

Summary of Changes to Title 403 NAC

The Department of Health and Human Services (DHHS), Division of Developmental Disabilities (DDD) has made revisions to Title 403 of the Nebraska Administrative Code (NAC). The updated 403 NAC regulations are currently pending approval.

- This document contains an overview of changes made to 403 NAC. In addition, 404 NAC regulations are also in effect.
- All developmental disabilities (DD) providers must adhere to 403 NAC immediately upon it becoming effective; however, certified agency providers will be given three months to update their policies and procedures to comply with regulation changes.

Chapter 1

- For the purposes of 403 NAC, definitions found in Chapter 1 apply alongside definitions found in the Nebraska Medical Assistance Program (Neb. Rev. Stat. §§ 68-901 to 68-949), the Title XIX of the Social Security Act, including Section 1915(c) of the Social Security Act [Medicaid Home and Community-Based Services (HCBS) Waiver] (42 C.F.R. §440.180 and Part 441, Subpart G), the Health and Human Services Act (Neb. Rev. Stat. §§ 81-3110 to 81-3124).
- Added Family Support Program (Neb. Rev. Stat. §§ 68-1529 to 68-1534).
- Added definitions for the following terms:
 - **Electronic Visit Verification (EVV)** – EVV is a tracking system that requires electronic verification of when a person receives Medicaid-funded personal care or home health services.
 - **Emergency Safety Intervention (ESI)** – When a provider must physically intervene to prevent or reduce the risk of serious harm to the participant or others.
 - **Person-centered planning** – The process used to develop a meaningful Individual Support Plan (ISP).
 - **Small Group Vocational Support** – Small Group Vocational Support is a habilitative service in which the provider employs participants in regular business and industry settings.
 - **Unpaid Caregiver** – Is any person, family member, neighbor, friend, companion, or co-worker who provides uncompensated care, training, guidance, companionship, or support to a person served on the waiver.
 - **Virtual Support** – A provision of direct supports by a provider at a different location from the participant and engages the participant through electronic devices capable of live, real-time audio and video connection.
- Revised definitions for the following terms:
 - **Certified Provider** – Is an agency, organization, association, or other entity that the Department has certified as meeting certification and accreditation requirements under applicable state statutes and regulations.
 - **Community Integration** – The opportunity for an individual with a developmental disability to live and interact in community settings where individuals without disabilities are present and a habilitative service that offers training and staff supports for the acquisition, retention, or improvement in self-help; and behavioral, socialization, and adaptive skills that take place in

the community in a non-residential setting, separate from the participant's private residence or other residential living arrangement; or any setting outlined and approved in the participant's Individual Support Plan (ISP).

- **Natural Supports** – Non-paid, personal associations and relationships, typically developed in the community that enhance a participant's quality and security of life, including, but not limited to family relationships; friendships; and associations developed through employment, participation in clubs, organizations, and other community activities.
- **Supported Employment – Follow-Along** – An individualized habilitative service that enables a participant to maintain employment in an integrated community employment setting. This employment is paid at or above the applicable minimum wage. This service is provided for, or on behalf of, a participant through intermittent and occasional job support, and communicating with the participant's employer.
- All other definitions in the previous 403 NAC remain the same or were removed. Definitions were removed when found in statute or regulation, or because no longer relevant to 403 NAC.

Chapter 2

- Changed terminology from Intermediate Care Facility for Persons with Developmental Disabilities (ICF/DD) to Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).
- In Applications, include the signature of the guardian and legally responsible individual.
- Realigned information regarding eligibility criteria.
- Removed Alternative Compliance as the definition applies to Exception Funding. Alternative Compliance information is found in 404 NAC.

Chapter 3

- Removed outdated self-directed services, which are no longer offered in the Medicaid Home and Community-Based Services Waivers.
- Added new services to align with current Medicaid Home and Community-Based Services Waivers.

Chapter 4

- Replaced outdated Developmental Disabilities Adult Day (DDAD) Waiver services with current DDAD Waiver services.
- Added subsection headers that relate to the subject matter.
- Realigned information in chapters. Information about specific Independent Provider Requirements is in 404 NAC.
- Replaced "agency providers" with "certified providers."
- Removed outdated services, service definitions, and limitations.
- Added new services, service definitions, and limitations to align with the DDAD Waiver.
- Removed duplicative service definitions found elsewhere in 403 NAC.

Chapter 5

- Replaced outdated Comprehensive Developmental Disabilities (CDD) Waiver services with current CDD Waiver services.
- Added subsection headers that relate to the subject matter.
- Realigned information in chapters. Information about specific Independent Provider Requirements is in 404 NAC.
- Replaced "agency providers" with "certified providers."
- Removed outdated services, service definitions, and limitations.

- Added new services, service definitions, and limitations to align with the CDD Waiver.
- Removed duplicative service definitions found elsewhere in 403 NAC.

Chapter 6

- Added Authority for the Nebraska Department of Health and Human Services to establish, administer, and implement regulations for the Family Support Waiver.
- Added the following elements regarding the Family Support Waiver:
 - The purpose of the chapter;
 - Eligibility Requirements;
 - Available services and limitations of those services;
 - The Level of Care requirement;
 - Funding limitations and what is authorized;
 - Provider standards;
 - The Annual Enrollment requirements for service providers;
 - The requirements of Reports for Abuse or Neglect; and
 - Requirements of identifying the criminal history of providers.