

## Medicaid Home and Community-Based Services Waivers

A Medicaid Home and Community-Based Services (HCBS) waiver allows states to use Medicaid funds to provide services to people with disabilities in their homes and community, who would otherwise be served in an institution. The Centers for Medicare and Medicaid Services (CMS) approves state waivers. A person must receive Medicaid to be on a waiver. A person can only be on one waiver at a time, though they may receive services on one waiver while waiting for another waiver to become available to them.

Nebraska has four Medicaid HCBS waivers administered by the Division of Developmental Disabilities (DDD).

There are two waivers to serve people with disabilities, who meet Nursing Facility Level of Care:

- **Aged and Disabled (AD) Waiver:** Offers services and support in the community, including respite, extra care for eligible children with disabilities, assistive technology and modifications and assisted living. This waiver is for people of all ages who have a disability and people over 65 years old. Adults typically receive assistance with activities of daily living in their home or in an assisted living facility.
- **Traumatic Brain Injury (TBI) Waiver:** Offers services to people age 18 through 64 who want to live in specialized assisted living facility.

There are two waivers to serve people with developmental disabilities, who meet Intermediate Care Facility for Individuals with Intellectual Disabilities Level of Care:

- **Comprehensive Developmental Disabilities (CDD) Waiver:** Offers services for both daytime community integration and residential support. The focus is on teaching independent living skills in a person's home. This waiver is for people of all ages, though vocational services become available at age 21. Residential and other support, such as respite, are available for children.
- **Developmental Disabilities Adult Day (DDAD) Waiver:** Offers services focused on daytime community integration and inclusion, including employment and job support or teaching skills for future employment. This waiver is for people age 21 and older.

Participation in a Medicaid HCBS Waiver is voluntary and person-centered. Not everyone who has an Individualized Education Program (IEP) or is eligible for Vocational Rehabilitation (VR) will be eligible for waiver services.

## Resources for Students and Parents

All resources available at: <http://dhhs.ne.gov/Pages/DD-Resources.aspx>

- [Applying for Developmental Disabilities Services](#) – Step-by-step instructions for completing the application.
- [Available Services for Teens & Young Adults with Developmental Disabilities](#) – Booklet looking at a variety of questions about the transition from school to adult services, describing the school's services and support, and explaining what is available from NebraskaVR and DDD.
- [DD Policy Manual](#) – Detailed information about developmental disabilities services and provider requirements.
- [DD Services Eligibility](#) – Brochure with the full state statute and information on how to apply for Medicaid HCBS Developmental Disabilities Waiver services.
- [DD Services Funding to Transition from Educational Services](#) – Brochure about available funding, the DD Registry, and priorities. Includes flowchart for what happens after DDD offers services.
- [Information for school psychologist](#) – Information to include in the Multi-Disciplinary Team (MDT) report.
- [Information for diagnosing psychologist](#) – Information about reporting diagnosis and evaluation.
- [Ready, Set, Go!](#) – Booklet answering questions about the transition period for students and describing Medicaid HCBS Developmental Disabilities Waiver services.
- [What do I need to know about Medicaid?](#) – Fact sheet with general information about Medicaid, which is a public health insurance program with specific eligibility requirements.

## Aged and Disabled (AD) Waiver Services

The AD Waiver helps people of all ages who have a disability, and people over 65 years old. Services meet participant needs while they live in a community-based setting of their choice. A Service Coordinator creates a person-centered plan to identify needs and services to meet the needs.

### Eligibility Requirements

To be eligible for the AD waiver, a person must have a verified disability, or be over the age of 65, and meet Level of Care for a Nursing Facility, with a need for waiver services.

- The Nursing Facility Level of Care assessment for people over the age of 18 looks at things like activities of daily living; risk factors; medical treatment; and cognition factors.
- The Nursing Facility Level of Care criteria for people under the age of 18 is a varied combination of medical condition or treatment need; activities of daily living; and presence of other considerations.

### Application

An application is recommended; however, is not required. A referral is needed and can be made to [DHHS.ADWaiverApp@Nebraska.gov](mailto:DHHS.ADWaiverApp@Nebraska.gov) or through Service Coordination, ACCESSNebraska, or external agencies. The applicant, and their legal representative if applicable, must participate in the eligibility process.

### Funding

Funding is available for the services a participant needs. Currently the AD Waiver has funding available to provide services for all eligible people.

## Developmental Disabilities (DDAD and CDD) Waiver Services

The DDAD and CDD waivers teach skills based on assessed needs to help people live as independently as possible. DDD calls this teaching “habilitation.”

Day services focus on access and inclusion in the community. Services may:

- Teach job skills before getting a job
- Provide support at a job

Residential services focus on independent living skills. Services may occur:

- In the participant's home
- In their family home
- At a provider-operated home

Medicaid HCBS Developmental Disabilities Waiver services also include respite, homemaker, transportation, assistive technology, and home or vehicle modifications. A Service Coordinator creates a person-centered plan to identify needs and services to meet the needs.

### Eligibility Requirements

Not everyone who has an Individualized Education Program (IEP) or is eligible for Vocational Rehabilitation (VR) will be eligible for Medicaid HCBS Developmental Disabilities Waiver services.

Eligibility requirements are in state statute:

- A developmental disability must begin before age 22 and the need for services and supports must be expected to be lifelong.
- There must be a diagnosis AND substantial limitations in the areas of conceptual, social and practical skills.
  - A diagnosis must come from a professional operating within their scope of practice.
  - DDD will look at school documents, specifically the IEP for current limitations and all MDTs for a history.

An eligible person must meet Level of Care for an Intermediate Care Facility for Individuals with Intellectual Disabilities, with a need for waiver services. The Level of Care assessment looks at self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; social skills and personality; and economic self-sufficiency.

## Application

An application is required to determine eligibility and can be submitted at any time. **A teacher should encourage parents to apply for a Medicaid HCBS Developmental Disabilities Waiver when their child is diagnosed with a developmental disability.**

- DD Waiver services may be applied for at any age.
- When a person applies prior to age nine, DDD only reviews diagnosis, not limitations.
- When a person applies after age nine, DDD reviews both diagnosis and limitations.
- At ages 9 and 18, DDD reviews limitations of any eligible person, because a person's level of lifetime need may be hard to gauge when they are younger. This review happens whether the person is on the DD Registry or on the CDD Waiver.
- When a person applies after age 22, they must show that the disability began during the developmental period (before age 22).

## Funding

Since there is currently not enough funding for all people who are eligible for DD waivers, DDD places eligible people who are waiting for services on a DD Registry. DDD offers waiver services to eligible people on the DD Registry when funding becomes available.

- Service coordination, residential supports, respite, and homemaker can be provided to a child on the CDD Waiver. **When a student receives waiver services, their parent or guardian should request the school invite their Service Coordinator to IEP meetings so school and waiver services can be consistent.**
- Currently, day services become available through the DDAD Waiver at age 21 after the school year ends for people who have applied and been determined eligible for DD waiver services.
  - Graduates are the fourth priority in state statute, in order to maintain skills learned at school and receive the day services needed to seek and maintain a job.
  - Nebraska has a reserved capacity in the DDAD Waiver coinciding with the graduate priority in statute. This means DDD has a number of waiver slots set aside for graduates each year. This number is bigger than the number of yearly graduates in Nebraska.

## Traumatic Brain Injury (TBI) Waiver Services

The TBI Waiver provides specialized assisted living, which includes assistance with personal care activities and activities of daily living.

### Eligibility Requirements

To be eligible for the TBI waiver, a person must be age 18 through 64, have a diagnosis of traumatic brain injury, meet Nursing Facility Level of Care, and have needs requiring specialized assisted living.

- A traumatic brain injury is caused by something like a blow to the head. This waiver is not for acquired brain injury caused by strokes, tumors, or other non-traumatic causes.
- The Nursing Facility Level of Care assessment looks at the activities of daily living; risk factors; medical treatment; and cognition factors.

### Application

An application to DHHS is recommended; however, is not required. There is one provider for this waiver, so a person seeking services may contact the provider to see if they have the ability and capacity to support identified needs. DDD will determine if the person meets eligibility requirements, including Nursing Facility Level of Care.

### Funding

Funding is available for participants, though the provider has a limited capacity.

# Transition Timeline from School to Adult Services

## By age 14

- A teacher should talk with a student about participating in their IEPs.
- A student should apply for and start Pre-Employment Transition Services (Pre-ETS) with a VR provider.
- A teacher should talk with a student about future planning, such as going to college or finding a job. A teacher should talk to a student and legal guardian about applying for Medicaid HCBS Waiver services if they have not applied. *A child does not have to have Medicaid to apply for Medicaid HCBS Waiver services.*
  - When a student has a disability with medical needs, the AD Waiver may be appropriate.
  - When a student has a developmental disability, a DD waiver may be appropriate.
  - A student may be eligible for more than one waiver, but the only way to know is to apply. When this happens, the family can choose which waiver to use. A person can receive services on the AD Waiver while on the DD Registry.

## At age 18 (federal age of majority, parental income no longer counts for Social Security)

- A student should apply for Social Security benefits (SSI or SSA).
- DDD recommends participants age 18-64, who want to seek employment, be referred for adult VR services.

## At age 19 (Nebraska age of majority, parental income no longer counts for Medicaid)

- A student should apply for Medicaid, or this may be applied for at age 18 after Social Security has made a disability determination for the adult.
- Once a student has Medicaid, when they are eligible for DD Waiver services or receiving AD Waiver services, the student or the student's guardian should ask the school to invite their Service Coordinator to IEP meetings.

## Around age 21

- The IEP team develops a Summary of Performance. DDD uses this information, and the person's support team, to continue to build on strengths they learned in school.
- Educational services stop at the end of the school year in which the student turns 21.
- A person who is eligible for Medicaid HCBS Developmental Disabilities Waiver services has their funding amount determined based on DDD's objective assessment process.
  - During the assessment process, DDD may contact both the student's teacher and family to be interviewed.
  - It is important to capture the person's needs and consider how well the person can do each task completely, independently, and without any help or reminders.
- When DDD offers a person the DDAD Waiver as a graduate, they must accept and begin using services before they turn 22 years old. After the person turns 22 years old, they would be on the DD Registry.