



Presentation on Waiver Changes to Aged and Disabled (AD) Waiver & Traumatic Brain Injury (TBI) Waiver

Presented by the Division of Developmental Disabilities
to the Olmstead Advisory Committee

December 19, 2025

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Overview of Proposed Drafts: Aged and Adults and Children with Disabilities (AD) Wavier and Traumatic Brain Injury (TBI) Wavier

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Appendix A: Waiver Administration and Operation

- Generalized updates to correct spelling and grammar and align with current practices and procedures.

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Appendix B: Participant Access and Eligibility (AD/TBI)

- Added High Utilization Review at 150% by DDD Central Office-Clinical Support
- Added individual cost limit in excess of institutional costs of no more than 175%.
 - Added how the state is implementing an individual cost limit.
 - Added safeguards for when services exceed the cost limit.
- Institutional costs are based on the total State Fiscal Year (SFY) expenditures divided by the average number of recipients. In SFY2025, Nursing Facility costs were **\$92,438** per person.
- Updated the minimum frequency for the provision of waiver services from 60 to 90 days.
- Updated qualifications for assessors performing evaluations of the level of care (TBI) to align with other waivers, allowing years of experience to substitute for a degree.

Appendix C: Participant Services

(1 of 5)

For All Services

- Generalized updates to correct spelling and grammar.
- Updates to TBI Waiver to better align with AD Waiver and CMS expectations.
- Updated language to note that services may not overlap with hours set by the local school district.

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Appendix C: Participant Services

(2 of 5)

Revised Service Specifications for the Following Services

- **Personal Care**

- Must primarily support participant ADL needs as determined through the Service Needs Assessment.
- Personal Care and LRI Personal Care are limited to a combined maximum of 40 hours per week for live-in caregivers.
- Personal Care, LRI Personal Care, and Companion services are limited to a combined maximum of 70 hours per week.
Exceptions to both combined limits may be approved by DDD Central Office to meet the immediate health and safety needs of a participant.

- **LRI Personal Care**

- Added to TBI Waiver
- Personal Care and LRI Personal Care are limited to a combined maximum of 40 hours per week for live-in caregivers.
- Personal Care, LRI Personal Care, and Companion services are limited to a combined maximum of 70 hours per week.
Exceptions to both combined limits may be approved by DDD Central Office to meet the immediate health and safety needs of a participant.

- **Companion**

- Must primarily support participant IADL needs as determined through the Service Needs Assessment.
- Personal Care, LRI Personal Care, and Companion services are limited to a combined maximum of 70 hours per week.
Exceptions to limit may be approved by DDD Central Office to meet the immediate health and safety needs of a participant.

Appendix C: Participant Services

(3 of 5)

Revised Service Specifications for the Following Services

- **Extra Care for Children with Disabilities (AD Only)**
 - A cap of 50 hours per week was added to the service.
 - Licensed Practical Nurses (LPNs), Registered Nurses (RNs), Advanced Practice Registered Nurses (APRNs), and Certified Nursing Assistants (CNAs) are not guaranteed for service delivery, though some agencies may employ them.
- **Respite Care**
 - Expanded the definition to provide clarity and allow providers to provide respite across more than one waiver.
 - Added a daily rate for out-of-home respite.
- **Independence Skills Building**
 - Limited to adults focusing on rehabilitative training of ADLs, IADLs, and home management skills and 16- and 17-year-olds, when it does not duplicate.
 - May be authorized independently or in groups.

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Appendix C: Participant Services

(4 of 5)

Revised Service Specifications for the Following Services

- **Chore**
 - Chore was updated and reorganized to provide support in five primary areas:
 - Minor Home Repair,
 - Pest Control,
 - Mowing and Site Clearance,
 - Snow and Ice Removal, and
 - Heavy Cleaning.
 - Annual cap of \$3,500 per year.
- **Assistive Technology**
 - The annual cap for assistive technology was changed from \$2,500 to \$10,000 in a five-year period, with a maximum of \$20,000 with DD Central Office approval.
- **Assisted Living Service, now Supported Residential Living (AD)**
 - Available only through Assisted Living Facility certified providers.

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New Provider Types

- **Direct Care Provider**

- Can offer: Personal Care, Respite Care, Companion, LRI Personal Care, and Independence Skills Building.
- Required certification in CPR, Basic First Aid, and Abuse/Neglect/Exploitation Training.

- **Non-Care Provider**

- Can offer: Chore and Home Again.
- No personal care or hands-on assistance may be provided.
- Must have the qualifications, experience, and abilities necessary to carry out services.

- **Community Respite Provider**

- Community organizations, such as religious organizations, gyms/studios, and creative organizations which provide respite, not as their primary business.

- **Other Providers Consolidated**

- Agency PERS, specialized equipment, suppliers, and home repair companies combined.
- Certified Commercial Carrier/Common Carrier and PSC Exempt Provider combined.

Appendix D: Participant-Centered Planning and Service Delivery

For the AD and TBI Waivers

- Removed Registered Nurse from responsibility for service plan development.
- Updated HCBS Settings Requirements for Service Plans.
- Updated language to reflect that relevant service providers are included in the development of the person-centered plan (PCP) and must attend the PCP meeting.

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Appendix D: Participant-Centered Planning and Service Delivery

For the TBI Waiver only

- Update professional qualifications for Service Coordination to align with changes previously made on the AD waiver.

Appendix F: Participant Rights

- Added the definition of “participant.”

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Appendix G: Participant Rights

- Updated language to comply with the HCBS Final Settings Rule.
- Updated “Assisted Living” to “Supported Residential Living.”
- Updated references to the Quality Council and replaced with QI Committee.

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Appendix I: Financial Integrity and Accountability

- Updated how payments are made, removing NFOCUS and changing to the state-mandated web-based case management system.
- Added LRI Personal Care to services billing under EVV in TBI Waiver.

Appendix J: Cost Neutrality Demonstration

- Updated cost analysis information.

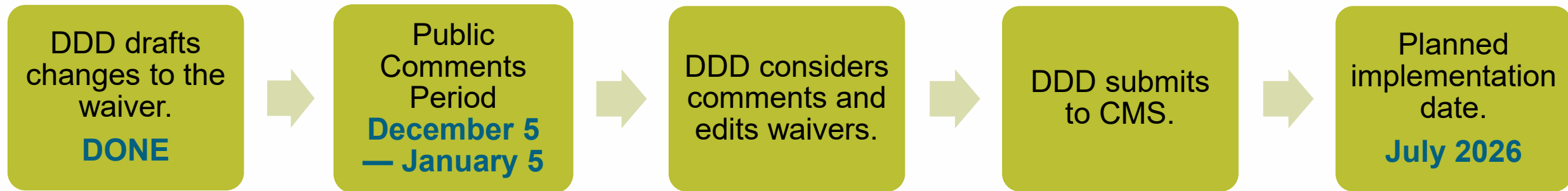
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Waiver Timeline



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Resources

Public Comment information, including copies of HCBS waiver applications on the DDD website:



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

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SHARE YOUR THOUGHTS

**Public comments will be accepted
December 5, 2025 through January 5, 2026.**

DHHS.HCBSPublicComments@nebraska.gov

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



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