

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Transition Plan to Implement the Settings Requirement for  
Home and Community-Based Services Adopted by CMS on  
March 17, 2014 for Nebraska's Home and Community-Based Waivers

**DRAFT**

September 3, 2014





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## Summary

Effective March 17, 2014, the Centers for Medicare and Medicaid Services (CMS) issued new regulations that require home and community-based waiver services to be provided in community-like settings. The new rules define settings that are not community-like and cannot be used to provide federally-funded home and community based services. The purpose of these rules is to ensure that people live in the community and who receive home and community-based waiver services have opportunities to access their community and receive services in the most integrated settings. This includes opportunities to seek employment and work in competitive settings, engage in community life, control personal resources and participate in the community just as people who live in the community and do not receive home and community-based services do. The new rules stress the importance of ensuring that people choose service settings from options and are able to exercise rights and optimize independence. Services must reflect individual needs and preferences as documented by a person-centered plan.

## History and Background

Medicaid is a program funded through a Federal and State partnership. Medicaid funds a variety of health related services including facility-based services that are considered institutional, such as those provided by skilled nursing facilities and Intermediate Care Facilities for Persons with Developmental Disabilities (ICF/DD). In 1981, Section 1915(c) of the Social Security Act was established to allow states the opportunity to provide Medicaid funded services to people in their own homes and communities as an alternative to institutional care.

Since that time, home and community based services have been provided in a wide variety of settings, many of which are truly integrated in the community. Some of these settings, however, may retain or appear to retain, the qualities of institutional care. To ensure home and community-based services offer a true option to institutional care, the Centers for Medicare and Medicaid Services (CMS) proposed regulations to better define settings in which states can provide Medicaid home and community based services (HCBS):

- June 29, 2009: CMS published an advance notice of proposed rulemaking (ANPRM) that indicated intent to initiate rulemaking related to the program that provides funding for Nebraska's home and community based services.
- April 15, 2011: CMS published the Notice of Proposed Rule Making (NPRM) that addressed issues raised in the ANPRM.
- January 16, 2014: After considering extensive public comments, CMS published the final rule which became effective March 17, 2014.

## **The New CMS HCBS Rules**

The new CMS HCBS rules set expectations for settings in which HCBS can be provided. In response to comments received during the rule making process, CMS moved away from defining these settings based on specific characteristics. The final rule requires that “community-like” settings be defined by the nature and quality of the experiences of the individual receiving services and applies to both residential and day services settings.

In all settings, the rule requires that:

- The setting is selected by the individual from options that include non-disability specific settings and options for privacy in residential settings (i.e. a private room or unit.) Individuals must have choice of providers, services and settings and that choice must be documented by a person-centered plan.
- Each person has the right to privacy, is treated with dignity and respect and is free from coercion and restraint.
- People have optimal opportunity for independence in making life choices without regimented daily activities, can access their physical environment and may interact with family and friends, just as people who are not receiving home and community based services do.

In residential settings owned or controlled by a service provider, additional requirements must be met:

- Each individual must have the same responsibilities and protections from eviction that tenants have under state or local landlord/tenant laws. If such laws do not apply, a lease or other legally binding agreement is in place to provide those protections.
- Each individual must have privacy in their sleeping or living unit, with a lock and key controlled by the individual and appropriate staff.
- Individuals must be allowed to furnish and decorate their own sleeping and living areas, to have access to food at any time, and to have visitors of their choosing at any time.
- Individuals sharing a living unit must have choice of roommate.

These requirements may only be modified if the individual has a need that justifies deviation that is documented in the individual’s person-centered plan.

The rule clarifies settings in which home and community based services cannot be provided. These settings include: hospitals, skilled nursing facilities, institutions for mental disease and intermediate care facilities.

The rule also defines settings that are “likely not” community. CMS requires states to provide justification that these settings are not institutional in nature. Justification must include input from the public. CMS requires approval of settings that fall in to one or more of the following categories:

- *“Any setting that is located in a building that is publicly or privately operated facility that provides inpatient institutional treatment;*
- *A building on the grounds of, or immediately adjacent to, a public institution; or*
- *Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.”*

## **Transition Plan Requirements**

The new CMS rules require states to submit a transition plan within one year of the March 17, 2014, effective date. The transition plan must describe the process by which the state will ensure that service settings used in each of its home and community based waivers meet community-like expectations. States may be granted a maximum of five years to transition settings that are not compliant.

States that are in the process of amending or renewing a waiver must submit a transition plan with the waiver amendment or renewal. Within 120 days of submitting an amendment or renewal, the state must submit, for CMS approval, a comprehensive transition plan for all waivers. The plan must be available for public comment for a period of at least 30 days and be available from a minimum of two forms of public notice. Both forms of public notice should reach individuals receiving services and the full cadre of stakeholder. The state’s transition plan submission to CMS must include a summary of public comment that includes how issues will be addressed. The transition plan, with any revisions based on public comment, must be made available publicly.

## **Nebraska’s Transition Plan**

Nebraska’s Department of Health and Human Services (DHHS) has initiated a comprehensive review of Nebraska’s HCBS waivers and related regulations, policy and procedures to assess and identify changes necessary to comply with the new CMS HCBS rules and ensure people receiving long term services and supports have the same opportunity to access their community that all Nebraska’s citizens enjoy. The services currently under review include home and community-based waiver services administered by the Division of Medicaid and operated by the Division of Medicaid and Long Term Care and the Division of Developmental Disabilities, as follows:

### **The Division of Developmental Disabilities:**

1. Developmental Disabilities Comprehensive Waiver at [http://dhhs.ne.gov/developmental\\_disabilities/Documents/Nebraska-DDAC-waiver-2011.pdf](http://dhhs.ne.gov/developmental_disabilities/Documents/Nebraska-DDAC-waiver-2011.pdf)
2. Adult Day Waiver at [http://dhhs.ne.gov/developmental\\_disabilities/Documents/Nebraska-DDAD-waiver-2011.pdf](http://dhhs.ne.gov/developmental_disabilities/Documents/Nebraska-DDAD-waiver-2011.pdf)
3. Children and Families Waiver

Developmental Disabilities Rules and Regulations can be found in Title 404 of the Nebraska Administrative Codes at [http://dhhs.ne.gov/Pages/reg\\_t404.aspx](http://dhhs.ne.gov/Pages/reg_t404.aspx)

### **The Division of Medicaid and Long-Term Care:**

1. Aged and Disabled Waiver at [http://dhhs.ne.gov/Pages/hcs\\_programs\\_ad-waiver.aspx](http://dhhs.ne.gov/Pages/hcs_programs_ad-waiver.aspx)
2. Traumatic Brain Injury Waiver at [http://dhhs.ne.gov/Pages/hcs\\_programs\\_tbi-waiver.aspx](http://dhhs.ne.gov/Pages/hcs_programs_tbi-waiver.aspx)

Medicaid and Long Term Care Rules and Regulations can be found in Title 480 of the Nebraska Administrative Code at [http://dhhs.ne.gov/Pages/reg\\_medregs.aspx](http://dhhs.ne.gov/Pages/reg_medregs.aspx)

### **The Transition Plan Matrix/Matrices**

The DHHS has created a comprehensive long term services and supports transition plan which is outlined in the Comprehensive Transition Plan Matrix included herein and that:

- Identifies waiver program areas for further analysis;
- Engages system stakeholders in evaluation of those areas; and
- Establishes time frames for assessment and remediation of areas that do not meet the expectation of “community-like.”

This plan is posted on the DHHS website and is available for public comment from the period of 09/03/14 – 10/15/14. Interested parties may comment by:

- Emailing to [DHHS.HCBSPublicComments@nebraska.gov](mailto:DHHS.HCBSPublicComments@nebraska.gov);
- Faxing to 402-471-9449 attention Christina Mayer;
- Mailing written comments to the Department of Health and Human Services, Attention: Christina Mayer, 301 Centennial Mall South, P.O. Box 95026, Lincoln, NE 68509-5026;
- Providing in person comments at public meetings; and/or
- Calling Christina Mayer at 1-877-867-6266.

As this plan may be approved in its entirety or may be severable into two separate plans (as described in the next section), all comments will be categorized upon receipt into the following categories:

- Comprehensive (applies to all waivers);
- Developmental Disability Division Managed Waivers (to include all developmental disability HCBS waiver services);
- Medicaid and Long-Term Care Managed Waivers (to include the Aged and Disabled Waiver and Traumatic Brain Injury waivers).

The DHHS will host public meetings to provide an overview of the new CMS HCBS rules and receive public comments on the transition plan. A general overview of the new HCBS rules will be provided at each meeting and copies of this transition plan will also be available. Other than the meeting scheduled for Lincoln on September 30, 2014, however, the meetings will be targeted to specific waiver populations. The following table identifies the location of each meeting and the waiver-specific presentations.

<b>City</b>	<b>Date/Time</b>	<b>Location</b>	<b>Waiver-Specific Presentations</b>
Kearney	Sept. 29, 2014; 1:00 – 3:00 p.m. CDT	Niobrara Room, Kearney Public Library, 2020 1 <sup>st</sup> Avenue	Developmental Disability Managed Waivers
Lincoln	Sept. 30, 2014; 1:00 – 4:30 p.m. CDT	Lower Level B, Nebraska State Office Building, 301 Centennial Mall South	All Waivers Will Be Presented
Omaha	Oct. 7, 2014; 9:00 a.m. CDT	Metro Community College, 5330 North 30 <sup>th</sup> St, Building 10 Room 110	Medicaid & Long Term Care Managed Waivers
Sidney	Oct. 9, 2014; 9:00 a.m. MDT	Western Nebraska Community College, Room 115, 371 College Dr.	Medicaid & Long Term Care Managed Waivers

## Severability

While the DHHS would prefer to implement this plan in its entirety, if for any reason there is a delay related to either the Division of Developmental Disabilities managed waivers or the Division of Medicaid and Long-Term Care Managed Waivers, this plan may be severed to ensure timely implementation of the plan with regard to the division managed waivers not impacted by the delay. Delay may be caused by DHHS determining that substantive changes need to be made due to public comment, new CMS guidance, or other reasons as determined by each division director. For this reason, and to simplify review of the plan for stakeholders, the plan is being presented in a Comprehensive Matrix, a Medicaid and Long-Term Care Managed Waivers Matrix (which is applicable to the Aged and Disabled Waiver and the Traumatic Brain Injury Waiver) and a Division of Developmental Disabilities Managed Waivers Matrix (which is applicable to all three developmental disability waivers).

## **Matrix Description**

Included herein are the following matrices:

- HCBS Transition Plan Matrix – Comprehensive: This matrix shows all action items by all divisions within DHHS and is sorted by Applicable Waivers then by Task.
- HCBS Transition Plan Matrix – MLTC Managed Waivers, Sorted by Task;
- HCBS Transition Plan Matrix – MLTC Managed Waivers, sorted by Regulatory Compliance Area;
- HCBS Transition Plan Matrix – DD Managed Waivers, Sorted by Task; and
- HCBS Transition Plan Matrix – DD Managed Waivers, sorted by Regulatory Compliance Area.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
_All Waivers	Outreach	Plan Creation and Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	Nebraska Administrative Code, HCBS Waivers, DHHS Internal Policies and Procedures, CMS Toolkit and Guidance, Transition Plan Consultant	DD Director, MLTC HCBS Administrator, Deputy Director of DD Community Based Services, MLTC Waiver Manager and other Waiver Team Staff, DD Waiver Administrator, DD Operations Administrator, DD QI Administrator, DD Technical Assistance Manager, DD Community Liaison	A comprehensive waiver transition plan is drafted that proposes actions necessary to ensure compliance with the new CMS HCBS rules, relevant timelines, resources, stakeholders, and expected outcomes. The transition plan is comprehensive, but is also severable by applicable waiver - so that, if necessary, the plan may be finalized in stages by waiver.
_All Waivers	Outreach	Plan Creation and Implementation	Make the waiver transition plan available for public comment.	09/03/2014	10/15/2014	DHHS Website, Omaha World Herald Newspaper Announcement, Direct Mailing to DD Service Participants, Direct Outreach to Providers	DHHS MLTC and DDD Staff	The draft comprehensive waiver transition plan is distributed via multiple mediums to engage and gather public comment for a time period to exceed 30 days.
_All Waivers	Outreach	Plan Creation and Implementation	Coordinate and hold public meetings.	08/01/2014	10/15/2014	Transition Plan, Powerpoint Presentations, Transition Plan Consultant	DHHS MLTC and DDD Staff	Stakeholders are able to attend public meetings where the new HCBS requirements are discussed and where they may participate in verbal comment and present questions related to the draft transition plan.
_All Waivers	Outreach	Plan Creation and Implementation	Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	Transition Plan, Public Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver Participants, CMS Toolkit, Transition Plan Consultant	DHHS MLTC and DDD Staff	All public comments are considered, responses thereto are prepared and distributed with the finalized plan; if DHHS deems necessary, the transition plan may be modified due to public comment.
_All Waivers	Outreach	Plan Creation and Implementation	Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	Transition Plan, Public Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver Participants, CMS Toolkit, Transition Plan Consultant	DHHS MLTC and DDD Staff	Submit for CMS approval a comprehensive transition plan to include a summary of and response to public comments.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify regulation changes necessary to ensure non-residential services compliance with new CMS HCBS rules	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska Administrative Code Title 471 Medicaid Rules; <del>and</del> CMS Tool Box	DHHS Staff, Consultant with stakeholder input and feedback	Regulations comply with the new CMS HCBS rules related to non-residential settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Draft policy and procedural changes necessary to ensure non-residential services compliance with new CMS HCBS rules	08/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination Staff, Waiver Team	Planning and monitoring policies align w/ rule; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify non-residential services settings that are "likely not" community. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	08/01/2014	02/28/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self advocate family and stakeholder forums	DHHS Staff, Consultant with stakeholder input and feedback	Justification for "not likely" community non-residential settings that meet heightened scrutiny requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Draft regulation changes necessary to ensure residential services compliance with new CMS HCBS rules related to community like residential settings	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska Administrative Code Title 471 Medicaid Rules; <del>and</del> CMS Tool Box	DHHS Staff, Consultant with stakeholder input and feedback	Necessary changes to Nebraska Administrative Code are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify policy and procedural changes necessary to ensure non-residential services compliance with new CMS HCBS rules related to community like settings	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Quality Improvement Team	Planning and monitoring policies that must be added or changed to meet the requirements of the new CMS HCBS rules for non-residential settings are identified

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Residential	Identify residential services settings that that are "likely not" community. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	12/01/2014	02/28/2015	Listing of all residential settings that meet at least one of the "not likely" community criteria	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	There is a list of residential locations that are "not likely" community
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Residential	Review administrative code and waivers to identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska Administrative Code Title 471 Medicaid Rules; and CMS Tool Box	DHHS Staff, Consultant	Necessary changes to Nebraska Administrative Code, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice provisions of the new CMS HCBS rules
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	General or Other Requirements	Draft policy and procedures to identify changes needed to comport with the requirements/intent of the new CMS HCBS rules	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Planning and monitoring policies that must be added or changed to meet the requirements of the new CMS HCBS rules are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	General or Other Requirements	Review processes and forms to identify changes needed to comport with the requirements/intent of the new CMS HCBS rules	12/01/2014	02/28/2015	Needs Assessment (child and adult) & file review monitoring tool	Waiver Team w/ stakeholders advisory council	Needs assessment and planning procedures that must be added or changed are identified

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Performance Metrics	Identify data sources that demonstrate the current level of compliance with new CMS rules	01/01/2014	11/30/2014	Participant Experience Survey, Quality Improvement Data	Quality Improvement Team, Quality Council	Valid and reliable data produce a performance metric that demonstrates compliance with new CMS rule requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Performance Metrics	Identify data sources that demonstrate the level of compliance with elements of the transition plan	04/01/2014	11/30/2014	Participant Experience Survey, Quality Improvement Data	Quality Improvement Team	Valid and reliable data produce a performance metric to demonstrate the degree of compliance with this expectation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Distinguish "likely not" community settings that meet requirements of heightened scrutiny from those that don't. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	11/01/2014	03/31/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self advocate family and	DHHS MLTC Staff, Consultant with stakeholder input and feedback	Justification for "not likely" community residential settings that meet heightened scrutiny requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Develop remediation options for "likely not" community residential settings that do not meet requirements of heightened scrutiny	11/01/2014	03/31/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self	DHHS MLTC Staff, Consultant with stakeholder input and feedback	A plan to bring "not likely" residential services settings into compliance
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft proposed policy regulation changes necessary to ensure compliance with new CMS HCBS Rules related to residential settings	04/01/2014	10/31/2014	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska Administrative Code Title 471 Medicaid Rules; and CMS Tool Box	DHHS MLTC Staff, Consultant with stakeholder input and feedback	Regulations comply with the new CMS HCBS rules related to residential settings

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft policy and procedural changes necessary to ensure compliance with new CMS HCBS rules related to residential	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Quality Improvement Team	Policy and procedures comply with the new CMS HCBS rules related to residential settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Create a lease template that can be used by waiver participants living in provider owned or controlled residential settings	02/01/2015	05/31/2015	CMS Tool box	DHHS staff and consultant, Provider associations	DHHS has a lease template that can be used to ensure waiver participants are afforded the same tenant rights extended to all NE citizens
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft rules that require provider owned or controlled residences to ensure residents rights are protected by a lease or comparable legally binding	08/01/2014	02/28/2015	CMS Tool box, resources from other states and national organizations	Health Care Association - lease, Waiver Team	DHHS has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	General or Other Requirements	Draft DHHS Policy and procedural revisions necessary to comply with all other requirements of the new CMS HCBS rules and create an	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination Staff, Waiver Team	Planning and monitoring policies align w/ rule; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	General or Other Requirements	Draft DHHS process and forms revisions and create an implementation plan	01/01/2015	03/31/2015	Needs Assessment (child and adult) & file review monitoring tool	Waiver Team w/ stakeholders advisory council	Needs assessment and planning procedures align w/ rule requirements, including team composition; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Performance Metrics	Analyze performance metrics used to assess the current level of compliance with new CMS Rules	08/01/2014	ongoing	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team, Quality Council	Performance metrics will demonstrate the level of existing system compliance with new HCBS rules
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Performance Metrics	Define performance metrics used to assess compliance with the elements of the transition plan	10/01/2014	01/31/2015	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team, Quality Council	Performance metrics will demonstrate the level of compliance with the expectations contained within the transition plan
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Identify and implement effective strategies for involving stakeholders in the assessment and remediation of "not likely"	08/01/2014	ongoing	Public meetings, ad hoc committees, provider meetings,	DHHS Staff, Consultant	Stakeholders including self advocates and their families and friends will guide, inform and oversee "not like" community residential changes

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Educate providers	01/01/2014	ongoing	Rules, Tool box material, provider meetings	Providers, DHHS Staff, Advocacy Grups	Inform providers and public
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Educate waiver participants, guardians, and family on the requirements of the new CMS HCBS rules and the changes they can expect to see as a result of implementation	07/01/2014	ongoing	Comprehensive transition plan, MLTC website	DHHS Staff, Consultant	Wavier participants understand the requirements of the new CMS HCBS rules and what they can expect / how their services will be impacted
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	Promulgate Nebraska Administrative Code changes to residential services requirements that align with new CMS HCBS rules related to community like non-residential services settings. Includes public hearing on	04/01/2015	01/31/2016	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM	DHHS DDD and MLTC Staff, Consultant with stakeholder input and feedback	NAC will contain authority necessary for DDD to ensure compliance with new CMS HCBS rules related to community like day services settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	De-certify residential services settings that are unable to meet requirements mandated by the new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey	Quality Improvement, Resource Development staff	Residential services settings that don't meet requirements mandated by the new CMS HCBS rules will not receive HCBS funding
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	Monitor residential services settings to ensure compliance with requirements mandated by the new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey, Participant Experience Surveys	Quality Improvement, Resource Development staff.	HCB residential services maximize opportunities to access the community and receive services in the most integrated setting
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Train Service Coordination and Resource Development staff	03/01/2015	ongoing	DHHS Policy Directives Needs Assesment (child and adult) & file review monitoring tool	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Service coordinators have the skills and tools to facilitate planning that reflects individual needs and preferences and conduct plan monitoring to ensure
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Monitor Services Coordination activities	03/01/2015	ongoing	DHHS Policy Directives Needs Assesment (child and adult) & file review monitoring tool	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Service planning and monitoring policies reflect individual needs and preferences and ensure individual rights, optimize independence, facilitate choice and

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Monitor implementation of and compliance with new rules requiring a lease agreement	01/31/2016	ongoing	Resource Development activities, Quality Improvement data	Quality Improvement Team	Waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens and choice of roommates
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Performance Metrics	Analyze performance metrics to make adjustments to the transition plan	06/01/2016	ongoing	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team	The transition plan will be adapted/enhanced to ensure compliance with the new CMS HCBS rules
DD Waivers	_Identification	Community Integration - Day Services	Identify regulation changes necessary to ensure day services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance, Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Necessary changes to regulations are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify internal Division guideline revisions necessary to ensure day services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	Necessary changes to internal Division guidelines are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify day services settings that are "likely not" community.	10/01/2014	12/31/2014	Provider Listings, Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	There is a list of day service locations that may be considered "not likely" community.
DD Waivers	_Identification	Community Integration - Day Services	Create Provider Self-Assessment Tool and revise existing Self-Advocate/Family Surveys to provide information regarding the community nature of day settings.	08/15/2014	09/30/2014	Prior Self-Advocate/Family Surveys, Samples from Other States, CMS Toolkit, Transition Plan Consultant	Community Liaison, Technical Assistance Manager, DD Contract Manager	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the community nature of day settings.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	Community Integration - Residential	Identify regulation changes necessary to ensure residential services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance, Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Necessary changes to regulations are identified to comply with new CMS rules regarding residential services.
DD Waivers	_Identification	Community Integration - Residential	Identify internal Division guideline revisions necessary to ensure residential services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	DDD Guidelines and Related QI and Service Coordination Forms and Tools, Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	Necessary changes to internal Division guidelines are identified to comply with new CMS rules regarding residential services.
DD Waivers	_Identification	Community Integration - Residential	Identify residential services settings that that are "likely not" community	10/01/2014	12/31/2014	Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-	Assistance Team, Community Liaison, Service Coordination Leadership Team	There is a list of residential locations that may be considered "not likely" community.
DD Waivers	_Identification	Community Integration - Residential	Tool and revise existing Self-Advocate/Family Surveys to provide information regarding the community nature of residential settings.	08/15/2014	09/30/2014	Surveys, Samples from Other States, CMS Toolkit, ARC of Nebraska, Developmental Disabilities Council,	Community Liaison, Technical Assistance Manager, DD Contract Manager	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the community nature of residential settings.
DD Waivers	_Identification	General or Other Requirements	guidelines, and HCBS waivers to identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules that are not already identified herein.	07/10/2014	12/31/2014	Code, Title 404, DDD Operational Guidelines, Nebraska's DD HCBS Waivers, CMS Toolkit and Guidance, Stakeholder Meetings and Transition	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager, Community Liaison	Necessary changes to NAC, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice provisions of the new CMS HCBS rules
DD Waivers	_Identification	General or Other Requirements	performance metrics that relate to and/or demonstrate the current level of compliance with new	07/10/2014	12/31/2015	Compliance Surveys, Participant Experience Surveys, Self-	Liaison, Service Coordination Leadership Team, Quality Review	performance metric that demonstrates compliance with new CMS rule requirements

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	General or Other Requirements	Identify data sources that will be used to measure transition plan activities compliance with new CMS rules	10/01/2014	ongoing	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator	Valid and reliable data produce a performance metric that can be used to assess the success of transition plan actions in meeting the expectations of the new CMS rule requirements
DD Waivers	Analysis	Community Integration - Day Services	Distinguish "likely not" community day services settings that meet requirements of heightened scrutiny from those that do not.	01/01/2015	12/31/2015	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	For community day services, the Division knows which services are fully compliant, which ones are not fully compliant but meet the heightened scrutiny requirements, and is aware of the location and characteristics of settings that are not compliant and do not meet the heightened scrutiny requirements. By fully analyzing the characteristics of the various settings, the Division is better equipped to consider options to obtain full compliance.
DD Waivers	Analysis	Community Integration - Day Services	Consider remediation options for "likely not" community day settings that do not meet requirements of heightened scrutiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entities)	Deputy Director of CBS, Technical Assistance Team, Community Liaison, QI Team	The Division has a plan with an array of options to bring "not likely" day services settings into compliance that identifies the resources necessary and targeted timeframes for each element of the plan. For any settings that are not capable of coming into compliance, the Division has a plan to transition individuals to alternative services settings.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Day Services	Draft regulation changes necessary to ensure compliance with new CMS HCBS Rules related to day settings.	01/01/2015	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Regulations comply with the new CMS HCBS rules related to day settings and support DDD activities to ensure compliance
DD Waivers	Analysis	Community Integration - Day Services	revisions necessary to ensure compliance with new CMS HCBS rules related to day settings	01/01/2015	03/31/2016	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	the new CMS HCBS rules related to day settings and support QI Team and Service Coordination Team activities to ensure compliance.
DD Waivers	Analysis	Community Integration - Day Services	definitions to remove reference to facilities-based settings and clarify the Division's mission of serving all individuals in the most integrated setting possible.	06/01/2014	10/01/2014	Developmental Disabilities HCBS Waivers, Stakeholder Meetings	Deputy Director of CBS, DD Waiver Administrator	DD HCBS Waivers reflect language that describes the Division's mission to serve all individuals in the most integrated setting possible.
DD Waivers	Analysis	Community Integration - Day Services	Review and revise retirement services definition, requirements and restrictions.	11/01/2014	12/31/2015	Developmental Disabilities HCBS Waivers, Stakeholder Meetings	Deputy Director of CBS, DD Waiver Administrator	Retirement services are clearly defined to include requirements and restrictions.
DD Waivers	Analysis	Community Integration - Residential	Distinguish "likely not" community residential settings that meet requirements of heightened scrutiny from those that do not. (For community residential services, the Division has already defined in regulation settings that are "likely not" community residential settings.)	01/01/2015	12/31/2015	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	By fully analyzing the characteristics of the various settings, the Division is better equipped to consider options to obtain full compliance.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Residential	Consider remediation options for "likely not" community residential settings that do not meet requirements of heightened scrutiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entities)	Deputy Director of CBS, Technical Assistance Team, Community Liaison, QI Team	The Division has a plan with an array of options to bring "not likely" residential services settings into compliance that identifies the resources necessary and targeted timeframes for each element of the plan. For any settings that are not capable of coming into compliance, the Division has a plan to transition individuals to alternative service settings.
DD Waivers	Analysis	Community Integration - Residential	necessary to ensure compliance with new CMS HCBS Rules related to residential settings. While the Division has already defined in regulation settings that are "likely not" community residential settings, current regulations allow for an exception to that definition	01/01/2015	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Regulations comply with the new CMS HCBS rules related to residential settings and support DDD activities to ensure compliance
DD Waivers	Analysis	Community Integration - Residential	Draft internal Division guideline revisions necessary to ensure compliance with new CMS HCBS rules related to residential settings.	01/01/2015	03/31/2016	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	DDD internal staff guidelines comply with the new CMS HCBS rules related to residential settings and support QI Team and Service Coordination Team activities to ensure compliance.
DD Waivers	Analysis	General or Other Requirements	internal guidelines not specifically addressed in HCBS Transition Plan to determine whether additional revisions and/or enhancements are needed	11/01/2014	06/30/2015	Nebraska Administrative Code, Title 404, DDD Guidelines, CMS Toolkit and Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	Division regulations and guidance have been fully reviewed and revised to ensure requirements with all new HCBS rules.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	General or Other Requirements	Analyze performance metrics used to assess the current level of compliance with new CMS Rules; revise where necessary to address new requirements.	10/01/2014	Ongoing	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Quality Review Team Surveys, Quality Improvement Indicators/Data	QI Team, Community Liaison, Service Coordination Leadership Team, Quality Review Teams	Performance metrics will demonstrate the level of existing system compliance with new HCBS rules and identify areas where enhanced effort is needed to ensure individuals are being supported in the most integrated way possible.
DD Waivers	Analysis	General or Other Requirements	Analyze performance metrics and revise where necessary to ensure compliance with all elements of the transition plan (including any new elements that are identified in the Identification and Analysis activities described herein.)	10/01/2014	05/31/2016	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator	Performance metrics will demonstrate the level of compliance with the expectations contained within the transition plan.
DD Waivers	Analysis	Individual Rights	Coordinate with Stakeholders to design a lease template that can be used by waiver participants living in provider owned or controlled residential settings that meets the requirements of the new CMS HCBS rules	01/01/2014	12/31/2014	Nebraska Association of Specialized Providers Workgroup, CMS Tool box, State and Federal Housing Agencies	Technical Assistance Team, Contract Manager	DHHS has a lease template that can be used to ensure waiver participants are afforded the same tenant rights extended to all Nebraska citizens.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Individual Rights	Promulgate rules that require provider owned or controlled residences to ensure resident's rights are protected by a lease or comparable legally binding agreement.	11/01/2014	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens
DD Waivers	Analysis	Individual Rights	Promulgate rules that require provider owned or controlled residences to offer choice of roommates to people sharing bedrooms.	11/01/2014	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded choice or roommate when sharing a bedroom
DD Waivers	Analysis	Individual Rights	Enhance survey tools and process to more rigorously review human and legal rights processes.	10/01/2014	05/31/2016	Service Coordination Monitoring Tools, Provider Site Reviews and Compliance Surveys	QI Team, Service Coordination Leadership Team	DDD regulations ensuring that individual's rights are not improperly restricted are diligently enforced.
DD Waivers	Outreach	Community Integration - Day Services	Identify and implement effective strategies for involving stakeholders in the analysis and remediation of "not likely" community day services settings	06/01/2014	Ongoing	Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the Developmental Disabilities Council, and the Developmental Disability Advisory Committee, Nebraska Association of	Deputy Director of Community Based Services, Community Liaison, Technical Assistance Manager	Stakeholders including self advocates and their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community day services changes.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Outreach	Community Integration - Residential	Identify and implement effective strategies for involving stakeholders in the assessment and remediation of "not likely" community residential settings	06/01/2014	Ongoing	Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the Developmental Disabilities Council, and the Developmental Disability Advisory Committee, Nebraska Association of	Deputy Director of Community Based Services, Community Liaison, Technical Assistance Manager	Stakeholders including self advocates and their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community residential changes.
DD Waivers	Outreach	General or Other Requirements	Share information with individual and their families/guardians, service providers, and advocacy entities on the requirements of the new CMS HCBS rules and the changes they can expect to see as a result of implementation.	07/01/2014	Ongoing	Transition Plan, DHHS Website, Direct Mailing to Individuals In Services, Articles in the Sower Newsletter, Public/Stakeholder Meetings	DD Director, Deputy Director of Community Based Services, Waiver Administrator, Operations Administrator, QI Administrator, Technical Assistance Manager, Community Liaison	All stakeholders understand the requirements of the new CMS HCBS rules, what they can expect, and how their services will be impacted.
DD Waivers	Remediation	Community Integration - Day Services	assistance and enforcement of regulatory changes to day services requirements that align with new CMS HCBS rules related to day services settings. This includes enforcement of progressive discipline to include financial penalties and failure to renew certification for	01/01/2017	Ongoing	Code, Title 404, Provider Site Reviews and Compliance Surveys, Provider Training and Technical Assistance, Service Coordination Monitoring Tools, Service Coordination Individual/Family Meetings	Deputy Director of Community Based Services, QI Team, Technical Assistance Team, Service Coordination Team, Community Liaison	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like day services settings
DD Waivers	Remediation	Community Integration - Day Services	support innovation necessary to bring "not likely" community day services settings into compliance with new CMS HCBS rules. This includes evaluation of rate methodology to account for increased provider staffing requirements to support individuals in a more integrated setting.	01/01/2016	Ongoing	2017-18 Biennial Budget Request to Nebraska Legislature, Developmental Disability Council Grants, and other State/Federal Grants or Funds	DD Director, Deputy Director of Community Based Services, Technical Assistance Manager, DD Fiscal Analyst	"Not likely" community day services settings that don't meet the requirements under heighten scrutiny have accessed resources and implemented changes necessary to be compliant with the new CMS HCBS rules

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	Community Integration - Day Services	Reach out to integrated providers of retirement services to increase options available to retirees in developmental disability services. While this may affect both day and residential services, efforts are targeted towards day services as that is where the Division recognizes the greatest risks.	01/01/2015	Ongoing	Aged and Disabled Programs, Leagues of Human Dignity, State and Local Chambers of Commerce, State and Local Organizations Targeted at Retirees, Stakeholders, Advocacy Entities	Technical Assistance Team, Community Liaison, QI Manager, Contract Manager	An array of service provider are available to support individuals with developmental disabilities throughout Nebraska to avoid unnecessary institutionalization or other services that may exclude individuals from integrated community enjoyment.
DD Waivers	Remediation	Community Integration - Residential	assistance and enforcement of regulatory changes to day services requirements that align with new CMS HCBS rules related to residential services settings. This includes	01/01/2017	Ongoing	Code, Title 404, Provider Site Reviews and Compliance Surveys, Provider Training and Technical Assistance, Service Coordination	Community Based Services, QI Team, Technical Assistance Team, Service Coordination Team, Community Liaison	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like residential services settings
DD Waivers	Remediation	Community Integration - Residential	support innovation necessary to bring "not likely" community residential services settings into compliance with new CMS HCBS rules. This includes evaluation of rate methodology to account for increased provider	01/01/2016	Ongoing	2017-18 Biennial Budget Request to Nebraska Legislature, Developmental Disability Council Grants, and other State/Federal Grants or Funds	DD Director, Deputy Director of Community Based Services, Technical Assistance Manager, DD Fiscal Analyst	"Not likely" community residential services settings that don't meet the requirements under heighten scrutiny have accessed resources and implemented changes necessary to be compliant with the new CMS HCBS rules
DD Waivers	Remediation	General or Other Requirements	tools and processes for all services settings to ensure continued compliance with requirements mandated by the new CMS HCBS rules. This includes site characteristic issues,	07/01/2017	Ongoing	Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	HCB services support access to the greater community, offers opportunities for employment, optimizes independence, facilitates choice and ensures individual rights are protected.

## HCBS Transition Plan Matrix - Comprehensive

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	General or Other Requirements	Service Coordination hiring tools, orientation, training curriculum, monitoring tools and other supports to ensure a continued focus on person centered	03/01/2015	Ongoing	Hiring Tools and Orientation Curriculum, Service Coordination Training Curriculum, Service Coordination	Community Based Services, Service Coordination Leadership Team, Technical Assistance Team	tools to facilitate planning that reflects individual needs and preferences and conduct plan monitoring to ensure individual rights, optimize independence, facilitate choice and maximize
DD Waivers	Remediation	General or Other Requirements	regarding this Transition Plan in the Division of Developmental Disabilities Update provided to the Nebraska Legislature and	03/15/2014	Ongoing	Annual Division of Developmental Disabilities Update	DD Director, Deputy Director of Community Based Services	Nebraska Legislature and all stakeholders for ensuring compliance with the HCBS rules ensuring that all individuals have access to and are being served in the most
DD Waivers	Remediation	Individual Rights	Provide additional training to individual and their families, service providers and Divison staff in the area of right restrictions/ensuring individual rights are protected.	09/01/2014	Ongoing	Technical Assistance and Service Coordination Training Curriculum, Nebraska Association of Service Provider Meetings, the <i>Sower</i> Newsletter, and Individual/Family Meeting	Technical Assistance Team, Contract Manager, Community Liaison, Service Coordination Team	All stakeholders understand the conditions under which and the requirements that must be met before an individual's rights are restricted; all stakeholders appreciate, recognize and diligently protect the rights of all individuals receiving services.

Transition Plan Addendum  
Aged and Disabled Waiver (AD) and Traumatic Brain Injury Waiver (TBI)

Waiver Program Summary

Aged and Disabled: The AD waiver serves persons of all ages whose service needs would qualify for Medicaid nursing facility services. These individuals – aged persons, adults with physical disabilities, and children with physical disabilities and medical conditions – are provided the option of home and community-based services when they can be safely served at home with waiver services. Persons eligible for this waiver program may live in their own homes, apartments, or with family or friends; or chose to reside in a licensed assisted living apartment.

Eligible persons must have an assessed need for one or more of the following services available through the Aged and Disabled Waiver:

- **Adult Day Health Services:** Structured social and health activities provided outside of the client's home in licensed Adult Day Service setting.
- **Assisted Living Service:** Personal care and supportive services provided by a licensed assisted living provider in a homelike, non-institutional residential setting. Room and board costs are not included in this service.
- **Assistive Technology Supports and Home Modifications:** Specialized equipment and supplies to increase, maintain, or improve functional capacity; physical adaptations to the client's private residence to ensure well-being or greater independence.
- **Chore Services:** Assistance with tasks the client is unable to perform, including general household tasks, activities of daily living, shopping, meal preparation, and supervision.
- **Extra Care/Child Care for Children with Disabilities:** Medically-necessary care and supervision while parents/usual caregivers are working or attending school. Service may be provided in the child's home or in an approved provider setting of the family's choice.
- **Home Again Services:** Expenses incurred to allow a nursing facility resident to move to a non-institutional living arrangement. Allowable costs include basic household furniture, furnishings, supplies, security deposits, and utility fees.
- **Home Delivered Meals:** A meal prepared outside of the client's home and delivered to the client's home for immediate consumption.
- **Independent Skills Building:** Training for clients or caregivers to promote independent functioning.
- **Nutrition Services:** Nutritional assessment and intervention provided by a licensed professional.
- **Personal Emergency Response System (PERS):** An electronic device programmed to secure help when activated in an emergency situation.
- **Respite Services:** Short-term care and supervision for waiver clients either in their own homes or in an approved setting of their choice to provide relief time for the usual caregiver.
- **Transportation:** Travel to access non-medical community resources and services.

Traumatic Brain Injury: The TBI waiver serves adults ages 18-64 whose service needs would qualify for Medicaid nursing facility services. These individuals with brain injury are provided the option of home and community-based services when they can be

safely served with waiver services. The service of the TBI waiver is the Assisted Living Service where personal care and supportive services are provided by a licensed assisted living provider in a homelike, non-institutional residential setting. Room and board costs are not included in this service.

Applying the HCBS Final Rule: The HCBS Final Rule applies to all services. However, it does specifically apply to waiver services received in a provider-owned or controlled residential setting. For the Aged and Disabled and TBI Waiver, this places the focus on the Assisted Living Service. Even though this document focuses on Assisted Living Service, which is a residential setting, comments about applying the Rule to non-residential AD waiver services are welcome.

The HCBS Final Rule emphasizes that all provider settings must truly be home and community-based, not operating like an institution. The State must assure that all Assisted Living providers support full access to the larger community and ensure each resident's rights to privacy, dignity and respect, and freedom from coercion and restraint. To be approved providers for the AD and TBI Waivers, all assisted living settings must operate in this way. The setting must not have the qualities of an institution and must have the qualities of being home and community-based.

Qualities of an HCBS Setting: Nebraska's AD waiver proposes to assess the degree to which each current provider of Assisted Living services is in compliance with the requirements of the new HCBS Rule. Many HCBS requirements are already in place in policy or practice; some are new or enhanced.

Qualities in a residential setting that are Home and Community-Based include:

1. Service Options and Rights
  - a. Treated with dignity and respect;
  - b. Privacy rights are protected;
  - c. Access to private method of communication (e.g., telephone, text, email), as desired;
  - d. Free from coercion and restraint, including unrestricted access in the setting;
  - e. Personal funds not controlled by the provider;
  - f. Choice in daily scheduling (e.g., bathing, sleep times, leisure activities); and
  - g. Visitors, as the resident chooses.
2. The Apartment
  - a. Single occupancy unless double occupancy is requested by the client due to a prior relationship with a specific person;
  - b. Lease or other formal agreement for specific apartment, including landlord-tenant protections from eviction;
  - c. Not located in Medicaid-identified, segregated area(s) of the building;
  - d. Attached bath area with at least a toilet and sink;
  - e. Lockable apartment; and
  - f. Resident freedom to decorate and furnish, as desired.
3. Access to Food
  - a. Meal time flexibility;
  - b. Individual choice of seating in dining area;

- c. An option for cooking provided to each resident; and
  - d. Access to snacks.
- 4. Community Connections
  - a. Opportunity, access, and comfortable space for social interactions with other residents in the setting;
  - b. Resident awareness of and access to wider community events;
  - c. Resident participation in informal activities in the community such as shopping, church, or lunch with family and friends; and
  - d. Right to choose whether or not to participate in these opportunities.
- 5. Demographics for data collection
  - a. Ownership;
  - b. Physical setting of the building; and
  - c. Number of apartments.

Thank you for your comments. Thank you for partnering with Medicaid and Long-Term Care to improve options for consumers of home and community-based waiver services.

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify regulation changes necessary to ensure non-residential services compliance with new CMS HCBS rules	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska Administrative Code Title 471 Medicaid Rules; <del>and</del> CMS Tool Box	DHHS Staff, Consultant with stakeholder input and feedback	Regulations comply with the new CMS HCBS rules related to non-residential settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Draft policy and procedural changes necessary to ensure non-residential services compliance with new CMS HCBS rules	08/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination Staff, Waiver Team	Planning and monitoring policies align w/ rule; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify non-residential services settings that are "likely not" community. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	08/01/2014	02/28/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self	DHHS Staff, Consultant with stakeholder input and feedback	Justification for "not likely" community non-residential settings that meet heightened scrutiny requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Draft regulation changes necessary to ensure residential services compliance with new CMS HCBS rules related to community like residential settings	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska	DHHS Staff, Consultant with stakeholder input and feedback	Necessary changes to Nebraska Administrative Code are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify policy and procedural changes necessary to ensure non-residential services compliance with new CMS HCBS rules related to community like settings	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Quality Improvement Team	Planning and monitoring policies that must be added or changed to meet the requirements of the new CMS HCBS rules for non-residential settings are identified

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Residential	Identify residential services settings that that are "likely not" community. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	12/01/2014	02/28/2015	Listing of all residential settings that meet at least one of the "not likely" community criteria	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	There is a list of residential locations that are "not likely" community
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Residential	Review administrative code and waivers to identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and	DHHS Staff, Consultant	Necessary changes to Nebraska Administrative Code, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	General or Other Requirements	Draft policy and procedures to identify changes needed to comport with the requirements/intent of the new CMS HCBS rules	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Planning and monitoring policies that must be added or changed to meet the requirements of the new CMS HCBS rules are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	General or Other Requirements	Review processes and forms to identify changes needed to comport with the requirements/intent of the new CMS HCBS rules	12/01/2014	02/28/2015	Needs Assessment (child and adult) & file review monitoring tool	Waiver Team w/ stakeholders advisory council	Needs assessment and planning procedures that must be added or changed are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Performance Metrics	Identify data sources that demonstrate the current level of compliance with new CMS rules	01/01/2014	11/30/2014	Participant Experience Survey, Quality Improvement Data	Quality Improvement Team, Quality Council	Valid and reliable data produce a performance metric that demonstrates compliance with new CMS rule requirements

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Performance Metrics	Identify data sources that demonstrate the level of compliance with elements of the transition plan	04/01/2014	11/30/2014	Participant Experience Survey, Quality Improvement Data	Quality Improvement Team	Valid and reliable data produce a performance metric to demonstrate the degree of compliance with this expectation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Distinguish "likely not" community settings that meet requirements of heightened scrutiny from those that don't. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	11/01/2014	03/31/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self advocate family and stakeholder forums	DHHS MLTC Staff, Consultant with stakeholder input and feedback	Justification for "not likely" community residential settings that meet heightened scrutiny requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Develop remediation options for "likely not" community residential settings that do not meet requirements of heightened scrutiny	11/01/2014	03/31/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self advocate family and stakeholder forums	DHHS MLTC Staff, Consultant with stakeholder input and feedback	A plan to bring "not likely" residential services settings into compliance
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft proposed policy regulation changes necessary to ensure compliance with new CMS HCBS Rules related to residential settings	04/01/2014	10/31/2014	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska	DHHS MLTC Staff, Consultant with stakeholder input and feedback	Regulations comply with the new CMS HCBS rules related to residential settings

### HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft policy and procedural changes necessary to ensure compliance with new CMS HCBS rules related to residential settings	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Quality Improvement Team	Policy and procedures comply with the new CMS HCBS rules related to residential settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Create a lease template that can be used by waiver participants living in provider owned or controlled residential settings and meets the requirements of	02/01/2015	05/31/2015	CMS Tool box	DHHS staff and consultant, Provider associations	DHHS has a lease template that can be used to ensure waiver participants are afforded the same tenant rights extended to all NE citizens
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft rules that require provider owned or controlled residences to ensure residents rights are protected by a lease or comparable legally binding agreement	08/01/2014	02/28/2015	CMS Tool box, resources from other states and national organizations	Health Care Association - lease, Waiver Team	DHHS has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	General or Other Requirements	Draft DHHS Policy and procedural revisions necessary to comply with all other requirements of the new CMS HCBS rules and create an implementation plan	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination Staff, Waiver Team	Planning and monitoring policies align w/ rule; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	General or Other Requirements	Draft DHHS process and forms revisions and create an implementation plan	01/01/2015	03/31/2015	Needs Assessment (child and adult) & file review monitoring tool	Waiver Team w/ stakeholders advisory council	Needs assessment and planning procedures align w/ rule requirements, including team composition; there is a schedule for implementation

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Performance Metrics	Analyze performance metrics used to assess the current level of compliance with new CMS Rules	08/01/2014	ongoing	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team, Quality Council	Performance metrics will demonstrate the level of existing system compliance with new HCBS rules
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Performance Metrics	Define performance metrics used to assess compliance with the elements of the transition plan	10/01/2014	01/31/2015	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team, Quality Council	Performance metrics will demonstrate the level of compliance with the expectations contained within the transition plan
_All Waivers	Outreach	Plan Creation and Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	Code, HCBS Waivers, DHHS Internal Policies and Procedures, CMS Toolkit and Guidance, Transition Plan Consultant	HCBS Administrator, Deputy Director of DD Community Based Services, MLTC Waiver Manager and other	drafted that proposes actions necessary to ensure compliance with the new CMS HCBS rules, relevant timelines, resources, stakeholders, and expected outcomes. The transition plan is comprehensive, but is is
_All Waivers	Outreach	Plan Creation and Implementation	Make the waiver transition plan available for public comment.	09/03/2014	10/15/2014	World Herald Newspaper Announcement, Direct Mailing to DD Service Participants, Direct Outreach to Providers	DHHS MLTC and DDD Staff	The draft comprehensive waiver transition plan is distributed via multiple mediums to engage and gather public comment for a time period to exceed 30 days.
_All Waivers	Outreach	Plan Creation and Implementation	Coordinate and hold public meetings.	08/01/2014	10/15/2014	Transition Plan, Powerpoint Presentations, Transition Plan Consultant	DHHS MLTC and DDD Staff	Stakeholders are able to attend public meetings where the new HCBS requirements are discussed and where they may participate in verbal comment and present questions related to the draft transition plan.
_All Waivers	Outreach	Plan Creation and Implementation	Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver	DHHS MLTC and DDD Staff	responses thereto are prepared and distributed with the finalized plan; if DHHS deems necessary, the transition plan may be modified due to public comment.
_All Waivers	Outreach	Plan Creation and Implementation	Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver Participants, CMS Toolkit, Transition Plan Consultant	DHHS MLTC and DDD Staff	Submit for CMS approval a comprehensive transition plan to include a summary of and response to public comments.
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Identify and implement effective strategies for involving stakeholders in the assessment and remediation of "not likely"	08/01/2014	ongoing	Public meetings, ad hoc committees, provider meetings,	DHHS Staff, Consultant	Stakeholders including self advocates and their families and friends will guide, inform and oversee "not like" community residential changes

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Educate providers	01/01/2014	ongoing	Rules, Tool box material, provider meetings	Providers, DHHS Staff, Advocacy Grups	Inform providers and public
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Educate waiver participants, guardians, and family on the requirements of the new CMS HCBS rules and the changes they can expect to see as a result of implementation	07/01/2014	ongoing	Comprehensive transition plan, MLTC website	DHHS Staff, Consultant	Wavier participants understand the requirements of the new CMS HCBS rules and what they can expect / how their services will be impacted
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	Promulgate Nebraska Administrative Code changes to residential services requirements that align with new CMS HCBS rules related to community like non-residential services settings. Includes public hearing on	04/01/2015	01/31/2016	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM	DHHS DDD and MLTC Staff, Consultant with stakeholder input and feedback	NAC will contain authority necessary for DDD to ensure compliance with new CMS HCBS rules related to community like day services settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	De-certify residential services settings that are unable to meet requirements mandated by the new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey	Quality Improvement, Resource Development staff	Residential services settings that don't meet requirements mandated by the new CMS HCBS rules will not receive HCBS funding
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	Monitor residential services settings to ensure compliance with requirements mandated by the new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey, Participant Experience Surveys	Quality Improvement, Resource Development staff.	HCB residential services maximize opportunities to access the community and receive services in the most integrated setting
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Train Service Coordination and Resource Development staff	03/01/2015	ongoing	DHHS Policy Directives Needs Assesment (child and adult) & file review monitoring tool	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Service coordinators have the skills and tools to facilitate planning that reflects individual needs and preferences and conduct plan monitoring to ensure
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Monitor Services Coordination activities	03/01/2015	ongoing	DHHS Policy Directives Needs Assesment (child and adult) & file review monitoring tool	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Service planning and monitoring policies reflect individual needs and preferences and ensure individual rights, optimize independence, facilitate choice and

### HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Monitor implementation of and compliance with new rules requiring a lease agreement	01/31/2016	ongoing	Resource Development activities, Quality Improvement data	Quality Improvement Team	Waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens and choice of roommates
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Performance Metrics	Analyze performance metrics to make adjustments to the transition plan	06/01/2016	ongoing	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team	The transition plan will be adapted/enhanced to ensure compliance with the new CMS HCBS rules

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify regulation changes necessary to ensure non-residential services compliance with new CMS HCBS rules	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska Administrative Code Title 471 Medicaid Rules; <del>and</del> CMS Tool Box	DHHS Staff, Consultant with stakeholder input and feedback	Regulations comply with the new CMS HCBS rules related to non-residential settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Draft policy and procedural changes necessary to ensure non-residential services compliance with new CMS HCBS rules	08/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination Staff, Waiver Team	Planning and monitoring policies align w/ rule; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify non-residential services settings that are "likely not" community. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	08/01/2014	02/28/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self	DHHS Staff, Consultant with stakeholder input and feedback	Justification for "not likely" community non-residential settings that meet heightened scrutiny requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Draft regulation changes necessary to ensure residential services compliance with new CMS HCBS rules related to community like residential settings	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska	DHHS Staff, Consultant with stakeholder input and feedback	Necessary changes to Nebraska Administrative Code are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Non-Residential Services	Identify policy and procedural changes necessary to ensure non-residential services compliance with new CMS HCBS rules related to community like settings	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Quality Improvement Team	Planning and monitoring policies that must be added or changed to meet the requirements of the new CMS HCBS rules for non-residential settings are identified

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Residential	Identify residential services settings that that are "likely not" community. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	12/01/2014	02/28/2015	Listing of all residential settings that meet at least one of the "not likely" community criteria	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	There is a list of residential locations that are "not likely" community
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Community Integration - Residential	Review administrative code and waivers to identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules	08/01/2014	02/28/2015	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and	DHHS Staff, Consultant	Necessary changes to Nebraska Administrative Code, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Distinguish "likely not" community settings that meet requirements of heightened scrutiny from those that don't. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	11/01/2014	03/31/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self advocate family and stakeholder forums	DHHS MLTC Staff, Consultant with stakeholder input and feedback	Justification for "not likely" community residential settings that meet heightened scrutiny requirements
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Develop remediation options for "likely not" community residential settings that do not meet requirements of heightened scrutiny	11/01/2014	03/31/2015	Assessment and site reviews, Participant Experience Surveys, Specialized/targeted experience surveys, provider forums, self advocate family and stakeholder forums	DHHS MLTC Staff, Consultant with stakeholder input and feedback	A plan to bring "not likely" residential services settings into compliance
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft proposed policy regulation changes necessary to ensure compliance with new CMS HCBS Rules related to residential settings	04/01/2014	10/31/2014	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver	DHHS MLTC Staff, Consultant with stakeholder input and feedback	Regulations comply with the new CMS HCBS rules related to residential settings

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft policy and procedural changes necessary to ensure compliance with new CMS HCBS rules related to residential settings	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Quality Improvement Team	Policy and procedures comply with the new CMS HCBS rules related to residential settings
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Create a lease template that can be used by waiver participants living in provider owned or controlled residential settings and meets the requirements of the new CMS HCBS rules	02/01/2015	05/31/2015	CMS Tool box	DHHS staff and consultant, Provider associations	DHHS has a lease template that can be used to ensure waiver participants are afforded the same tenant rights extended to all NE citizens
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Community Integration - Residential	Draft rules that require provider owned or controlled residences to ensure residents rights are protected by a lease or comparable legally binding agreement	08/01/2014	02/28/2015	CMS Tool box, resources from other states and national organizations	Health Care Association - lease, Waiver Team	DHHS has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	Promulgate Nebraska Administrative Code changes to residential services requirements that align with new CMS HCBS rules related to community like non-residential services settings. Includes public hearing on regulations in accordance with	04/01/2015	01/31/2016	Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative Code Title 480 Home and Community Based Waiver Services and Optional TCM Services; Nebraska	DHHS DDD and MLTC Staff, Consultant with stakeholder input and feedback	NAC will contain authority necessary for DDD to ensure compliance with new CMS HCBS rules related to community like day services settings

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	De-certify residential services settings that are unable to meet requirements mandated by the new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey	Quality Improvement, Resource Development staff	Residential services settings that don't meet requirements mandated by the new CMS HCBS rules will not receive HCBS funding
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Community Integration - Residential	Monitor residential services settings to ensure compliance with requirements mandated by the new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey, Participant Experience Surveys	Quality Improvement, Resource Development staff.	HCB residential services maximize opportunities to access the community and receive services in the most integrated setting
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	General or Other Requirements	Draft policy and procedures to identify changes needed to comport with the requirements/intent of the new CMS HCBS rules	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Planning and monitoring policies that must be added or changed to meet the requirements of the new CMS HCBS rules are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	General or Other Requirements	Review processes and forms to identify changes needed to comport with the requirements/intent of the new CMS HCBS rules	12/01/2014	02/28/2015	Needs Assessment (child and adult) & file review monitoring tool	Waiver Team w/ stakeholders advisory council	Needs assessment and planning procedures that must be added or changed are identified
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	General or Other Requirements	Draft DHHS Policy and procedural revisions necessary to comply with all other requirements of the new CMS HCBS rules and create an implementation plan	12/01/2014	02/28/2015	DHHS MLTC Policy Directives	Contracted Services Coordination and DHHS Services Coordination Staff, Waiver Team	Planning and monitoring policies align w/ rule; there is a schedule for implementation

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	General or Other Requirements	Draft DHHS process and forms revisions and create an implementation plan	01/01/2015	03/31/2015	Needs Assessment (child and adult) & file review monitoring tool	Waiver Team w/ stakeholders advisory council	Needs assessment and planning procedures align w/ rule requirements, including team composition; there is a schedule for implementation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Identify and implement effective strategies for involving stakeholders in the assessment and remediation of "not likely"	08/01/2014	ongoing	Public meetings, ad hoc committees, provider meetings,	DHHS Staff, Consultant	Stakeholders including self advocates and their families and friends will guide, inform and oversee "not like" community residential changes
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Educate providers	01/01/2014	ongoing	Rules, Tool box material, provider meetings	Providers, DHHS Staff, Advocacy Grups	Inform providers and public
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Outreach	General or Other Requirements	Educate waiver participants, guardians, and family on the requirements of the new CMS HCBS rules and the changes they can expect to see as a result of	07/01/2014	ongoing	Comprehensive transition plan, MLTC website	DHHS Staff, Consultant	Wavier participants understand the requirements of the new CMS HCBS rules and what they can expect / how their services will be impacted
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Train Service Coordination and Resource Development staff	03/01/2015	ongoing	DHHS Policy Directives Needs Assessment (child and adult) & file review monitoring tool	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Service coordinators have the skills and tools to facilitate planning that reflects individual needs and preferences and conduct plan monitoring to ensure individual rights, optimize independence, facilitate choice and maximize
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Monitor Services Coordination activities	03/01/2015	ongoing	DHHS Policy Directives Needs Assessment (child and adult) & file review monitoring tool	Contracted Services Coordination and DHHS Services Coordination staff, Waiver Team	Service planning and monitoring policies reflect individual needs and preferences and ensure individual rights, optimize independence, facilitate choice and
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	General or Other Requirements	Monitor implementation of and compliance with new rules requiring a lease agreement	01/31/2016	ongoing	Resource Development activities, Quality Improvement data	Quality Improvement Team	Waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens and choice of roommates when sharing a bedroom
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Performance Metrics	Identify data sources that demonstrate the current level of compliance with new CMS rules	01/01/2014	11/30/2014	Participant Experience Survey, Quality Improvement Data	Quality Improvement Team, Quality Council	Valid and reliable data produce a performance metric that demonstrates compliance with new CMS rule requirements

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	_Identification	Performance Metrics	Identify data sources that demonstrate the level of compliance with elements of the transition plan	04/01/2014	11/30/2014	Participant Experience Survey, Quality Improvement Data	Quality Improvement Team	Valid and reliable data produce a performance metric to demonstrate the degree of compliance with this expectation
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Performance Metrics	Analyze performance metrics used to assess the current level of compliance with new CMS Rules	08/01/2014	ongoing	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team, Quality Council	Performance metrics will demonstrate the level of existing system compliancw with new HCBS rules
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Analysis	Performance Metrics	Define performance metrics used to assess compliance with the elements of the transition plan	10/01/2014	01/31/2015	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team, Quality Council	Performance metrics will demonstrate the level of compliance with the expectations contained within the transition plan
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation	Performance Metrics	Analyze performance metrics to make adjustments to the transition plan	06/01/2016	ongoing	Participant Experience Surveys, Quality Improvement Data	Quality Improvement Team	The transition plan will be adapted/enhanced to ensure compliance with the new CMS HCBS rules
_All Waivers	Outreach	Plan Creation and Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	Code, HCBS Waivers, DHHS Internal Policies and Procedures, CMS Toolkit and Guidance, Transition	HCBS Administrator, Deputy Director of DD Community Based Services, MLTC Waiver	drafted that proposes actions necessary to ensure compliance with the new CMS HCBS rules, relevant timelines, resources, stakeholders, and expected outcomes. The
_All Waivers	Outreach	Plan Creation and Implementation	Make the waiver transition plan available for public comment.	09/03/2014	10/15/2014	World Herald Newspaper Announcement, Direct Mailing to DD Service Participants, Direct	DHHS MLTC and DDD Staff	The draft comprehensive waiver transition plan is distributed via multiple mediums to engage and gather public comment for a time period to exceed 30 days.
_All Waivers	Outreach	Plan Creation and Implementation	Coordinate and hold public meetings.	08/01/2014	10/15/2014	Transition Plan, Powerpoint Presentations, Transition Plan Consultant	DHHS MLTC and DDD Staff	meetings where the new HCBS requirements are discussed and where they may participate in verbal comment and present questions related to the draft

## HCBS Transition Plan Matrix - MLTC Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
_All Waivers	Outreach	Plan Creation and Implementation	Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver	DHHS MLTC and DDD Staff	responses thereto are prepared and distributed with the finalized plan; if DHHS deems necessary, the transition plan may be modified due to public comment.
_All Waivers	Outreach	Plan Creation and Implementation	Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver	DHHS MLTC and DDD Staff	Submit for CMS approval a comprehensive transition plan to include a summary of and response to public comments.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	Community Integration - Day Services	Identify regulation changes necessary to ensure day services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance, Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Necessary changes to regulations are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify internal Division guideline revisions necessary to ensure day services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	Necessary changes to internal Division guidelines are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify day services settings that that are "likely not" community.	10/01/2014	12/31/2014	Provider Listings, Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	There is a list of day service locations that may be considered "not likely" community.
DD Waivers	_Identification	Community Integration - Day Services	Create Provider Self-Assessment Tool and revise existing Self-Advocate/Family Surveys to provide information regarding the community nature of day settings.	08/15/2014	09/30/2014	Prior Self-Advocate/Family Surveys, Samples from Other States, CMS Toolkit, Transition Plan Consultant	Community Liaison, Technical Assistance Manager, DD Contract Manager	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the community nature of day settings.
DD Waivers	_Identification	Community Integration - Residential	Identify regulation changes necessary to ensure residential services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance, Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Necessary changes to regulations are identified to comply with new CMS rules regarding residential services.
DD Waivers	_Identification	Community Integration - Residential	Identify internal Division guideline revisions necessary to ensure residential services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	DDD Guidelines and Related QI and Service Coordination Forms and Tools, Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	Necessary changes to internal Division guidelines are identified to comply with new CMS rules regarding residential services.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	Community Integration - Residential	Identify residential services settings that that are "likely not" community	10/01/2014	12/31/2014	Provider Listings, Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings, Transition Plan Consultant	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	There is a list of residential locations that may be considered "not likely" community.
DD Waivers	_Identification	Community Integration - Residential	Create Provider Self-Assessment Tool and revise existing Self-Advocate/Family Surveys to provide information regarding the community nature of residential settings.	08/15/2014	09/30/2014	Prior Self-Advocate/Family Surveys, Samples from Other States, CMS Toolkit, ARC of Nebraska, Developmental Disabilities Council, Developmental Disabilities Advisory Committee, Nebraska Association of Service Providers, and Transition Plan Consultant	Community Liaison, Technical Assistance Manager, DD Contract Manager	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the community nature of residential settings.
DD Waivers	_Identification	General or Other Requirements	Review regulations, internal guidelines, and HCBS waivers to identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules that are not already identified herein.	07/10/2014	12/31/2014	Nebraska Administrative Code, Title 404, DDD Operational Guidelines, Nebraska's DD HCBS Waivers, CMS Toolkit and Guidance, Stakeholder Meetings and Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager, Community Liaison	Necessary changes to NAC, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice provisions of the new CMS HCBS rules

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	General or Other Requirements	Identify data sources and performance metrics that relate to and/or demonstrate the current level of compliance with new CMS rules	07/10/2014	12/31/2015	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Quality Review Team Surveys, Quality Improvement Indicators/Data, CMS Toolkit, Stakeholder Meetings, Transition Plan Consultant	QI Team, Community Liaison, Service Coordination Leadership Team, Quality Review Teams	Valid and reliable data produce a performance metric that demonstrates compliance with new CMS rule requirements
DD Waivers	_Identification	General or Other Requirements	Identify data sources that will be used to measure transition plan activities compliance with new CMS rules	10/01/2014	ongoing	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator	Valid and reliable data produce a performance metric that can be used to assess the success of transition plan actions in meeting the expectations of the new CMS rule requirements
DD Waivers	Analysis	Community Integration - Day Services	Distinguish "likely not" community day services settings that meet requirements of heightened scrutiny from those that do not.	01/01/2015	12/31/2015	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	For community day services, the Division knows which services are fully compliant, which ones are not fully compliant but meet the heightened scrutiny requirements, and is aware of the location and characteristics of settings that are not compliant and do not meet the heightened scrutiny requirements. By fully analyzing the characteristics of the various settings, the Division is better equipped to consider options to obtain full compliance.
DD Waivers	Analysis	Community Integration - Day Services	Consider remediation options for "likely not" community day settings that do not meet requirements of heightened scrutiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entities)	Deputy Director of CBS, Technical Assistance Team, Community Liaison, QI Team	The Division has a plan with an array of options to bring "not likely" day services settings into compliance that identifies the resources necessary and targeted timeframes for each element of the plan. For any settings that are not capable of coming into compliance, the Division has a plan to transition individuals to alternative services settings.
DD Waivers	Analysis	Community Integration - Day Services	Draft regulation changes necessary to ensure compliance with new CMS HCBS Rules related to day settings.	01/01/2015	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Regulations comply with the new CMS HCBS rules related to day settings and support DDD activities to ensure compliance

### HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Day Services	Draft internal Division guideline revisions necessary to ensure compliance with new CMS HCBS rules related to day settings	01/01/2015	03/31/2016	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	DDD internal staff guidelines comply with the new CMS HCBS rules related to day settings and support QI Team and Service Coordination Team activities to ensure compliance.
DD Waivers	Analysis	Community Integration - Day Services	Review and revise day service definitions to remove reference to facilities-based settings and clarify the Division's mission of serving all individuals in the most integrated setting possible.	06/01/2014	10/01/2014	Developmental Disabilities HCBS Waivers, Stakeholder Meetings	Deputy Director of CBS, DD Waiver Administrator	DD HCBS Waivers reflect language that describes the Division's mission to serve all individuals in the most integrated setting possible.
DD Waivers	Analysis	Community Integration - Day Services	Review and revise retirement services definition, requirements and restrictions.	11/01/2014	12/31/2015	Developmental Disabilities HCBS Waivers, Stakeholder Meetings	Deputy Director of CBS, DD Waiver Administrator	Retirement services are clearly defined to include requirements and restrictions.
DD Waivers	Analysis	Community Integration - Residential	Distinguish "likely not" community residential settings that meet requirements of heightened scrutiny from those that do not. (For community residential services, the Division has already defined in regulation settings that are "likely not" community residential settings.)	01/01/2015	12/31/2015	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	By fully analyzing the characteristics of the various settings, the Division is better equipped to consider options to obtain full compliance.
DD Waivers	Analysis	Community Integration - Residential	Consider remediation options for "likely not" community residential settings that do not meet requirements of heightened scrutiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entities)	Deputy Director of CBS, Technical Assistance Team, Community Liaison, QI Team	The Division has a plan with an array of options to bring "not likely" residential services settings into compliance that identifies the resources necessary and targeted timeframes for each element of the plan. For any settings that are not capable of coming into compliance, the Division has a plan to transition individuals to alternative service settings.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Residential	Review regulation changes necessary to ensure compliance with new CMS HCBS Rules related to residential settings. While the Division has already defined in regulation settings that are "likely not" community residential settings, current regulations allow for an exception to that definition without any confirmation that the settings meet particular criteria ensuring community characteristics.	01/01/2015	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Regulations comply with the new CMS HCBS rules related to residential settings and support DDD activities to ensure compliance
DD Waivers	Analysis	Community Integration - Residential	Draft internal Division guideline revisions necessary to ensure compliance with new CMS HCBS rules related to residential settings.	01/01/2015	03/31/2016	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	DDD internal staff guidelines comply with the new CMS HCBS rules related to residential settings and support QI Team and Service Coordination Team activities to ensure compliance.
DD Waivers	Analysis	General or Other Requirements	Analyze other regulations and internal guidelines not specifically addressed in HCBS Transition Plan to determine whether additional revisions and/or enhancements are needed to ensure compliance with HCBS rule. If revisions are warranted, a plan for implementation is to be created.	11/01/2014	06/30/2015	Nebraska Administrative Code, Title 404, DDD Guidelines, CMS Toolkit and Stakeholder Meetings	Deputy Director of CBS, QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	Division regulations and guidance have been fully reviewed and revised to ensure requirements with all new HCBS rules.
DD Waivers	Analysis	General or Other Requirements	Analyze performance metrics used to assess the current level of compliance with new CMS Rules; revise where necessary to address new requirements.	10/01/2014	Ongoing	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Quality Review Team Surveys, Quality Improvement Indicators/Data	QI Team, Community Liaison, Service Coordination Leadership Team, Quality Review Teams	Performance metrics will demonstrate the level of existing system compliance with new HCBS rules and identify areas where enhanced effort is needed to ensure individuals are being supported in the most integrated way possible.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	General or Other Requirements	Analyze performance metrics and revise where necessary to ensure compliance with all elements of the transition plan (including any new elements that are identified in the Identification and Analysis activities described herein.)	10/01/2014	05/31/2016	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator	Performance metrics will demonstrate the level of compliance with the expectations contained within the transition plan.
DD Waivers	Analysis	Individual Rights	Coordinate with Stakeholders to design a lease template that can be used by waiver participants living in provider owned or controlled residential settings that meets the requirements of the new CMS HCBS rules	01/01/2014	12/31/2014	Nebraska Association of Specialized Providers Workgroup, CMS Tool box, State and Federal Housing Agencies	Technical Assistance Team, Contract Manager	DHHS has a lease template that can be used to ensure waiver participants are afforded the same tenant rights extended to all Nebraska citizens.
DD Waivers	Analysis	Individual Rights	Promulgate rules that require provider owned or controlled residences to ensure resident's rights are protected by a lease or comparable legally binding agreement.	11/01/2014	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens
DD Waivers	Analysis	Individual Rights	Promulgate rules that require provider owned or controlled residences to offer choice of roommates to people sharing bedrooms.	11/01/2014	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded choice or roommate when sharing a bedroom
DD Waivers	Analysis	Individual Rights	Enhance survey tools and process to more rigorously review human and legal rights processes.	10/01/2014	05/31/2016	Service Coordination Monitoring Tools, Provider Site Reviews and Compliance Surveys	QI Team, Service Coordination Leadership Team	DDD regulations ensuring that individual's rights are not improperly restricted are diligently enforced.
DD Waivers	Outreach	Community Integration - Day Services	Identify and implement effective strategies for involving stakeholders in the analysis and remediation of "not likely" community day services settings	06/01/2014	Ongoing	Public Meetings, Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the Developmental Disabilities Council, and the Developmental Disability Advisory Committee, Nebraska Association of Service Providers, and Transition Plan Consultant	Deputy Director of Community Based Services, Community Liaison, Technical Assistance Manager	Stakeholders including self advocates and their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community day services changes.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Outreach	Community Integration - Residential	Identify and implement effective strategies for involving stakeholders in the assessment and remediation of "not likely" community residential settings	06/01/2014	Ongoing	Public Meetings, Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the Developmental Disabilities Council, and the Developmental Disability Advisory Committee, Nebraska Association of Service Providers, and Transition Plan Consultant	Deputy Director of Community Based Services, Community Liaison, Technical Assistance Manager	Stakeholders including self advocates and their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community residential changes.
DD Waivers	Outreach	General or Other Requirements	Share information with individual and their families/guardians, service providers, and advocacy entities on the requirements of the new CMS HCBS rules and the changes they can expect to see as a result of implementation.	07/01/2014	Ongoing	Transition Plan, DHHS Website, Direct Mailing to Individuals In Services, Articles in the Sower Newsletter, Public/Stakeholder Meetings	DD Director, Deputy Director of Community Based Services, Waiver Administrator, Operations Administrator, QI Administrator, Technical Assistance Manager, Community Liaison	All stakeholders understand the requirements of the new CMS HCBS rules, what they can expect, and how their services will be impacted.
_All Waivers	Outreach	Plan Creation and Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	Nebraska Administrative Code, HCBS Waivers, DHHS Internal Policies and Procedures, CMS Toolkit and Guidance, Transition Plan Consultant	DD Director, MLTC HCBS Administrator, Deputy Director of DD Community Based Services, MLTC Waiver Manager and other Waiver Team Staff, DD Waiver Administrator, DD Operations Administrator, DD QI Administrator, DD Technical Assistance Manager, DD Community Liaison	A comprehensive waiver transition plan is drafted that proposes actions necessary to ensure compliance with the new CMS HCBS rules, relevant timelines, resources, stakeholders, and expected outcomes. The transition plan is comprehensive, but is also severable by applicable waiver - so that, if necessary, the plan may be finalized in stages by waiver.
_All Waivers	Outreach	Plan Creation and Implementation	Make the waiver transition plan available for public comment.	09/03/2014	10/15/2014	DHHS Website, Omaha World Herald Newspaper Announcement, Direct Mailing to DD Service Participants, Direct Outreach to Providers	DHHS MLTC and DDD Staff	The draft comprehensive waiver transition plan is distributed via multiple mediums to engage and gather public comment for a time period to exceed 30 days.

### HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
_All Waivers	Outreach	Plan Creation and Implementation	Coordinate and hold public meetings.	08/01/2014	10/15/2014	Transition Plan, Powerpoint Presentations, Transition Plan Consultant	DHHS MLTC and DDD Staff	Stakeholders are able to attend public meetings where the new HCBS requirements are discussed and where they may participate in verbal comment and present questions related to the draft transition plan.
_All Waivers	Outreach	Plan Creation and Implementation	Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	Transition Plan, Public Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver Participants, CMS Toolkit, Transition Plan Consultant	DHHS MLTC and DDD Staff	All public comments are considered, responses thereto are prepared and distributed with the finalized plan; if DHHS deems necessary, the transition plan may be modified due to public comment.
_All Waivers	Outreach	Plan Creation and Implementation	Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	Transition Plan, Public Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver Participants, CMS Toolkit, Transition Plan Consultant	DHHS MLTC and DDD Staff	Submit for CMS approval a comprehensive transition plan to include a summary of and response to public comments.
DD Waivers	Remediation	Community Integration - Day Services	Provide education, technical assistance and enforcement of regulatory changes to day services requirements that align with new CMS HCBS rules related to day services settings. This includes enforcement of progressive discipline to include financial penalties and failure to renew certification for specialized providers.	01/01/2017	Ongoing	Nebraska Administrative Code, Title 404, Provider Site Reviews and Compliance Surveys, Provider Training and Technical Assistance, Service Coordination Monitoring Tools, Service Coordination Individual/Family Meetings	Deputy Director of Community Based Services, QI Team, Technical Assistance Team, Service Coordination Team, Community Liaison	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like day services settings

### HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	Community Integration - Day Services	Seek and secure resources to support innovation necessary to bring "not likely" community day services settings into compliance with new CMS HCBS rules. This includes evaluation of rate methodology to account for increased provider staffing requirements to support individuals in a more integrated setting.	01/01/2016	Ongoing	2017-18 Biennial Budget Request to Nebraska Legislature, Developmental Disability Council Grants, and other State/Federal Grants or Funds	DD Director, Deputy Director of Community Based Services, Technical Assistance Manager, DD Fiscal Analyst	"Not likely" community day services settings that don't meet the requirements under heighten scrutiny have accessed resources and implemented changes necessary to be compliant with the new CMS HCBS rules
DD Waivers	Remediation	Community Integration - Day Services	Reach out to integrated providers of retirement services to increase options available to retirees in developmental disability services. While this may affect both day and residential services, efforts are targeted towards day services as that is where the Division recognizes the greatest risks.	01/01/2015	Ongoing	Aged and Disabled Programs, Leagues of Human Dignity, State and Local Chambers of Commerce, State and Local Organizations Targeted at Retirees, Stakeholders, Advocacy Entities	Technical Assistance Team, Community Liaison, QI Manager, Contract Manager	An array of service provider are available to support individuals with developmental disabilities throughout Nebraska to avoid unnecessary institutionalization or other services that may exclude individuals from integrated community enjoyment.
DD Waivers	Remediation	Community Integration - Residential	Provide education, technical assistance and enforcement of regulatory changes to day services requirements that align with new CMS HCBS rules related to residential services settings. This includes enforcement of progressive discipline to include financial penalties and failure to renew certification for specialized providers.	01/01/2017	Ongoing	Nebraska Administrative Code, Title 404, Provider Site Reviews and Compliance Surveys, Provider Training and Technical Assistance, Service Coordination Monitoring Tools, Service Coordination Individual/Family Meetings	Deputy Director of Community Based Services, QI Team, Technical Assistance Team, Service Coordination Team, Community Liaison	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like residential services settings

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	Community Integration - Residential	Seek and secure resources to support innovation necessary to bring "not likely" community residential services settings into compliance with new CMS HCBS rules. This includes evaluation of rate methodology to account for increased provider staffing requirements to support individuals in a more integrated setting.	01/01/2016	Ongoing	2017-18 Biennial Budget Request to Nebraska Legislature, Developmental Disability Council Grants, and other State/Federal Grants or Funds	DD Director, Deputy Director of Community Based Services, Technical Assistance Manager, DD Fiscal Analyst	"Not likely" community residential services settings that don't meet the requirements under heighten scrutiny have accessed resources and implemented changes necessary to be compliant with the new CMS HCBS rules
DD Waivers	Remediation	General or Other Requirements	Routinely re-evaluate monitoring tools and processes for all services settings to ensure continued compliance with requirements mandated by the new CMS HCBS rules. This includes site characteristic issues, individual rights, and all other aspects relevant thereto.	07/01/2017	Ongoing	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	HCB services support access to the greater community, offers opportunities for employment, optimizes independence, facilitates choice and ensures individual rights are protected.
DD Waivers	Remediation	General or Other Requirements	Routinely review and revise Service Coordination hiring tools, orientation, training curriculum, monitoring tools and other supports to ensure a continued focus on person centered practices, recognition of and advocacy for individual rights, and ensuring that all individuals are supported in the most integrated settings possible.	03/01/2015	Ongoing	Service Coordination Hiring Tools and Orientation Curriculum, Service Coordination Training Curriculum, Service Coordination Monitoring Tools, Service Coordination Recognition Programs, Service Coordination Performance Evaluation Tools, Service Coordination Individual/Family Meeting Tools (including Personal Focus Worksheets and other planning tools), Annual State-Wide Service Coordination Training and Tri-Annual Developmental Disability Conferences	Deputy Director of Community Based Services, Service Coordination Leadership Team, Technical Assistance Team	Service coordinators have the skills and tools to facilitate planning that reflects individual needs and preferences and conduct plan monitoring to ensure individual rights, optimize independence, facilitate choice and maximize opportunities to access community and receive services in the most integrated setting

### HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Task

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	General or Other Requirements	Provide an annual update regarding this Transition Plan in the Division of Developmental Disabilities Update provided to the Nebraska Legislature and available to Stakeholders.	03/15/2014	Ongoing	Annual Division of Developmental Disabilities Update	DD Director, Deputy Director of Community Based Services	The Division is accountable to the Nebraska Legislature and all stakeholders for ensuring compliance with the HCBS rules ensuring that all individuals have access to and are being served in the most integrated setting.
DD Waivers	Remediation	Individual Rights	Provide additional training to individual and their families, service providers and Divison staff in the area of right restrictions/ensuring individual rights are protected.	09/01/2014	Ongoing	Technical Assistance and Service Coordination Training Curriculum, Nebraska Association of Service Provider Meetings, the <i>Sower</i> Newsletter, and Individual/Family Meeting	Technical Assistance Team, Contract Manager, Community Liaison, Service Coordination Team	All stakeholders understand the conditions under which and the requirements that must be met before an individual's rights are restricted; all stakeholders appreciate, recognize and diligently protect the rights of all individuals receiving services.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	Community Integration - Day Services	Identify regulation changes necessary to ensure day services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance, Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Necessary changes to regulations are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify internal Division guideline revisions necessary to ensure day services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	Necessary changes to internal Division guidelines are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify day services settings that are "likely not" community.	10/01/2014	12/31/2014	Provider Listings, Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	There is a list of day service locations that may be considered "not likely" community.
DD Waivers	_Identification	Community Integration - Day Services	Create Provider Self-Assessment Tool and revise existing Self-Advocate/Family Surveys to provide information regarding the community nature of day settings.	08/15/2014	09/30/2014	Prior Self-Advocate/Family Surveys, Samples from Other States, CMS Toolkit, Transition Plan Consultant	Community Liaison, Technical Assistance Manager, DD Contract Manager	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the community nature of day settings.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Day Services	Distinguish "likely not" community day services settings that meet requirements of heightened scrutiny from those that do not.	01/01/2015	12/31/2015	Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	knows which services are fully compliant, which ones are not fully compliant but meet the heightened scrutiny requirements, and is aware of the location and characteristics of settings that are not compliant and do not meet the heightened scrutiny requirements. By fully analyzing the characteristics of the various settings, the Division is better equipped to consider options to obtain full
DD Waivers	Analysis	Community Integration - Day Services	Consider remediation options for "likely not" community day settings that do not meet requirements of heightened scrutiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entities)	Deputy Director of CBS, Technical Assistance Team, Community Liaison, QI Team	The Division has a plan with an array of options to bring "not likely" day services settings into compliance that identifies the resources necessary and targeted timeframes for each element of the plan. For any settings that are not capable of coming into compliance, the Division has a plan to transition individuals to alternative services settings.
DD Waivers	Analysis	Community Integration - Day Services	Draft regulation changes necessary to ensure compliance with new CMS HCBS Rules related to day settings.	01/01/2015	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Regulations comply with the new CMS HCBS rules related to day settings and support DDD activities to ensure compliance
DD Waivers	Analysis	Community Integration - Day Services	Draft internal Division guideline revisions necessary to ensure compliance with new CMS HCBS rules related to day settings	01/01/2015	03/31/2016	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	DDD internal staff guidelines comply with the new CMS HCBS rules related to day settings and support QI Team and Service Coordination Team activities to ensure compliance.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Day Services	Review and revise day service definitions to remove reference to facilities-based settings and clarify the Division's mission of serving all individuals in the most integrated setting possible.	06/01/2014	10/01/2014	Developmental Disabilities HCBS Waivers, Stakeholder Meetings	Deputy Director of CBS, DD Waiver Administrator	DD HCBS Waivers reflect language that describes the Division's mission to serve all individuals in the most integrated setting possible.
DD Waivers	Analysis	Community Integration - Day Services	Review and revise retirement services definition, requirements and restrictions.	11/01/2014	12/31/2015	Developmental Disabilities HCBS Waivers, Stakeholder Meetings	Deputy Director of CBS, DD Waiver Administrator	Retirement services are clearly defined to include requirements and restrictions.
DD Waivers	Outreach	Community Integration - Day Services	Identify and implement effective strategies for involving stakeholders in the analysis and remediation of "not likely" community day services settings	06/01/2014	Ongoing	Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the Developmental Disabilities Council, and the Developmental Disability Advisory Committee, Nebraska Association of	Deputy Director of Community Based Services, Community Liaison, Technical Assistance Manager	Stakeholders including self advocates and their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community day services changes.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	Community Integration - Day Services	Provide education, technical assistance and enforcement of regulatory changes to day services requirements that align with new CMS HCBS rules related to day services settings. This includes enforcement of progressive discipline to include financial penalties and failure to renew certification for specialized providers.	01/01/2017	Ongoing	Nebraska Administrative Code, Title 404, Provider Site Reviews and Compliance Surveys, Provider Training and Technical Assistance, Service Coordination Monitoring Tools, Service Coordination Individual/Family Meetings	Deputy Director of Community Based Services, QI Team, Technical Assistance Team, Service Coordination Team, Community Liaison	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like day services settings
DD Waivers	Remediation	Community Integration - Day Services	support innovation necessary to bring "not likely" community day services settings into compliance with new CMS HCBS rules. This includes evaluation of rate methodology to account for	01/01/2016	Ongoing	2017-18 Biennial Budget Request to Nebraska Legislature, Developmental Disability Council Grants, and other State/Federal Grants or Funds	DD Director, Deputy Director of Community Based Services, Technical Assistance Manager, DD Fiscal Analyst	"Not likely" community day services settings that don't meet the requirements under heightened scrutiny have accessed resources and implemented changes necessary to be compliant with the new CMS HCBS rules
DD Waivers	Remediation	Community Integration - Day Services	of retirement services to increase options available to retirees in developmental disability services. While this may affect both day and residential services, efforts are targeted towards day services as that is where the Division recognizes the greatest risks.	01/01/2015	Ongoing	Aged and Disabled Programs, Leagues of Human Dignity, State and Local Chambers of Commerce, State and Local Organizations Targeted at Retirees, Stakeholders, Advocacy Entities	Technical Assistance Team, Community Liaison, QI Manager, Contract Manager	An array of service provider are available to support individuals with developmental disabilities throughout Nebraska to avoid unnecessary institutionalization or other services that may exclude individuals from integrated community enjoyment.
DD Waivers	_Identification	Community Integration - Residential	Identify regulation changes necessary to ensure residential services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance, Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Necessary changes to regulations are identified to comply with new CMS rules regarding residential services.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	_Identification	Community Integration - Residential	Identify internal Division guideline revisions necessary to ensure residential services compliance with new CMS HCBS rules.	06/01/2014	12/31/2014	DDD Guidelines and Related QI and Service Coordination Forms and Tools, Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	Necessary changes to internal Division guidelines are identified to comply with new CMS rules regarding residential services.
DD Waivers	_Identification	Community Integration - Residential	Identify residential services settings that are "likely not" community	10/01/2014	12/31/2014	Provider Listings, Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments, Stakeholder Meetings, Transition Plan Consultant	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	There is a list of residential locations that may be considered "not likely" community.
DD Waivers	_Identification	Community Integration - Residential	Tool and revise existing Self-Advocate/Family Surveys to provide information regarding the community nature of residential settings.	08/15/2014	09/30/2014	Surveys, Samples from Other States, CMS Toolkit, ARC of Nebraska, Developmental Disabilities Council,	Community Liaison, Technical Assistance Manager, DD Contract Manager	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the community nature of residential settings.
DD Waivers	Analysis	Community Integration - Residential	community residential settings that meet requirements of heightened scrutiny from those that do not. (For community residential services, the Division has already defined in regulation	01/01/2015	12/31/2015	Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	By fully analyzing the characteristics of the various settings, the Division is better equipped to consider options to obtain full compliance.
DD Waivers	Analysis	Community Integration - Residential	"likely not" community residential settings that do not meet requirements of heightened scrutiny.	01/01/2015	12/31/2015	Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service	Deputy Director of CBS, Technical Assistance Team, Community Liaison, QI Team	options to bring "not likely" residential services settings into compliance that identifies the resources necessary and targeted timeframes for each element of
DD Waivers	Analysis	Community Integration - Residential	necessary to ensure compliance with new CMS HCBS Rules related to residential settings. While the Division has already defined in regulation settings that are "likely not" community residential settings, current	01/01/2015	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	Regulations comply with the new CMS HCBS rules related to residential settings and support DDD activities to ensure compliance

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community Integration - Residential	Draft internal Division guideline revisions necessary to ensure compliance with new CMS HCBS rules related to residential settings.	01/01/2015	03/31/2016	DDD Guidelines and Related QI and Service Coordination Forms and Tools	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager	DDD internal staff guidelines comply with the new CMS HCBS rules related to residential settings and support QI Team and Service Coordination Team activities to ensure compliance.
DD Waivers	Outreach	Community Integration - Residential	strategies for involving stakeholders in the assessment and remediation of "not likely" community residential settings	06/01/2014	Ongoing	Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of	Community Based Services, Community Liaison, Technical Assistance Manager	their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community residential changes.
DD Waivers	Remediation	Community Integration - Residential	assistance and enforcement of regulatory changes to day services requirements that align with new CMS HCBS rules	01/01/2017	Ongoing	Code, Title 404, Provider Site Reviews and Compliance Surveys, Provider Training and	Community Based Services, QI Team, Technical Assistance Team, Service	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like residential services settings
DD Waivers	Remediation	Community Integration - Residential	Seek and secure resources to support innovation necessary to bring "not likely" community residential services settings into compliance with new CMS HCBS rules. This includes evaluation of rate methodology to account for increased provider staffing requirements to support individuals in a more integrated setting.	01/01/2016	Ongoing	2017-18 Biennial Budget Request to Nebraska Legislature, Developmental Disability Council Grants, and other State/Federal Grants or Funds	DD Director, Deputy Director of Community Based Services, Technical Assistance Manager, DD Fiscal Analyst	"Not likely" community residential services settings that don't meet the requirements under heighten scrutiny have accessed resources and implemented changes necessary to be compliant with the new CMS HCBS rules
DD Waivers	_Identification	General or Other Requirements	guidelines, and HCBS waivers to identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules that are not	07/10/2014	12/31/2014	Code, Title 404, DDD Operational Guidelines, Nebraska's DD HCBS Waivers, CMS Toolkit and Guidance, Stakeholder	Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager, Community Liaison	Necessary changes to NAC, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice provisions of the new CMS HCBS rules
DD Waivers	_Identification	General or Other Requirements	Identify data sources and performance metrics that relate to and/or demonstrate the current level of compliance with new CMS rules	07/10/2014	12/31/2015	Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination Monitoring Tools, Quality Review Team Surveys, Quality Improvement	QI Team, Community Liaison, Service Coordination Leadership Team, Quality Review Teams	Valid and reliable data produce a performance metric that demonstrates compliance with new CMS rule requirements

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Identification	General or Other Requirements	Identify data sources that will be used to measure transition plan activities compliance with new CMS rules	10/01/2014	ongoing	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator	Valid and reliable data produce a performance metric that can be used to assess the success of transition plan actions in meeting the expectations of the new CMS rule requirements
DD Waivers	Analysis	General or Other Requirements	internal guidelines not specifically addressed in HCBS Transition Plan to determine whether additional revisions and/or enhancements are needed to ensure compliance with HCBS	11/01/2014	06/30/2015	Nebraska Administrative Code, Title 404, DDD Guidelines, CMS Toolkit and Stakeholder Meetings	Deputy Director of CBS, QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	Division regulations and guidance have been fully reviewed and revised to ensure requirements with all new HCBS rules.
DD Waivers	Analysis	General or Other Requirements	used to assess the current level of compliance with new CMS Rules; revise where necessary to address new requirements.	10/01/2014	Ongoing	Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys,	Liaison, Service Coordination Leadership Team, Quality Review Teams	level of existing system compliance with new HCBS rules and identify areas where enhanced effort is needed to ensure individuals are being supported in the most
DD Waivers	Analysis	General or Other Requirements	Analyze performance metrics and revise where necessary to ensure compliance with all elements of the transition plan (including any new elements that are identified in the Identification and Analysis activities described herein.)	10/01/2014	05/31/2016	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant	Deputy Director of CBS, Service Coordination Team Administrator, QI Administrator	Performance metrics will demonstrate the level of compliance with the expectations contained within the transition plan.
DD Waivers	Outreach	General or Other Requirements	individual and their families/guardians, service providers, and advocacy entities on the requirements of the new CMS HCBS rules and the	07/01/2014	Ongoing	Website, Direct Mailing to Individuals In Services, Articles in the Sower Newsletter, Public/Stakeholder	Director of Community Based Services, Waiver Administrator, Operations Administrator, QI Administrator, Technical	All stakeholders understand the requirements of the new CMS HCBS rules, what they can expect, and how their services will be impacted.
DD Waivers	Remediation	General or Other Requirements	tools and processes for all services settings to ensure continued compliance with requirements mandated by the new CMS HCBS rules. This	07/01/2017	Ongoing	Compliance Surveys, Participant Experience Surveys, Self-Advocate/Family Surveys, Service Coordination	QI Team, Technical Assistance Team, Community Liaison, Service Coordination Leadership Team	HCBS services support access to the greater community, offers opportunities for employment, optimizes independence, facilitates choice and ensures individual rights are protected.

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
DD Waivers	Remediation	General or Other Requirements	Service Coordination hiring tools, orientation, training curriculum, monitoring tools and other supports to ensure a continued	03/01/2015	Ongoing	Hiring Tools and Orientation Curriculum, Service Coordination Training Curriculum,	Community Based Services, Service Coordination Leadership Team, Technical	tools to facilitate planning that reflects individual needs and preferences and conduct plan monitoring to ensure individual rights, optimize independence,
DD Waivers	Remediation	General or Other Requirements	regarding this Transition Plan in the Division of Developmental Disabilities Update provided to the Nebraska Legislature and	03/15/2014	Ongoing	Annual Division of Developmental Disabilities Update	DD Director, Deputy Director of Community Based Services	Nebraska Legislature and all stakeholders for ensuring compliance with the HCBS rules ensuring that all individuals have access to and are being served in the most
DD Waivers	Analysis	Individual Rights	design a lease template that can be used by waiver participants living in provider owned or controlled residential settings that meets the requirements of the new CMS HCBS rules	01/01/2014	12/31/2014	Nebraska Association of Specialized Providers Workgroup, CMS Tool box, State and Federal Housing Agencies	Technical Assistance Team, Contract Manager	DHHS has a lease template that can be used to ensure waiver participants are afforded the same tenant rights extended to all Nebraska citizens.
DD Waivers	Analysis	Individual Rights	provider owned or controlled residences to ensure resident's rights are protected by a lease or comparable legally binding	11/01/2014	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same tenant rights extended to all NE citizens
DD Waivers	Analysis	Individual Rights	Promulgate rules that require provider owned or controlled residences to offer choice of roommates to people sharing bedrooms.	11/01/2014	03/31/2016	Nebraska Administrative Code, Title 404 and Stakeholder Meetings	Deputy Director of CBS, Technical Assistance Team, Community Liaison	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded choice or roommate when sharing a bedroom
DD Waivers	Analysis	Individual Rights	Enhance survey tools and process to more rigorously review human and legal rights processes.	10/01/2014	05/31/2016	Service Coordination Monitoring Tools, Provider Site Reviews and Compliance Surveys	QI Team, Service Coordination Leadership Team	DDD regulations ensuring that individual's rights are not improperly restricted are diligently enforced.
DD Waivers	Remediation	Individual Rights	individual and their families, service providers and Division staff in the area of right restrictions/ensuring individual	09/01/2014	Ongoing	Service Coordination Training Curriculum, Nebraska Association of Service Provider Meetings,	Team, Contract Manager, Community Liaison, Service Coordination Team	under which and the requirements that must be met before an individual's rights are restricted; all stakeholders appreciate, recognize and diligently protect the rights of

## HCBS Transition Plan Matrix - DD Managed Waivers, Sorted by Regulatory Compliance Area

Applicable Waivers	Task	Regulatory Compliance Area	Action Item	Anticipated Start Date	Targeted Completion Date	Nebraska Health and Human Services Resources	Nebraska Health and Human Services Stakeholders	Expected Outcome
_All Waivers	Outreach	Plan Creation and Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	Code, HCBS Waivers, DHHS Internal Policies and Procedures, CMS Toolkit and Guidance, Transition	HCBS Administrator, Deputy Director of DD Community Based Services, MLTC Waiver	drafted that proposes actions necessary to ensure compliance with the new CMS HCBS rules, relevant timelines, resources, stakeholders, and expected outcomes. The
_All Waivers	Outreach	Plan Creation and Implementation	Make the waiver transition plan available for public comment.	09/03/2014	10/15/2014	DHHS Website, Omaha World Herald Newspaper Announcement, Direct Mailing to DD Service Participants, Direct Outreach to Providers	DHHS MLTC and DDD Staff	The draft comprehensive waiver transition plan is distributed via multiple mediums to engage and gather public comment for a time period to exceed 30 days.
_All Waivers	Outreach	Plan Creation and Implementation	Coordinate and hold public meetings.	08/01/2014	10/15/2014	Transition Plan, Powerpoint Presentations, Transition Plan Consultant	DHHS MLTC and DDD Staff	Stakeholders are able to attend public meetings where the new HCBS requirements are discussed and where they may participate in verbal comment and present questions related to the draft transition plan.
_All Waivers	Outreach	Plan Creation and Implementation	Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver Participants, CMS Toolkit,	DHHS MLTC and DDD Staff	All public comments are considered, responses thereto are prepared and distributed with the finalized plan; if DHHS deems necessary, the transition plan may be modified due to public comment.
_All Waivers	Outreach	Plan Creation and Implementation	Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	Comment (in person, via email, telephonic, and fax/mail), DHHS Website, Direct Mailing to Waiver	DHHS MLTC and DDD Staff	Submit for CMS approval a comprehensive transition plan to include a summary of and response to public comments.

Transition Plan Addendum  
Aged and Disabled Waiver (AD) and Traumatic Brain Injury Waiver (TBI)

Waiver Program Summary

Aged and Disabled: The AD waiver serves persons of all ages whose service needs would qualify for Medicaid nursing facility services. These individuals – aged persons, adults with physical disabilities, and children with physical disabilities and medical conditions – are provided the option of home and community-based services when they can be safely served at home with waiver services. Persons eligible for this waiver program may live in their own homes, apartments, or with family or friends; or chose to reside in a licensed assisted living apartment.

Eligible persons must have an assessed need for one or more of the following services available through the Aged and Disabled Waiver:

- **Adult Day Health Services:** Structured social and health activities provided outside of the client's home in licensed Adult Day Service setting.
- **Assisted Living Service:** Personal care and supportive services provided by a licensed assisted living provider in a homelike, non-institutional residential setting. Room and board costs are not included in this service.
- **Assistive Technology Supports and Home Modifications:** Specialized equipment and supplies to increase, maintain, or improve functional capacity; physical adaptations to the client's private residence to ensure well-being or greater independence.
- **Chore Services:** Assistance with tasks the client is unable to perform, including general household tasks, activities of daily living, shopping, meal preparation, and supervision.
- **Extra Care/Child Care for Children with Disabilities:** Medically-necessary care and supervision while parents/usual caregivers are working or attending school. Service may be provided in the child's home or in an approved provider setting of the family's choice.
- **Home Again Services:** Expenses incurred to allow a nursing facility resident to move to a non-institutional living arrangement. Allowable costs include basic household furniture, furnishings, supplies, security deposits, and utility fees.
- **Home Delivered Meals:** A meal prepared outside of the client's home and delivered to the client's home for immediate consumption.
- **Independent Skills Building:** Training for clients or caregivers to promote independent functioning.
- **Nutrition Services:** Nutritional assessment and intervention provided by a licensed professional.
- **Personal Emergency Response System (PERS):** An electronic device programmed to secure help when activated in an emergency situation.
- **Respite Services:** Short-term care and supervision for waiver clients either in their own homes or in an approved setting of their choice to provide relief time for the usual caregiver.
- **Transportation:** Travel to access non-medical community resources and services.

Traumatic Brain Injury: The TBI waiver serves adults ages 18-64 whose service needs would qualify for Medicaid nursing facility services. These individuals with brain injury are provided the option of home and community-based services when they can be

safely served with waiver services. The service of the TBI waiver is the Assisted Living Service where personal care and supportive services are provided by a licensed assisted living provider in a homelike, non-institutional residential setting. Room and board costs are not included in this service.

Applying the HCBS Final Rule: The HCBS Final Rule applies to all services. However, it does specifically apply to waiver services received in a provider-owned or controlled residential setting. For the Aged and Disabled and TBI Waiver, this places the focus on the Assisted Living Service. Even though this document focuses on Assisted Living Service, which is a residential setting, comments about applying the Rule to non-residential AD waiver services are welcome.

The HCBS Final Rule emphasizes that all provider settings must truly be home and community-based, not operating like an institution. The State must assure that all Assisted Living providers support full access to the larger community and ensure each resident's rights to privacy, dignity and respect, and freedom from coercion and restraint. To be approved providers for the AD and TBI Waivers, all assisted living settings must operate in this way. The setting must not have the qualities of an institution and must have the qualities of being home and community-based.

Qualities of an HCBS Setting: Nebraska's AD waiver proposes to assess the degree to which each current provider of Assisted Living services is in compliance with the requirements of the new HCBS Rule. Many HCBS requirements are already in place in policy or practice; some are new or enhanced.

Qualities in a residential setting that are Home and Community-Based include:

1. Service Options and Rights
  - a. Treated with dignity and respect;
  - b. Privacy rights are protected;
  - c. Access to private method of communication (e.g., telephone, text, email), as desired;
  - d. Free from coercion and restraint, including unrestricted access in the setting;
  - e. Personal funds not controlled by the provider;
  - f. Choice in daily scheduling (e.g., bathing, sleep times, leisure activities); and
  - g. Visitors, as the resident chooses.
2. The Apartment
  - a. Single occupancy unless double occupancy is requested by the client due to a prior relationship with a specific person;
  - b. Lease or other formal agreement for specific apartment, including landlord-tenant protections from eviction;
  - c. Not located in Medicaid-identified, segregated area(s) of the building;
  - d. Attached bath area with at least a toilet and sink;
  - e. Lockable apartment; and
  - f. Resident freedom to decorate and furnish, as desired.
3. Access to Food
  - a. Meal time flexibility;
  - b. Individual choice of seating in dining area;

- c. An option for cooking provided to each resident; and
  - d. Access to snacks.
- 4. Community Connections
  - a. Opportunity, access, and comfortable space for social interactions with other residents in the setting;
  - b. Resident awareness of and access to wider community events;
  - c. Resident participation in informal activities in the community such as shopping, church, or lunch with family and friends; and
  - d. Right to choose whether or not to participate in these opportunities.
- 5. Demographics for data collection
  - a. Ownership;
  - b. Physical setting of the building; and
  - c. Number of apartments.

Thank you for your comments. Thank you for partnering with Medicaid and Long-Term Care to improve options for consumers of home and community-based waiver services.