

# Medicaid Home and Community- Based Services (HCBS) Waiver Services

Nov. 21, 2024

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# Division of Developmental Disabilities (DDD)

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- Serves as many eligible people as possible, while ensuring their health and safety.
- Oversees Medicaid HCBS Waivers:
  - Determine who is eligible;
  - Create person-centered plans;
  - Pay service providers; and
  - Monitor the services being provided.
- Includes programs for Special Health Care Needs and the State Unit on Aging.

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The Division of Developmental Disabilities (DDD) provides funding and oversight for Medicaid Home and Community-Based Services (HCBS) Waivers, includes determining eligibility, providing service coordination for eligible people, monitoring services, and paying providers. DDD also oversees programs for people who have special health care needs and includes the State Unit on Aging.

Learn about HCBS Programs

Aged and Disabled (AD) Waiver

Developmental Disabilities (DD) Waivers

Traumatic Brain Injury (TBI) Waiver

Special Health Care Needs Programs

State Unit on Aging Programs

Find Information by Topic

Eliminating the DD Waitlist

Participants and Families

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Division of Developmental Disabilities

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Apply for any waiver: HCBS paper application

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Online Complaint Form

Report Abuse or Neglect

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Appeal Rights

- Request for Fair Hearing Form
- Aviso Y Peticion Del Departamento De Salud Y Servicios Humanos Para Una Audiencia Justa
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Division Organizational Chart

Directory of DDD Leadership



# Agenda

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- General Waiver Information
- Waiver-Specific Information – Services & Eligibility
- Applying
- Funding Offers
- Starting Services

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# General Waiver Information

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# Purpose of HCBS Waivers

- Services are designed to help participants live in the community.
- Paid services wrap around natural supports to meet a participant's needs.
- The goal is as much independence as possible.
- Service examples:
  - Help with and teaching household tasks.
  - Help with and teaching self-care skills.
  - Teaching skills to get or maintain a competitive, integrated job.
  - Respite – relief to the usual caregiver.
  - Home and vehicle modifications.
  - Assistive technology and emergency response systems.

Waiver services are in addition to:

1. Medicaid
2. Benefits from other funding sources, including:
  - DHHS,
  - the Dept of Education, and
  - Vocational Rehabilitation.

# HCBS Waiver Funding

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- HCBS waivers allow the state to waive certain Medicaid requirements, provide services in the community, and avoid institutionalization.
- Medicaid waiver funds are paid to waiver providers for services.
- Each participant's funding is based on their need.
- Waiver funds **cannot** be used for:
  - Room and board;
  - General home repair;
  - Things like routine childcare or vacations; or
  - Given directly to the participant.

A person may be eligible for more than one waiver but may only receive services from one waiver at a time.



# Medicaid HCBS Waivers in Nebraska

## HCBS Waivers Available for Eligible People

– An overview of Nebraska's waivers.

Nursing Facility  
(NF) level of care

- [Aged and Disabled Waiver](#) (AD Waiver)
  - All ages with a disability and ages 65 and older.
  - Helps people live safely in their community.

- [Traumatic Brain Injury Waiver](#) (TBI Waiver)
  - Ages 18 years and older.
  - Helps people live safely in their community.

Intermediate Care  
Facility for  
Individuals with  
Intellectual  
Disabilities (ICF/IID)  
level of care

- [Family Support Waiver](#) (FSW)
  - Ages birth to 21 years and eligible for DD services.
  - Supports the child and their family.

- [Developmental Disabilities Adult Day Waiver](#) (DDAD Waiver)
  - Age 21 years and older, and eligible for DD services.
  - Maximizes independence to work in the community.
  - Focuses on competitive, integrated employment.

- [Comprehensive Developmental Disabilities Waiver](#) (CDD Waiver)
  - All ages and eligible for DD services.
  - Maximizes independence as people live, work, and socialize in their community.
  - Includes 24-hour residential.

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# HCBS Waiver Eligibility Requirements

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To be eligible to receive any HCBS waiver, a person must:

- Be a citizen or legal resident of the United States;
- Be a legal resident of the state of Nebraska;
- Be eligible for and receive **Nebraska Medicaid**;
- Meet waiver Level of Care requirement; and
- Have a need for waiver services.

**Medicaid** is a public health insurance program which provides healthcare programs and services to qualifying people. The primary goal is to ensure access to quality health care services for low-income people and families.

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# Medicaid Eligibility

- In general, eligible people are low-income adults, pregnant women, children, elderly people, and people with disabilities.
- Eligibility is based on income, assets, residency, and other considerations.
- When a disability determination is needed; Medicaid uses the disability criteria established by the Social Security Administration (SSA).
  - When an SSA determination has not been made, the State Review Team (SRT) uses the SSA disability criteria.
  - SRT determines if a person meets disability criteria upon receiving a DM-5 form with two months of supporting medical records.

## Katie Beckett Program

Children who live in their parent's home and have high needs can be eligible for Medicaid. This program only looks at the child's income.

The child must meet level of care to live in a:

- Hospital;
- Nursing Facility (NF); or
- Intermediate Facility for Individuals with Intellectual Disabilities (ICF/IID).



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# Waivers with Nursing Facility Level of Care (NF LOC):

## Aged and Disabled (AD) Waiver Traumatic Brain Injury (TBI) Waiver

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# AD Waiver Services

- Adult Day Health
- Assisted Living
- Assistive Technology
- Chore
- Companion
- Extra Care for Children with Disabilities
- Home Again
- Home and Vehicle Modifications
- Home-Delivered Meals
- Independence Skills Building
- Non-Medical Transportation
- Personal Care
- Personal Emergency Response System (PERS)
- Respite

The [AD Waiver Quick Guide](#) includes short descriptions of each service.

# TBI Waiver Services

- Adult Day Health
- Assisted Living
- Assistive Technology
- Caregiver Training
- Chore
- Community Connections
- Companion
- Home Modifications
- Home-Delivered Meals
- Non-Medical Transportation
- Personal Care
- Personal Emergency Response System (PERS)
- Respite
- Supported Employment – Follow-Along
- Supported Employment – Individual
- Vehicle Modifications

The [TBI Waiver Quick Guide](#) includes short descriptions of each service.

# Waiver Eligibility Requirements

## AD Waiver

- Aged: over the age of 65.
- Disabled: within Social Security criteria, includes ages birth to 64 years.

## TBI Waiver

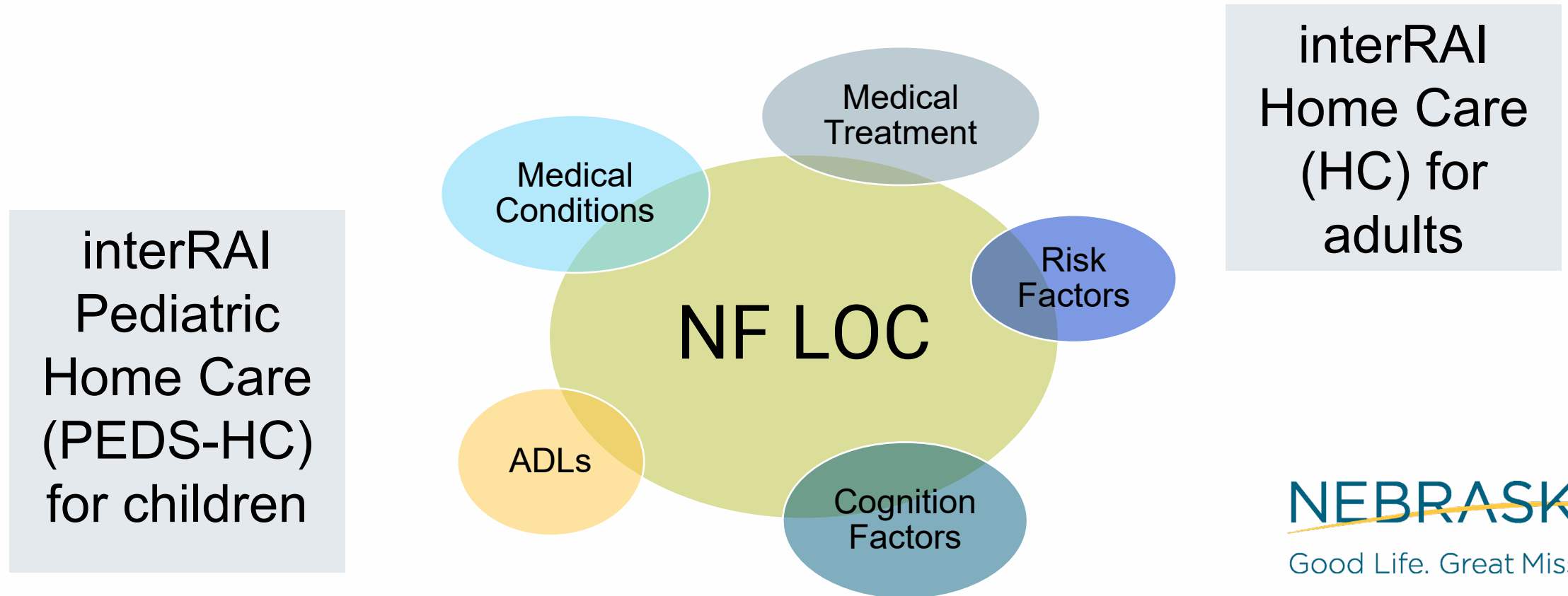
- Be age 18 years or older.
- Be disabled within Social Security criteria.
- Have a diagnosis of traumatic brain injury.\*
  - Non-degenerative, non-congenital insult to the brain from an external mechanical force;
  - Possibly leading to permanent or temporary impairment of cognitive, physical, and psychosocial functions; and
  - An associated diminished or altered state of consciousness.

Both these waivers require a participant meet Nursing Facility Level of Care (LOC) found in [471 NAC](#), which is based on the level of care needed to live in a nursing facility.

*\*This program is not for acquired brain injury caused by strokes, tumors, and other non-traumatic causes. The term TBI does not apply to brain injuries induced or caused by birth trauma.*

# Nursing Facility LOC

Nebraska uses interRAI assessments.



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# Developmental Disabilities Waivers

## Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) LOC:

Family Support Waiver (FSW)

Developmental Disabilities Adult Day Waiver (DDAD Waiver)

Comprehensive Developmental Disabilities Waiver (CDD Waiver)

**Habilitation:** The assisting of a person with improving and achieving developmental skills when impairments have caused delaying or blocking of initial acquisition of the skills.

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# DD Waiver Services

## Day Services

- ***Focus on integrated, competitive employment.***
- Services may:
  - Teach job skills before becoming employed; or
  - Provide support at a job.

## Residential Services

- ***Focus on independent living skills.***
- Services may occur:
  - In the participant's home;
  - In their family home; or
  - At a provider-operated home.

Short descriptions of each service are available:  
[DD Waiver Quick Guide.](#)

| Services Available                         | FSW | DDAD Waiver | CDD Waiver |
|--|-----|-------------|------------|
| Adult Day                                  | -   | Yes         | Yes        |
| Assistive Technology                       | Yes | Yes         | Yes        |
| Behavioral In-Home Habilitation            | -   | -           | Yes        |
| Child Day Habilitation                     | Yes | -           | Yes        |
| Community Integration                      | Yes | Yes         | Yes        |
| Consultative Assessment                    | -   | Yes         | Yes        |
| Day Supports                               | Yes | Yes         | Yes        |
| Environmental Modification Assessment      | Yes | Yes         | Yes        |
| Family Caregiver Training                  | Yes | -           | -          |
| Family and Peer Mentoring                  | Yes | -           | -          |
| Home Modification                          | Yes | Yes         | Yes        |
| Homemaker                                  | Yes | -           | Yes        |
| Independent Living                         | Yes | Yes         | Yes        |
| Medical In-Home Habilitation               | -   | -           | Yes        |
| Personal Emergency Response System (PERS)  | Yes | Yes         | Yes        |
| Prevocational                              | -   | Yes         | Yes        |
| Residential Habilitation - Continuous Home | -   | -           | Yes        |
| Residential Habilitation - Host Home       | -   | -           | Yes        |
| Residential Habilitation - Shared Living   | -   | -           | Yes        |
| Respite                                    | Yes | Yes         | Yes        |
| Small Group Vocational Support             | -   | Yes         | Yes        |
| Supported Employment - Follow-Along        | -   | Yes         | Yes        |
| Supported Employment - Individual          | -   | Yes         | Yes        |
| Supported Family Living                    | Yes | Yes         | Yes        |
| Therapeutic Residential Habilitation       | -   | -           | Yes        |
| Transitional                               | -   | Yes         | Yes        |
| Transportation                             | Yes | Yes         | Yes        |
| Vehicle Modification                       | Yes | Yes         | Yes        |

# DD Waiver Eligibility Requirements

- Have a **Developmental disability** as defined in [Neb. Rev. Stat. §83-1205](#):
  - A **diagnosis** prior to the age of 22 years that is expected to continue indefinitely.

*A severe, chronic disability, including intellectual disability, other than mental illness, which is attributable to a mental or physical impairment.*
  - The disability must result in **substantial functional limitations** in each of the following areas of adaptive function:
    - **Conceptual** – language, literacy, money, time, number concepts, and adaptive functioning.
    - **Social** – interpersonal, social responsibility, self-esteem, gullibility, wariness, social problem solving, ability to follow laws and rules, and avoid being victimized.
    - **Practical** – daily living, personal care, occupational skills, healthcare, and mobility.
- Meet the Level of Care needed to live in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

# Helpful Documents for DD Eligibility Determination

- Medical Records from the diagnosing doctor or specialist.
  - Diagnosis of disability given before age 22, which affects ability to complete activities of daily living skills.
- Assessments from a licensed psychologist
  - [Information for the diagnosing psychologist](#)
- Information from the school:
  - All Multi-Disciplinary Team (MDT) reports  
[Information for the school psychologist on what to include in the MDT](#)
  - The most recent Individual Education Plan (IEP)

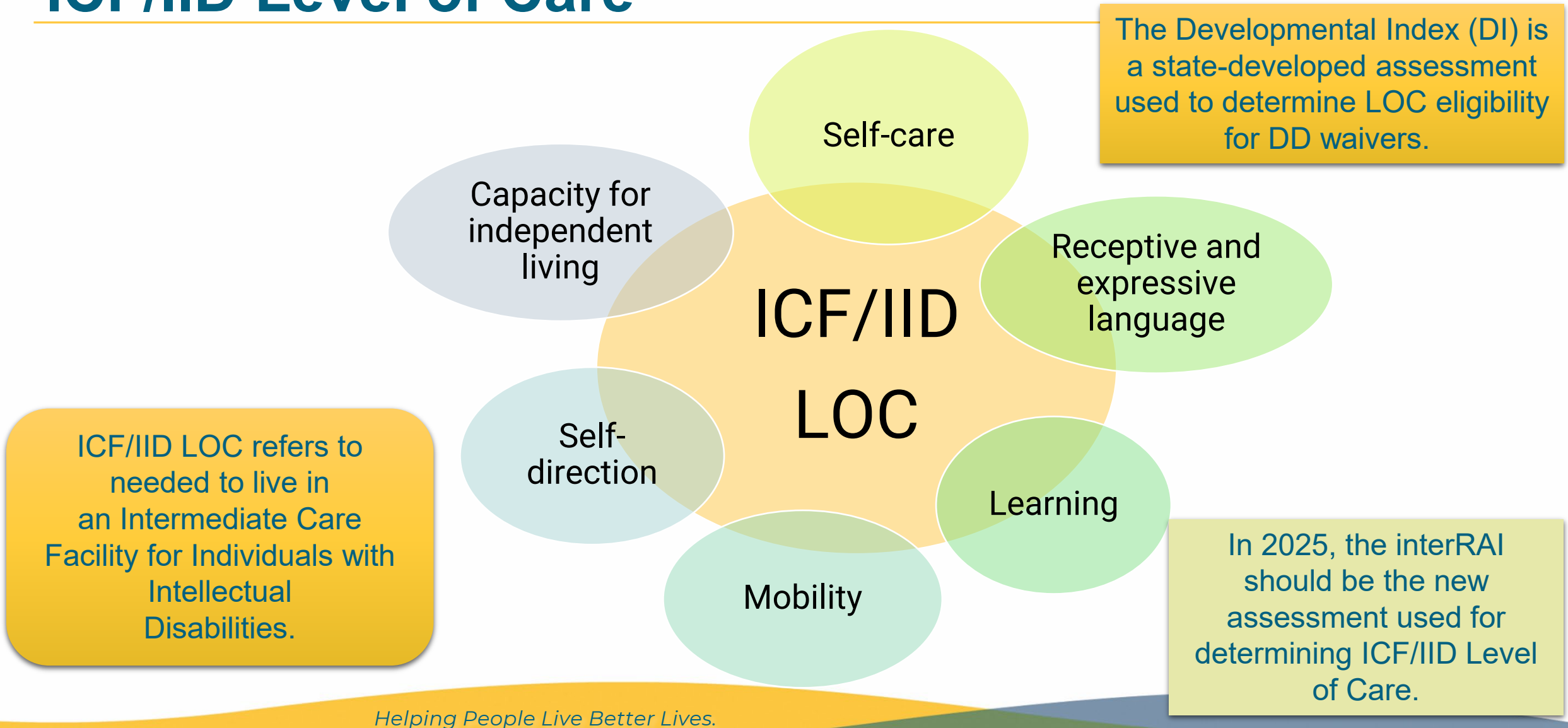
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# ICF/IID Level of Care



# Applying for a Waiver

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# Applying for a Waiver

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- Applications are on the DHHS website.
- The application includes a release of information.
- Anyone can help a person fill out an application.
- A signature is required on the application from the person, their guardian, or a legal representative.

The person or their legal representative, **must** participate in:

Answering questions;  
Providing information; and  
Participating in assessments.

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# Eligibility Determination

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- Verify Medicaid status (includes disability determination).
- When necessary:
  - Request DD-supporting documents:
    - **Diagnosis** can come from a medical doctor, specialist, or licensed psychologist.
    - **Limitations** are confirmed by reviewing information from the school.
  - Verify TBI diagnosis.
- When other waiver requirements are met, assessment completed to determine level of care for waiver requested.

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# Notice of Decision

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- A Notice of Decision informs the applicant about their eligibility status.
- When a person is found **not eligible**, they can:
  - Request to have an explanation of why they were found ineligible.
    - Call (877) 667-6266.
  - Within 90 days of receiving the Notice of Decision, appeal the decision by requesting a fair hearing.
    - Complete and submit a “[Notice and Petition for Fair Hearing](#)” form.
  - Reapply with additional information.
    - A new application can be processed when an appeal is not in process.
    - Only one application in process per person at a time.

# Funding Offers

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# The DD Waitlist

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DHHS is currently working to eliminate the Waitlist. Information about this initiative is online.

- *Currently* the DD Waitlist tracks eligible people who want waiver services.
- Eligibility is reviewed at ages 9 and 18.



# DD Waiver Offers

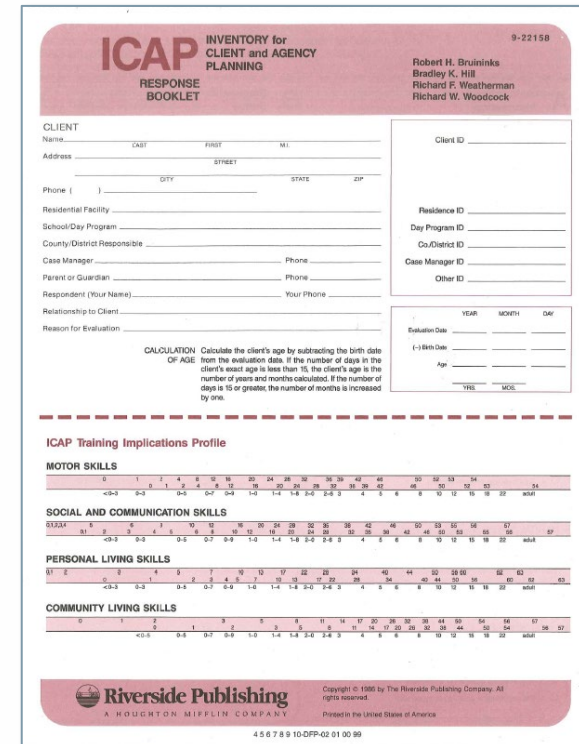
- DD Waiver offers are mailed.
  - The person or their legal representative, must complete and return the offer to receive services.
  - If no response is received, follow-up phone calls or emails may occur.
- When a person leaves school-based services at 21, they usually receive services on the DDAD Waiver.
  - Offers for the are mailed to the home address on file in February of the transition year.
  - This waiver should replace services the school provided.
  - The goal is competitive, integrated employment.

The image shows a sample DDAD Waiver form from the Nebraska Department of Health and Human Services. The form includes the Nebraska state logo and the text "NEBRASKA Good Life. Great Mission. DEPT. OF HEALTH AND HUMAN SERVICES". It contains fields for "RE:" and "DATE:". The main body of the form contains the following text: "The Division of Developmental Disabilities is contacting you today as our records indicate you have or will be turning 21 yrs. of age in the near future. Following your 21st birthday and transition from the school system, you may be eligible to begin accessing services from our Adult Day Services Waiver. You will need to apply for and accept all benefits that you are eligible to receive, which may include SSI, SSA, Nebraska Medicaid, and Home & Community-Based waiver services. You may be asked to complete required evaluations and contribute toward the cost of services. Please return one copy of this Memo in the enclosed envelope by [ ] indicating your decision to accept or decline. Please keep a copy of this Memo for your convenience. I accept the services listed above. I understand that I must meet certain obligations as stated above, in order to accept the services. I understand that this waiver cannot move forward until I have applied for Nebraska Medicaid. Failure to fulfill the obligations may result in denial of available funds. I decline the services listed above at this time. I understand by declining I will then be placed on the waiting list to receive these services based on my application date. I decline all services offered. Please terminate my requests for developmental disability services as of today's date. I understand I will be removed from the Registry and need to re-apply for services. Signature - must be signed by the guardian/s or by the individual if s/he is over the age of 19 and has no guardian. Date: Telephone: Contact our office if you have any questions at 877-667-6266 and ask for Kathy Arens. Helping People Live Better Lives."

# Assessment for CDD and DDAD Funding

DHHS is currently piloting use of interRAI assessments for DD level of care, funding, and service planning.

- Once an offer is accepted, we assess abilities and needs.
- This determines available funding to purchase services.
- The ICAP is a “needs-based” assessment.
  - It focuses on skills and tasks the person is capable of completing and the amount of support needed.
  - Needs shown in the ICAP translate to the budget amount.
  - People with more needs have more funding.
- We interview two people who know the person well.
  - Interviews usually occur with parents and teachers.

The image shows the ICAP (Inventory for Client and Agency Planning) Response Booklet form. It is a standardized assessment tool used for determining funding and service needs. The form includes sections for client information (Name, Address, Phone, Date of Birth), residential facility information, and a detailed assessment of skills across four domains: Motor Skills, Social and Communication Skills, Personal Living Skills, and Community Living Skills. Each skill domain has a scale from 0 to 57, with specific sub-skill categories and corresponding scores. The form also includes a section for the assessor's name and title, and a footer with the Riverside Publishing logo and copyright information.

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# Starting Services

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# Receiving a Service Coordinator

The Service Coordinator is in a local office.

- **DD Waiver** SC provided by DDD.
- **AD Waiver** SC provided by one of the following:
  - Early Development Network (EDN) for children participating in EDN services, typically ages birth to 3 years.
  - DDD for children ages 3 through 17 years, or younger when not choosing EDN services.
  - League of Human Dignity (LHD) for adults over age 18.
  - Area Agencies on Aging (AAA) for adults over age 18.
- **TBI Waiver** SC provided by LHD or AAA.



# The Role of the Service Coordinator

- The SC is the contact for the person (and guardian), answers questions, and helps plan services.
- When a participant is in school, the SC can attend IEP meetings.
- The SC is there to support what the participant wants.
- The SC is responsible to oversee and monitor waiver services.
- The SC writes the **person-centered plan** at a yearly meeting.
  - The plan identifies services, supports, and resources.
  - It can be revised whenever needed.

The approved person-centered plan is required before waiver services can begin.

# Person-Centered Planning

- Charting the LifeCourse (CtLC) tools help them plan a person's "good life."
- Waiver services should help the participant:
  - Live their most independent life and
  - Experience quality of life in their community.
- Person-centered planning starts with finding out what the participant wants for their future and what is meaningful to them.
  - What a person **wants** (what's important *to* them) and
  - What a person **needs** (what's important *for* them).



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# Contact

## General Information

[dhhs.developmentaldisabilities@nebraska.gov](mailto:dhhs.developmentaldisabilities@nebraska.gov)

## HCBS Eligibility and DD Registry

[dhhs.HCBSwaiverapp@nebraska.gov](mailto:dhhs.HCBSwaiverapp@nebraska.gov)

Toll-free (877) 667-6266



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