selecting up to 7 states to provide technical assistance.
- The topical area is providing or the TA, very specific to improving employment outcomes for people with mental health needs, as well as the IDDD population. TA for up to 3 years with no dollars attached to it.
- Medicaid employment rules are going into effect on May 1st
- The work requirements only apply to individuals who qualify for Medicaid under the Medicaid expansion category, and that is not generally the individuals who are on Medicaid waivers. They're qualifying under a different pathway for Medicaid, and so they're already not subject to those requirements.
- **Housing** -Tobias Orr
 - Discussed legislative bills introduced by Senator Roundtree
 - LB839 and LB840 are specific to housing
 - LB839 Senator is trying to modify the municipal density and missing middle housing act to include accessible, along with affordable
 - Townships over 20,000 report their efforts on affordable housing
 - LB840 increases the number of accessible units in any housing project that receives state-funded money.
- **Transportation**-Dianne DeLair
 - LB737 That would require a joint public hearing by the Urban Affairs committee and Health and Human Services to evaluate the progress of the Olmstead Plan- a hearing has not been set.
 - ADA transition plan, which the work group has looked at has some great data on what they are doing.
 - Improving physical accessibility at public facilities
 - Self-assessment of anything under the Jurisdiction of DOT across the state
 - Discussed the digital accessibility of the web content, including updates and feedback. The work group is learning more about the process
 - Discussions centered around transportation itself and how do people get to their appts.
 - Workgroup engaged in its own survey. It was sent out, and we had about 300 responses.

- Providers are seeing a 30% cut due to federal funding, and it's affecting people served, especially in the rural areas.
- Discussed third-party transportation and getting to medical appointments and issues around this.
- Discussed the complaint process and whether people know about the complaint process, especially if they are using third-party transportation.
- MTM Medical Transportation Management- tracks the metrics of the third-party contractors and they are given a scorecard- working to get a hold of that data.
- Discussed the issue that people get dropped off for their medical appointment and they get left.

9. Overview of AD/TBI Waivers

- AD & TBI waivers posted for public comment period December 2025 into January 2026.
- Tabulated all those public comments
- Issued a press release that we will be making changes, proposed changes again to the waiver based on that feedback and we will be going out for public comment beginning 2/2/2026.
- Need to address the rapidly rising enrollment in this waiver, and the significant increase in cost that this waiver has been experiencing.
- Hours provided by a live-in caregiver no longer have the caps
- Second largest piece of feedback centered around the institutional cost limit cap; there will still be a 150% cap on waiver services for in-home caregivers
- There will be an exception process available to folks who rely on caregivers outside the home. They would be able to get an exception above that 150% limit
- Removed the fingerprinting requirement from agency personal care providers
- \$92,000 institutional cost limit was based on total claims that were paid to the nursing facilities, approximately \$518 million roughly divided by 5,612 participants
- AD waivers are nursing facility level of care, not ICF
- DHHS can be updated on the waiver if there is an agenda topic

10. Overview of CDD/DDAD Waivers

- Consultative assessment was a service we implemented a few years back and is being removed because Medicaid waivers cannot pay for things that are already available in your Medicaid state plan.
- No longer mandating that every behavior support plan for everyone in the state must have an FBA. Leaving that to the person-centered planning process of the teams.
- Eliminating the mandate that every client must have a semi-annual team meeting.
- Psychotropic medications that may be used as a part of hospice are going to ask that those documented but are not going to require the medium GER, the follow-up with the team every time those PRNs are used when they're used as a part of hospice as opposed to something that's being used as a restraint or a restriction.

11. Olmstead Advisory Information

- Committee discussed the desire to be aware of actions that may impact individuals with disabilities within the State

Mary Phillips made a motion to have a standing agenda item to discuss potential changes to Regulations, Waivers, and changes in DHHS-DDD policy in the Olmstead Advisory Meeting. The motion 2nd by Dianne DeLair.

All in Favor: Trish Bergman, Stacy Bliss, Kim Davis, Dianne DeLair, Lindy Foley, Kathy Hoell, Patricia Jurjevich, Kristen Larson, Mary Phillips, Tobias Orr, Kierstin Reed, Lorie Regier, Peggy Reisher, Mark Shriver, Susan Tatum, Joni Thomas.

All Opposed: None.

Abstain from Voting: Joe Valenti

12. Discussion of future meetings, Attendance and Quorum Reequipments

- Ongoing issues with meeting and maintaining a quorum.
- Meetings are scheduled quarterly to avoid overwhelming members.
- Meeting notices are distributed three weeks in advance.
- The group has had to switch to hybrid meetings to meet quorum requirements.
- It is unclear whether the requirement for 50% in-person attendance applies on a rolling basis or per calendar year.
- Are there specific members who are consistently not attending, and can replacements be identified?
- Refer to the bylaws regarding the process for removing members from the group.
- Can data be compiled to identify members who have not been attending meetings regularly?
 - o DDD will prepare a two-year attendance lookback for the next meeting.

13. Public comment

- No comment

14. Next meeting scheduled

- April 29, 2026 (In-Person) **(Rescheduled to April 28)**
- Remainder of the meetings in 2026 are in-person meetings
- Will send invites and notify of date changes, if necessary

15. Call meeting to adjourn

- Kathy Hoell called to adjourn the regular meeting of the Olmstead Advisory Committee

Attachment 1: Olmstead Advisory Committee Attendance Log

	Meeting Format	In-Person	In-Person	In-Person	In-Person	Hybrid	In-Person	Hybrid	Hybrid	Hybrid	Hybrid	Percentage Attendance
First Name	Last Name	4/30/2024	7/30/2024	10/29/2024	1/29/2025	6/9/2025	7/25/2025	10/29/2025	12/19/2025	1/28/2026		
Trish	Bergman	In person	In person	In person	In person	Absent	In person	Virtual	Virtual	Virtual	89%	
Stacy	Bliss	Virtual	In person	Virtual	In person	Virtual	Absent	Virtual	Absent	Virtual	67%	
Kim	Davis	In person	Absent	In person	In person	Virtual	In person	Virtual	Absent	Virtual	89%	
Dianne	Delair	In person	Virtual	In person	In person	In Person	In person	In person	Virtual	In person	89%	
Jody	Faltys						In person	Absent	Absent	Absent	25%	
Lindy	Foley	In person	In person	In person	In person	In Person	In person	In person	In Person	In person	100%	
Timothy	Heller	In person	Absent	Absent	Absent	Absent	In person	Absent	Virtual	Absent	33%	
Kathy	Hoell	Virtual	Virtual	Virtual	Virtual	Virtual	Virtual	Virtual	Virtual	Virtual	100%	
Patricia	Jurjevich	In person	In person	In person	In person	Absent	In person	Absent	Virtual	In person	78%	
Kristen	Larson	In person	Virtual	In person	In person	In Person	In person	In person	In Person	Virtual	89%	
Melissa	Lemmer				In person	Virtual	Absent	Absent	Absent	Absent	33%	
Tobias	Orr	In person	In person	In person	Absent	Virtual	In person	Absent	In Person	In person	89%	
Mary	Phillips						In person	In person	Virtual	In person	100%	
Kierstin	Reed	In person	In person	Absent	In person	Virtual	In person	Absent	Virtual	Virtual	78%	
Lorie	Regier	In person	Virtual	Virtual	Absent	Virtual	In person	In person	Virtual	Virtual	78%	
Peggy	Reisher	In person	In person	In person	In person	Absent	In person	Absent	Virtual	In person	67%	
Carlos	Servan	In person	Virtual	In person	In person	Absent	Absent	Virtual	Absent	Absent	56%	
Mark	Shriver				In person	Absent	Absent	Virtual	Absent	In person	50%	
Mark	Smith	In person	In person	Absent	Absent	Absent	Absent	In person	Absent	Absent	33%	
Susan	Tatum	In person	In person	Absent	In person	Absent	In person	Absent	Absent	In person	56%	
Joni	Thomas	Virtual	In person	Virtual	Virtual	Virtual	In person	Virtual	In Person	Virtual	100%	
Joe	Valenti	In person	In person	In person	In person	Virtual	Absent	Absent	Virtual	Virtual	78%	

Attachment 2 The Role of Working Groups in Overseeing Olmstead Plan Goals

Understanding Collaborative Oversight for Disability Integration Initiatives in Nebraska

Introduction

Olmstead Plans are the strategic framework developed by states and organizations to ensure compliance with the Olmstead decision, a landmark Supreme Court ruling that upheld the rights of individuals with disabilities to receive services in the most integrated setting appropriate to their needs and wishes. Oversight of Olmstead Plan goals and activities in Nebraska primarily falls to the Olmstead Advisory Council along with its partners in state government through the Department of Health and Human Services. Membership includes policymakers, advocacy organizations, disability service providers, individuals with disabilities, family members, and other governmental entities. Through these partnerships, Nebraska Olmstead Plan as authorized by the Nebraska Legislature was initially developed and Plan goals and activities pursued.

As a key component of these efforts, Advisory Council Working Groups oversee the implementation and progress of Olmstead Plan goals while fostering continued collaboration, accountability, and continuous improvement among Plan stakeholders to the broadest degree.

Purpose of Working Groups

Working groups are multidisciplinary teams that guide and monitor progress towards Olmstead goals. They are composed of Plan stakeholders including government officials, service providers, advocates, individuals with disabilities, and family members. Their primary purpose is to guide and monitor the achievement of Olmstead Plan objectives across specific Plan areas. The Groups facilitate communication among stakeholders, ensure that various perspectives are considered, and promote transparency in decision-making.

Key Responsibilities

- **Priorities:** Working groups were established to increase stakeholders and other members of the public's involvement in Committee activities and to provide the Advisory Committee with information on how goals are being implemented by the State of Nebraska (in addition to the Committee's monitoring activities regarding goal outcomes). The Working Groups prioritize their activities and initiatives based on feedback from the Committee and the community.

- **Progress Monitoring:** Groups regularly review pertinent data, reports, and outcomes to assess progress toward Plan goals. They identify barriers, recommend solutions, and strategies as needed to stay on track with the Advisory Committee's charge.
- **Stakeholder Engagement:** By engaging a broader range of voices, Working Groups ensure that the plan best reflects the lived experiences and priorities of people with disabilities and other affected community members and groups.
- **Problem Solving and Innovation:** When challenges arise, Working Groups have the option to collaborate to develop innovative solutions by leveraging cross-sector expertise.
- **Ensuring Accountability:** The Working Groups are required to prepare and provide periodic updates to the Advisory Committee to ensure policymakers, funders, and the public maintaining accountability and transparency throughout the Olmstead implementation process.

Structure and Functioning

Olmstead Working Groups most often operate through regular virtual meetings and can include subcommittees and targeted task forces. Chairpersons, who must be Advisory Committee members, are elected by the Advisory Committee membership to ensure outputs that are pertinent, timely, and are communicated to the Advisory and its state partners. They may use consensus-building techniques to make decisions and establish clear roles for members, such as facilitators and record-keepers. The Groups are charged to maintaining open lines of communication with the co-chairs and Committee and to document their activities to ensure informational continuity in their assigned Plan areas.

Impact on Olmstead Plan Success

The collaborative and oversight functions of Working Groups are vital for the successful realization of Olmstead Plan goals. By bringing together stakeholders, promoting accountability, and driving continuous improvement, these groups help ensure that individuals with disabilities have increased access to integrated, community-based services and supports.

Conclusion

Working groups overseeing Olmstead Plan goals serve as engines of progress and guardians of inclusive practices. Their leadership, collaboration, and commitment are essential for translating policy into meaningful change for people with disabilities.