# 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**

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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:**

- Developmental Disabilities Comprehensive Waiver at <a href="http://dhhs.ne.gov/developmental\_disabilities/Documents/Nebraska-DDAC-waiver-2011.pdf">http://dhhs.ne.gov/developmental\_disabilities/Documents/Nebraska-DDAC-waiver-2011.pdf</a>
- 2. Adult Day Waiver at <a href="http://dhhs.ne.gov/developmental\_disabilities/Documents/Nebraska-DDAD-waiver-2011.pdf">http://dhhs.ne.gov/developmental\_disabilities/Documents/Nebraska-DDAD-waiver-2011.pdf</a>
- 3. Children and Families Waiver

Developmental Disabilities Rules and Regulations can be found in Title 404 of the Nebraska Administrative Codes at <a href="http://dhhs.ne.gov/Pages/reg\_t404.aspx">http://dhhs.ne.gov/Pages/reg\_t404.aspx</a>

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

- 1. Aged and Disabled Waiver at <a href="http://dhhs.ne.gov/Pages/hcs">http://dhhs.ne.gov/Pages/hcs</a> programs adwaiver.aspx
- 2. Traumatic Brain Injury Waiver at <a href="http://dhhs.ne.gov/Pages/hcs\_programs\_tbi-waiver.aspx">http://dhhs.ne.gov/Pages/hcs\_programs\_tbi-waiver.aspx</a>

Medicaid and Long Term Care Rules and Regulations can be found in Title 480 of the Nebraska Administrative Code at <a href="http://dhhs.ne.gov/Pages/reg\_medregs.aspx">http://dhhs.ne.gov/Pages/reg\_medregs.aspx</a>

#### **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 <u>DHHS.HCBSPublicComments@nebraska.gov</u>;
- 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.

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

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	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 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	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		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		Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014		DHHS MLTC and DDD Staff	Submit for CMS approval a comprehensive transition plan to include a summary of and response to public comments.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	<b>Expected Outcome</b>
						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		
Aged and Disabled		Community	Identify regulation changes			Services; Nebraska		
Waiver and		Integration - Non-	necessary to ensure non-			Administrative Code Title	DHHS Staff, Consultant	Regulations comply with the new CMS
Traumatic Brain		Residential	residential services compliance			471 Medicaid Rules; and	with stakeholder input	HCBS rules related to non-residential
Injury Waiver	_Identification	Services	with new CMS HCBS rules	08/01/2014	02/28/2015	CMS Tool Box	and feedback	settings
Aged and Disabled		Community	Draft policy and procedural				Contracted Services	
Waiver and		ŭ	changes necessary to ensure non-				Coordination and DHHS	Planning and monitoring policies align w/
Traumatic Brain		Residential	residential services compliance			DHHS MLTC Policy	Services Coordination	rule; there is a schedule for
Injury Waiver	_Identification	Services	with new CMS HCBS rules	08/01/2014	02/28/2015	Directives	Staff, Waiver Team	implementation
						Assessment and site		
						reviews, Participant		
			Identify-non-residential services			Experience Surveys,		
			settings that that are "likely not"			Specialized/targeted		
Aged and Disabled		Community	community. See attached Aged			experience surveys,		
Waiver and		Integration - Non-	and Disabled Waiver and			provider forums, self	DHHS Staff, Consultant	Justification for "not likely" community
Traumatic Brain	<b>.</b>	Residential	Traumatic Brain Injury Waivers			advocate family and	with stakeholder input	non-residential settings that meet
Injury Waiver	_Identification	Services	Addendum.	08/01/2014	02/28/2015	stakeholder forums	and feedback	heightened scruntiny requirements
						Waivers: NE HCBS for		
						Aged & Adults & Children		
						w/ Disabilities; NE TBI;		
						Nebraska Administrative		
			5 6 1			Code Title 480 Home and		
			Draft regulation changes			Community Based Waiver		
			necessary to ensure residential			Services and Optional TCM		
Aged and Disabled		Community	services compliance with new			Services; Nebraska	Dillic Chaff Canada	
Waiver and		ŭ	CMS HCBS rules related to			Administrative Code Title	DHHS Staff, Consultant	Name of the second of the seco
Traumatic Brain	T.141.0"	Residential	community like residential	00/04/204	02/20/204=	471 Medicaid Rules; and	with stakeholder input	Necessary changes to Nebraska
Injury Waiver	_Identification	Services	settings	08/01/2014	02/28/2015	CMS Tool Box	and feedback	Administrative Code are identified
			Identify policy and procedural					
Agod and Disabled		Committee	changes necessary to ensure non-					Planning and manitoring religion that were
Aged and Disabled		Community	residential services compliance					Planning and monitoring policies that must
Waiver and		J	with new CMS HCBS rules			DUUC MITC Policy	Quality Improvement	be added or changed to meet the
Traumatic Brain	Idantification	Residential	related to community like	12/01/2014	02/20/2045	DHHS MLTC Policy	Quality Improvement	requirements of the new CMS HCBS rules
Injury Waiver	_Identification	Services	settings	12/01/2014	02/28/2015	Directives	Team	for non-residential settings are identified

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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		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 Adminstrative Code Title 471 Medicaid Rules; and CMS Tool Box	DHHS Staff, Consultant	Necessary changes to Nebraska Adminsitrative 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		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 Assessement (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

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
Acad and Disabled								Valid and valiable data avadures
Aged and Disabled Waiver and			Identify data sources that			Participant Experience		Valid and reliable data produce a performance metric that demonstrates
Traumatic Brain		Performance	demonstrate the current level of			Participant Experience Survey, Quality	Quality Improvement	compliance with new CMS rule
	Identification			01/01/2014	11/20/2014	, ,	1 ' '	'
Injury Waiver	_identification	Metrics	compliance with new CMS rules	01/01/2014	11/30/2014	Improvement Data	Team, Quality Council	requirements
Aged and Disabled			Identify data sources that					Valid and reliable data produce a
Waiver and			demonstrate the level of			Participant Experience		performance metric to demonstrate the
Traumatic Brain		Performance	compliance with elements of the			Survey, Quality	Quality Improvement	degree of compliance with this
Injury Waiver	_Identification	Metrics	transition plan	04/01/2014	11/30/2014	Improvement Data	Team	expectation
			Distinguish "likely not"			Assessment and site		
			community settings that meet			reviews, Participant		
			requirements of heightened			Experience Surveys,		
Aged and Disabled			scruntiny from those that don't.			Specialized/targeted	DHHS MLTC Staff,	
Waiver and		Community	See attached Aged and Disabled			experience surveys,	Consultant with	Justification for "not likely" community
Traumatic Brain		Integration -	Waiver and Traumatic Brain	/ /	00/01/0015	provider forums, self	stakeholder input and	residential settings that meet heightened
Injury Waiver	Analysis	Residential	Injury Waivers Addendum.	11/01/2014	03/31/2015	advocate family and	feedback	scruntiny requirements
			Davida a sanadiation autimotion for			Assessment and site		
Acad and Disabled			Develop remediation options for			reviews, Participant	DILLIC MATTE CAPE	
Aged and Disabled		<b>G</b> :	"likely not" community residential settings that do not			Experience Surveys, Specialized/targeted	DHHS MLTC Staff, Consultant with	
Waiver and		Community Integration -						A plan to bring "not likely" residential
Traumatic Brain Injury Waiver	Analysis	Residential	meet requirements of heightened scruntiny	11/01/2014	02/21/2015	experience surveys, provider forums, self	stakeholder input and feedback	services settings into compliance
ilijury walver	Allalysis	Residential	neightened scranting	11/01/2014	03/31/2013	Waivers: NE HCBS for	Teeuback	services settings into compliance
						Aged & Adults & Children		
						w/ Disabilities; NE TBI;		
						Nebraska Administrative		
						Code Title 480 Home and		
						Community Based Waiver		
			Draft proposed policy regulation			Services and Optional TCM		
Aged and Disabled			changes necessary to ensure			Services; Nebraska	DHHS MLTC Staff,	
Waiver and		Community	compliance with new CMS HCBS			Administrative Code Title	Consultant with	
Traumatic Brain		Integration -	Rules related to residential			471 Medicaid Rules; and	stakeholder input and	Regulations comply with the new CMS
Injury Waiver	Analysis	Residential	sesttings	04/01/2014	10/31/2014	CMS Tool Box	feedback	HCBS rules related to residential settings

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
Aged and Disabled			Draft policy and procedural					
Waiver and		Community	changes necessary to ensure					Policy and procedures comply with the
Traumatic Brain		Integration -	compliance with new CMS HCBS			DHHS MLTC Policy	Quality Improvement	new CMS HCBS rules related to residential
Injury Waiver	Analysis	Residential	rules related to residential	12/01/2014	02/28/2015	Directives	Team	settings
Aged and Disabled			Create a lease template that can					DHHS has a lease template that can be
Waiver and		Community	be used by waiver participants				DHHS staff and	used to ensure waiver participants are
Traumatic Brain		Integration -	living in provider owned or				consultant, Provider	afforded the same tenant rights extended
Injury Waiver	Analysis	Residential	controlled residential settings	02/01/2015	05/31/2015	CMS Tool box	associations	to all NE citizens
			Draft rules that require provider					
Aged and Disabled			owned or controlled residences					DHHS has rules that ensure waiver
Waiver and		Community	to ensure residents rights are			CMS Tool box, resources		participants living in provider owned and
Traumatic Brain		Integration -	protected by a lease or			from other states and	Health Care Association -	controlled settings are afforded the same
Injury Waiver	Analysis	Residential	comparable legally binding	08/01/2014	02/28/2015	national organizations	lease, Waiver Team	tenant rights extended to all NE citizens
			Draft DHHS Policy and					
Aged and Disabled			procedural revisions necessary				Contracted Services	
Waiver and			to comply with all other				Coordination and DHHS	Planning and monitoring policies align w/
Traumatic Brain		General or Other	requirements of the new CMS			DHHS MLTC Policy	Services Coordination	rule; there is a schedule for
Injury Waiver	Analysis	Requirements	HCBS rules and create an	12/01/2014	02/28/2015	Directives	Staff, Waiver Team	implementation
Acced and Disabled								Nanda accessorate and alamaina
Aged and Disabled			Due for Dilling and a second formation			NI   -	Maior Toron I	Needs assessment and planning
Waiver and		G 1 04	Draft DHHS process and forms			Needs Assessement (child	Waiver Team w/	procedures align w/ rule requirements,
Traumatic Brain			revisions and create an	04/04/2045	02/24/2045	and adult) & file review	stakeholders advisory	including team composition; there is a
Injury Waiver	Analysis	Requirements	implementation plan	01/01/2015	03/31/2015	monitoring tool	council	schedule for implementation
Aged and Disabled			Analyze performance metrics			Dantiala ant Français and		Desference and desired the desired that the
Waiver and		5 (	used to assess the current level			Participant Experience		Performance metrics will demonstrate the
Traumatic Brain		Performance	of compliance with new CMS	00/01/0011		Surveys, Quality	Quality Improvement	level of existing system compliancw with
Injury Waiver	Analysis	Metrics	Rules	08/01/2014	ongoing	Improvement Data	Team, Quality Council	new HCBS rules
Aged and Disabled			Define performance metrics					
Waiver and			used to assess compliance with			Participant Experience		Performance metrics will demonstrate the
Traumatic Brain		Performance	the elements of the transition			Surveys, Quality	Quality Improvement	level of compliance with the expectations
Injury Waiver	Analysis	Metrics	plan	10/01/2014	01/31/2015	Improvement Data	Team, Quality Council	contained within the transition plan
Aged and Disabled	-		Identify and implement effective					Stakeholders including self advocates and
Waiver and			strategies for involving			Public meetings, ad hoc		their families and friends will guide, inform
Traumatic Brain		General or Other	stakeholders in the assessment			committees, provider		and oversee "not like" community
Injury Waiver	Outreach	Requirements	and remediation of "not likely"	08/01/2014	ongoing	meetings,	DHHS Staff, Consultant	residential changes

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
Aged and Disabled								
Waiver and								
Traumatic Brain		General or Other				Rules, Tool box material,	Providers, DHHS Staff,	
Injury Waiver	Outreach	Requirements	Educate providers	01/01/2014	ongoing	provider meetings	Advocacy Grups	Inform providers and public
			Educate waiver participants,					
			guardians, and family on the					
Aged and Disabled			requirements of the new CMS					Wavier participants understand the
Waiver and			HCBS rules and the changes they					requirements of the new CMS HCBS rules
Traumatic Brain		General or Other	can expect to see as a result of			Comprehensive transition		and what they can expect / how their
Injury Waiver	Outreach	Requirements	implementation	07/01/2014	ongoing	plan, MLTC website	DHHS Staff, Consultant	services will be impacted
			Promulgate Nebraska			Waivers: NE HCBS for		
			Administrative Code changes to			Aged & Adults & Children		
			residential services requirements			w/ Disabilities; NE TBI;		
Aged and Disabled			that align with new CMS HCBS			Nebraska Administrative	DHHS DDD and MLTC	NAC will contain authority necessary for
Waiver and		Community	rules related to community like			Code Title 480 Home and	Staff, Consultant with	DDD to ensure compliance with new CMS
Traumatic Brain		Integration -	non-residential services settings.			Community Based Waiver	stakeholder input and	HCBS rules related to community like day
Injury Waiver	Remediation	Residential	Includes public hearing on	04/01/2015	01/31/2016	Services and Optional TCM	feedback	services settings
Aged and Disabled			De-certify residential services					Residential services settings that don't
Waiver and		Community	settings that are unable to meet				Quality Improvement,	meet requirements mandated by the new
Traumatic Brain		Integration -	requirements mandated by the				Resource Development	CMS HCBS rules will not receive HCBS
Injury Waiver	Remediation	Residential	new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey	staff	funding
Aged and Disabled			Monitor residential services	. ,	<u> </u>	,		HCB residential services maximize
Waiver and		Community	settings to ensure compliance			Site reviews and survey,	Quality Improvement,	opportunities to access the community
Traumatic Brain		Integration -	with requirements mandated by			Participant Experience	Resource Development	and receive services in the most integrated
Injury Waiver	Remediation	Residential	the new CMS HCBS rules	01/31/2016	ongoing	Surveys	staff.	setting
Aged and Disabled					_	DHHS Policy Directives	Contracted Services	Service coordinators have the skills and
Waiver and						Needs Assessement (child	Coordination and DHHS	tools to facilitate planning that reflects
Traumatic Brain			Train Service Coordination and			and adult) & file review	Services Coordination	individual needs and preferences and
Injury Waiver	Remediation	Requirements	Resource Development staff	03/01/2015	ongoing	monitoring tool	staff, Waiver Team	conduct plan monitoring to ensure
Aged and Disabled						DHHS Policy Directives	Contracted Services	Service planning and monitoring policies
Waiver and						Needs Assessement (child	Coordination and DHHS	reflect individual needs and preferences
Traumatic Brain			Monitor Services Coordination	02/04/20:=		and adult) & file review	Services Coordination	and ensure individual rights, optimize
Injury Waiver	Remediation	Requirements	activities	03/01/2015	ongoing	monitoring tool	staff, Waiver Team	independence, facilitate choice and

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
Aged and Disabled								Waiver participants living in provider
Waiver and			Monitor implementation of and			Resource Development		owned and controlled settings are
Traumatic Brain		General or Other	compliance with new rules			activities, Quality	Quality Improvement	afforded the same tenant rights extended
Injury Waiver	Remediation	Requirements	requiring a lease agreement	01/31/2016	ongoing	Improvement data	Team	to all NE citizens and choice of roommates
Aged and Disabled								
Waiver and			Analyze performance metrics to			Participant Experience		The transition plan will be
Traumatic Brain		Performance	make adjustments to the			Surveys, Quality	Quality Improvement	adapted/enhanced to ensure compliance
Injury Waiver	Remediation	Metrics	transition plan	06/01/2016	ongoing	Improvement Data	Team	with the new CMS HCBS rules
			Identify regulation changes			Nebraska Administrative	Deputy Director of CBS,	
		Community	necessary to ensure day services			Code, Title 404, CMS	Technical Assistance	Necessary changes to regulatons are
			compliance with new CMS			Toolkit and Guidance,	Team, Community	identified to comply with new CMS rules
DD Waivers	_Identification	Services	HCBS rules.	06/01/2014	12/31/2014	Stakeholder Meetings	Liaison	regarding day services
							Deputy Director of CBS,	
			Identify internal Division				Service Coordination	
		Community	guideline revisions nessary to			Related QI and Service	Team Administrator, QI	Necessary changes to internal Division
			ensure day services compliance			Coordination Forms and	Administrator, Technical	guidelines are identified to comply with
DD Waivers	_Identification	Services	with new CMS HCBS rules.	06/01/2014	12/31/2014	Tools	Assistance Manager	new CMS rules regarding day services
						Provider Listings, Provider		
						Site Reviews and		
						Compliance Surveys,		
						Participant Experience		
						Surveys, Self- Advocate/Family Surveys,	OI Team, Technical	
							Assistance Team,	
		Community					Community Liaison,	
		,	Identify day services settings that			•	Service Coordination	There is a list of day service locations that
DD Waivers	Identification	Services	that are "likely not" community.	10/01/2014	12/31/2014		Leadership Team	There is a list of day service locations that may be considered "not likely" community.
DD waivers	_ldentification	Services	that are likely not community.	10/01/2014	12/31/2014	Stakeholder Meetings	Leadership Team	may be considered not likely community.
			Create Provider Self-Assessment					A Provider Self-Assessment Tool is created
			Tool and revise existing Self-			Prior Self-Advocate/Family	Community Liaison,	and the DD Community-Based Services
		Community	Advocate/Family Surveys to			Surveys, Samples from	Technical Assistance	Self-Advocate/Family Survey is updated to
			provide information regarding the				Manager, DD Contract	provide information regarding the
DD Waivers	_Identification	Services	community nature of day settings.	08/15/2014	09/30/2014		Manager Contract	community nature of day settings.
DD Walvers	_13011111011011	DCI VICCS	community nature or day settings.	00/13/2017	07/30/2017	Transition Fian Consultant	111111111111111111111111111111111111111	community nature of day settings.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
		Community Integration -	Identify regulation changes necessary to ensure residential services compliance with new			Nebraska Administrative Code, Title 404, CMS Toolkit and Guidance,	Deputy Director of CBS, Technical Assistance Team, Community	Necessary changes to regulations are identified to comply with new CMS rules
DD Waivers	Identification	Residential	CMS HCBS rules.	06/01/2014	12/31/2014	Stakeholder Meetings	Liaison	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 W.	VI de	Community Integration -	Identify residential services settings that that are "likely not"	10/01/2014	10/01/0014	Site Reviews and Compliance Surveys, Participant Experience	Assistance Team, Community Liaison, Service Coordination	There is a list of residential locations that
DD Waivers	_Identification	Residential	community	10/01/2014	12/31/2014	Surveys, Self-	Leadership Team	may be considered "not likely" community.
		Community Integration -	Tool and revise existing Self- Advocate/Family Surveys to provide information regarding the community nature of residential			ARC of Nebraska, Developmental	Community Liaison, Technical Assistance Manager, DD Contract	A Provider Self-Assessment Tool is created and the DD Community-Based Services Self-Advocate/Family Survey is updated to provide information regarding the
DD Waivers	_Identification	Residential	settings. guidelines, and HCBS waivers to	08/15/2014	09/30/2014	Disabililities Council, Code, Title 404, DDD	Manager Deputy Director of CBS,	community nature of residential settings.
		General or Other	identify requirements and language that don't comport with all other requirements of the new CMS HCBS rules that are not			Operational Guidelines, Nebraska's DD HCBS Waivers, CMS Toolkit and Guidance, Stakeholder	Service Coordination Team Administrator, QI Administrator, Technical Assistance Manager,	Necessary changes to NAC, waiver language, policy and procedures are identified to ensure compliance with lease requirements and roommate choice
DD Waivers	_Identification	Requirements	already identified herein.	07/10/2014	12/31/2014	Meetings and Transition	Community Liaison	provisions of the new CMS HCBS rules
DD Waivers	_Identification		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

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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  Distinguish "likely not" community day services settings	10/01/2014	ongoing	HCBS Compliance Plan Matrix (and all related data sources referenced therein), Transition Plan Consultant  Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self- Advocate/Family Surveys, Service Coordination	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  For community day services, the Division knows which services are fully compliant, which ones are not fully compliant but meet the hightened 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
		Integration - Day	that meet requirements of heightened scruntiny from those			Monitoring Tools, Provider Self-Assessments,	Community Liaison, Service Coordination	various settings, the Division is better equipped to consider options to obtain full
DD Waivers	Analysis	Services	that do not.	01/01/2015	12/31/2015	Stakeholder Meetings	Leadership Team	compliance.
DD Waivers	Analysis	Community Integration - Day Services	Consider remediation options for "likely not" community day settings that do not meet requirements of heightened scruntiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entitites)	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.

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
								•
		Community	Draft regulation changes necessary to ensure compliance			Nebraska Administrative	Deputy Director of CBS, Technical Assistance	Regulations comply with the new CMS HCBS rules related to day settings and
DD Waivers	Analysis	Integration - Day Services	with new CMS HCBS Rules related to day settings.	01/01/2015	03/31/2016	Code, Title 404 and Stakeholder Meetings	Team, Community Liaison	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	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 scruntiny 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.

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Applicable Waivers	Task	Area	Action Item	Start Date	Date	Resources	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 scruntiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entitites)	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 addresssed 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.

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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 Indiciators/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	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	*	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		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.

Amuliachla		Regulatory		A	Targeted	Nebraska Health and Human Services	Nebraska Health and Human Services	
Applicable Waivers	Task	Compliance Area	Action Item	Anticipated Start Date	Completion Date	Resources	Stakeholders	Expected Outcome
DD W.i	Analonia	Ladinida al Diales	Promulgate rules that require provider owned or controlled residences to ensure resident's rights are protected by a lease or comparable legally binding	11/01/2014	02/21/2016	Nebraska Administrative Code, Title 404 and	Deputy Director of CBS, Technical Assistance Team, Community	DDD has rules that ensure waiver participants living in provider owned and controlled settings are afforded the same
DD Waivers	Analysis	Individual Rights	agreement.	11/01/2014	03/31/2016	Stakeholder Meetings	Liaison	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 roomates 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.
			Identify and implement effective strategies for involving			Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the Develomental Disabilities Council, and the	Deputy Director of Community Based	Stakeholders including self advocates and their families and friends, providers, and
		Community	stakeholders in the analysis and			Developmental Disability	Services, Community	self-advocacy entities will guide and
DD Waivers	Outreach	Integration - Day Services	remediation of "not likely" community day services settings	06/01/2014	Ongoing	Advisory Committee, Nebraska Association of	Liaison, Technical Assistance Manager	inform the "not like" community day services changes.
DD Walvers	Outreach	DCI VICCS	community day services settings	00/01/2017	Jugomg	1 teoraska 7 issociation of	1 15515tariee Wariagei	services changes.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	<b>Human Services</b>	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
						Specialized Provider		
						Workgroup/Meetings,		
						Coordination with the ARC		
						of Nebraska, People First of		
						Nebraska, the		
			Identify and implement effective			Develomental Disabilities	Deputy Director of	Stakeholders including self advocates and
			strategies for involving				Community Based	their families and friends, providers, and
		Community	stakeholders in the assessment				Services, Community	self-advocacy entities will guide and
		Integration -	and remediation of "not likely"				Liaison, Technical	inform the "not like" community residential
DD Waivers	Outreach	Residential	community residential settings	06/01/2014	Ongoing		Assistance Manager	changes.
			Share information with				DD Director, Deputy	
			individual and their				Director of Community	
			families/guardians, service			Website, Direct Mailing to	Based Services, Waiver	
			providers, and advocacy entities				Administrator, Operations	
			on the requirements of the new				Administrator, QI	All stakeholders understand the
			CMS HCBS rules and the				Administrator, Technical	requirements of the new CMS HCBS rules,
			changes they can expect to see as				Assistance Manager,	what they can expect, and how their
DD Waivers	Outreach	Requirements	a result of implementation.	07/01/2014	Ongoing		Community Liaison	services will be impacted.
			assistance and enforcement of			Code, Title 404, Provider		
			regulatory changes to day			Site Reviews and		
			services requirements that align				Deputy Director of	
			with new CMS HCBS rules			U	Community Based	
			related to day services settings.				Services, QI Team,	
			This includes enforcement of				Technical Assistance	The Division will exercise its authority to
		Community	progressive discipline to include			Monitoring Tools, Service	Team, Service	ensure compliance with new CMS HCBS
			financial penalties and failure to				Coordination Team,	rules related to community like day services
DD Waivers	Remediation	Services	renew certification for	01/01/2017	Ongoing	Individual/Family Meetings	Community Liaison	settings
			support innovation necessary to					
			bring "not likely" community day					
			services settings into compliance					
			with new CMS HCBS rules. This					
			includes evaluation of rate			2017-18 Biennial Budget	DD D: D	"Not likely" community day services
			methodology to account for			1	DD Director, Deputy	settings that don't meet the requirements
			increased provider staffing				Director of Community	under heighten scrutiny have accessed
			requirements to support			3	Based Services, Technical	resources and implemented changes
DD W.:	D 15.45		individuals in a more integrated	01/01/2016	0		Assistance Manager, DD	necessary to be compliant with the new
DD Waivers	Remediation	Services	setting.	01/01/2016	Ongoing	Grants or Funds	Fiscal Analyst	CMS HCBS rules

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			Reach out to integrated providers					
			of retirement services to increase			Aged and Disabled		
			options available to retirees in			Programs, Leagues of		
			developmental disability services.			Human Dignity, State and		An array of service provider are available
			While this may affect both day			Local Chambers of		to support individuals with developmental
			and residential services, efforts			Commerce, State and Local	Technical Assistance	disabilities throughout Nebraska to avoid
		Community	are targeted towards day services			Organizations Targeted at	Team, Community	unnecessary institutionalization or other
DD 111 :	TO 11		as that is where the Division	01/01/2015			Liaison, QI Manager,	services that may exclude individuals from
DD Waivers	Remediation	Services	recognizes the greatest risks.	01/01/2015	Ongoing	Advocacy Entities	Contract Manager	integrated community enjoyment.
			assistance and enforcement of				Community Based	
			regulatory changes to day			Site Reviews and	Services, QI Team, Technical Assistance	The Division will assessing its south with the
		Community	services requirements that align with new CMS HCBS rules			Compliance Surveys, Provider Training and	Team. Service	The Division will exercise its authority to ensure compliance with new CMS HCBS
		Integration -	related to residential services			Technical Assistance,	Coordination Team,	rules related to community like residential
DD Waivers	Remediation	Residential	settings. This includes	01/01/2017	Ongoing	Service Coordination	Community Liaison	services settings
DD Walvers	remediation	Residential	support innovation necessary to	01/01/2017	Ongoing	Del vice Coordination	Community Daison	ber vices settings
			bring "not likely" community			2017-18 Biennial Budget		"Not likely" community residential services
			residential services settings into			0	DD Director, Deputy	settings that don't meet the requirements
			compliance with new CMS			-	Director of Community	under heighten scrutiny have accessed
		Community	HCBS rules. This includes				Based Services, Technical	resources and implemented changes
		Integration -	evaluation of rate methodology to			and other State/Federal	Assistance Manager, DD	necessary to be compliant with the new
DD Waivers	Remediation	Residential	account for increased provider	01/01/2016	Ongoing	Grants or Funds	Fiscal Analyst	CMS HCBS rules
			tools and processes for all		<del></del>	Compliance Surveys,		
			services settings to ensure			Participant Experience	QI Team, Technical	HCB services support access to the greater
			continued compliance with			Surveys, Self-	Assistance Team,	community, offers opportunities for
			requirements mandated by the			_	Community Liaison,	employment, optimizes independence,
			new CMS HCBS rules. This			Service Coordination	Service Coordination	facilitates choice and ensures individual
DD Waivers	Remediation	Requirements	includes site characteristic issues,	07/01/2017	Ongoing	Monitoring Tools, Provider	Leadership Team	rights are protected.

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

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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.

<u>Traumatic Brain Injury:</u> 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.

<u>Qualities of an HCBS Setting:</u> 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.

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

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable	Tr1-	Compliance	A -42 T4	Anticipated	Completion	Human Services	Human Services	F
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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
			Review administrative code and			Waivers: NE HCBS for		Necessary changes to Nebraska
Aged and Disabled			waivers to identify requirements			Aged & Adults & Children		Adminsitrative Code, waiver language,
Waiver and		Community	and language that don't comport			w/ Disabilities; NE TBI;		policy and procedures are identified to
Traumatic Brain		Integration -	with all other requirements of			Nebraska Administrative		ensure compliance with lease
Injury Waiver	_Identification	Residential	the new CMS HCBS rules	08/01/2014	02/28/2015	Code Title 480 Home and	DHHS Staff, Consultant	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 Assessement (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

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable	m 1	Compliance	A T.	Anticipated	Completion	Human Services	Human Services	F 4 10 4
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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 scruntiny 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 scruntiny 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 scruntiny	11/01/2014		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 sesttings	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

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	<b>Human Services</b>	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			Draft policy and procedural					
Aged and Disabled			changes necessary to ensure					
Waiver and		Community	compliance with new CMS HCBS					Policy and procedures comply with the
Traumatic Brain		Integration -	rules related to residential			DHHS MLTC Policy	Quality Improvement	new CMS HCBS rules related to residential
Injury Waiver	Analysis	Residential	settings	12/01/2014	02/28/2015	Directives	Team	settings
injury waiver	7 (11417515	Ttostacitus	Create a lease template that can	12,01,201	02/20/2013	Directives	ream	Sectings
Aged and Disabled			be used by waiver participants					DHHS has a lease template that can be
Waiver and		Community	living in provider owned or				DHHS staff and	used to ensure waiver participants are
Traumatic Brain		Integration -	controlled residential settings				consultant, Provider	afforded the same tenant rights extended
Injury Waiver	Analysis	Residential	and meets the requirements of	02/01/2015	05/31/2015	CMS Tool box	associations	to all NE citizens
, ,	,		·					
			Draft rules that require provider					
			owned or controlled residences					
Aged and Disabled			to ensure residents rights are					DHHS has rules that ensure waiver
Waiver and		Community	protected by a lease or			CMS Tool box, resources		participants living in provider owned and
Traumatic Brain		Integration -	comparable legally binding			from other states and	Health Care Association -	controlled settings are afforded the same
Injury Waiver	Analysis	Residential	agreement	08/01/2014	02/28/2015	national organizations	lease, Waiver Team	tenant rights extended to all NE citizens
			Draft DHHS Policy and					
			procedural revisions necessary					
Aged and Disabled			to comply with all other				Contracted Services	
Waiver and			requirements of the new CMS				Coordination and DHHS	Planning and monitoring policies align w/
Traumatic Brain			HCBS rules and create an			DHHS MLTC Policy	Services Coordination	rule; there is a schedule for
Injury Waiver	Analysis	Requirements	implementation plan	12/01/2014	02/28/2015	Directives	Staff, Waiver Team	implementation
A mad and Disable d								Needs seessant and planning
Aged and Disabled			Droft DHUS process and family			Noods Assessment /sl-!!-!	Maiyar Taans/	Needs assessment and planning
Waiver and		Company Long Outline	Draft DHHS process and forms			Needs Assessement (child	Waiver Team w/	procedures align w/ rule requirements,
Traumatic Brain	Analysis		revisions and create an	01/01/2015	02/21/2015	and adult) & file review	stakeholders advisory	including team composition; there is a
Injury Waiver	Analysis	Requirements	implementation plan	01/01/2015	03/31/2015	monitoring tool	council	schedule for implementation

A P 1.1.		Regulatory		A - 41 - 1 4 - 3	Targeted	Nebraska Health and	Nebraska Health and	
Applicable Waivers	Task	Compliance Area	Action Item	Anticipated Start Date	Completion Date	Human Services Resources	Human Services Stakeholders	Expected Outcome
Aged and Disabled	Task	Area	Analyze performance metrics	Start Date	Date	Resources	Stakeholders	Expected Outcome
Waiver and			used to assess the current level			Participant Experience		Performance metrics will demonstrate the
Traumatic Brain		Performance	of compliance with new CMS				Overlite v lesse des vous aut	
	مندر المحاد		· '	00/01/2014		Surveys, Quality	Quality Improvement	level of existing system compliance with
Injury Waiver	Analysis	Metrics	Rules  Define performance metrics	08/01/2014	ongoing	Improvement Data	Team, Quality Council	new HCBS rules
Aged and Disabled			I			Doublein and Europian as		Dougla was a san a
Waiver and		Doufoussess	used to assess compliance with			Participant Experience	Overlite v lesse des vous aut	Performance metrics will demonstrate the
Traumatic Brain		Performance	the elements of the transition	40/04/2044	04/04/0045	Surveys, Quality	Quality Improvement	level of compliance with the expectations
Injury Waiver	Analysis	Metrics	plan	10/01/2014	01/31/2015	Improvement Data	Team, Quality Council	contained within the transition plan
						Code, HCBS Waivers,	HCBS Administrator,	drafted that proposes actions necessary to
						DHHS Internal Policies and	Deputy Director of DD	ensure compliance with the new CMS
						Procedures, CMS Toolkit	Community Based	HCBS rules, relevant timelines, resources,
		Plan Creation and		0=10412044		and Guidance, Transition	Services, MLTC Waiver	stakeholders, and expected outcomes. The
_All Waivers	Outreach	Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	Plan Consultant	Manager and other	transition plan is comprehensive, but is is
						World Herald Newspaper		
						Announcement, Direct		The draft comprehensive waiver transition
						Mailing to DD Service		plan is distributed via multiple mediums to
		Plan Creation and	Make the waiver transition plan			Participants, Direct	DHHS MLTC and DDD	engage and gather public comment for a
_All Waivers	Outreach	Implementation	available for public comment.	09/03/2014	10/15/2014	Outreach to Providers	Staff	time period to exceed 30 days.
								Stakeholders are able to attend public
								meetings where the new HCBS
								requirements are discussed and where they
						Transition Plan, Powerpoint		may participate in verbal comment and
		Plan Creation and	Coordinate and hold public			Presentations, Transition	DHHS MLTC and DDD	present questions related to the draft
_All Waivers	Outreach	Implementation	meetings.	08/01/2014	10/15/2014	Plan Consultant	Staff	transition plan.
						Comment (in person, via		responses thereto are prepared and
						email, telephonic, and		distributed with the finalized plan; if
		Plan Creation and	Review, incorporate, and respond			fax/mail), DHHS Website,	DHHS MLTC and DDD	DHHS deems necessary, the transition plan
_All Waivers	Outreach	Implementation	to public comments.	09/25/2014	11/01/2014	Direct Mailing to Waiver	Staff	may be modified due to public comment.
						Comment (in person, via		
						email, telephonic, and		
			Finalize transition plan for			fax/mail), DHHS Website,		
			submission to CMS, either			Direct Mailing to Waiver		Submit for CMS approval a comprehensive
		Plan Creation and	comprehensively or separately by			Participants, CMS Toolkit,	DHHS MLTC and DDD	transition plan to include a summary of and
_All Waivers	Outreach	Implementation	specific waiver.	10/15/2014	11/15/2014	Transition Plan Consultant	Staff	response to public comments.
Aged and Disabled		1	Identify and implement effective					Stakeholders including self advocates and
Waiver and			strategies for involving			Public meetings, ad hoc		their families and friends will guide, inform
Traumatic Brain		General or Other	stakeholders in the assessment			committees, provider		and oversee "not like" community
Injury Waiver	Outreach	Requirements	and remediation of "not likely"	08/01/2014	ongoing	meetings,	DHHS Staff, Consultant	residential changes
injury waiver	Juneach	requirements	and remediation of flot likely	50,01,2014	Oligoling	meetings,	Dinib Starr, Consultant	residential changes

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	1
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
77427625	24022	12100	1100001110011	Start Bate	2	11000011000	Startorotatis	
Aged and Disabled								
Waiver and								
Traumatic Brain		General or Other				Rules, Tool box material,	Providers, DHHS Staff,	
Injury Waiver	Outreach	Requirements	Educate providers	01/01/2014	ongoing	provider meetings	Advocacy Grups	Inform providers and public
			Educate waiver participants,					
			guardians, and family on the					
Aged and Disabled			requirements of the new CMS					Wavier participants understand the
Waiver and Traumatic Brain		G	HCBS rules and the changes they			Camanahanai ta kuanaiki an		requirements of the new CMS HCBS rules
	Outressle		can expect to see as a result of	07/01/2014		Comprehensive transition plan, MLTC website	DUUC Stoff Consultant	and what they can expect / how their
Injury Waiver	Outreach	Requirements	implementation Promulgate Nebraska	07/01/2014	ongoing	Waivers: NE HCBS for	DHHS Staff, Consultant	services will be impacted
			•			Aged & Adults & Children		
			Administrative Code changes to residential services requirements			0		
Aged and Disabled			that align with new CMS HCBS			w/ Disabilities; NE TBI; Nebraska Administrative	DHHS DDD and MLTC	NAC will contain authority necessary for
Waiver and		C	rules related to community like			Code Title 480 Home and	Staff, Consultant with	DDD to ensure compliance with new CMS
Traumatic Brain		Community Integration -	non-residential services settings.			Community Based Waiver	stakeholder input and	HCBS rules related to community like day
Injury Waiver	Remediation	Residential	Includes public hearing on	04/01/2015	01/21/2016	Services and Optional TCM	feedback	services settings
ilijury vvalvei	Remediation	Residential	includes public flearing off	04/01/2013	01/31/2010	Services and Optional Telvi	recuback	Services settings
Aged and Disabled			De-certify residential services					Residential services settings that don't
Waiver and		Community	settings that are unable to meet				Quality Improvement,	meet requirements mandated by the new
Traumatic Brain		Integration -	requirements mandated by the				Resource Development	CMS HCBS rules will not receive HCBS
Injury Waiver	Remediation	Residential	new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey	staff	funding
Aged and Disabled			Monitor residential services		<u> </u>	,		HCB residential services maximize
Waiver and		Community	settings to ensure compliance			Site reviews and survey,	Quality Improvement,	opportunities to access the community
Traumatic Brain		Integration -	with requirements mandated by			Participant Experience	Resource Development	and receive services in the most integrated
Injury Waiver	Remediation	Residential	the new CMS HCBS rules	01/31/2016	ongoing	Surveys	staff.	setting
Aged and Disabled						DHHS Policy Directives	Contracted Services	Service coordinators have the skills and
Waiver and						Needs Assessement (child	Coordination and DHHS	tools to facilitate planning that reflects
Traumatic Brain		General or Other	Train Service Coordination and			and adult) & file review	Services Coordination	individual needs and preferences and
Injury Waiver	Remediation	Requirements	Resource Development staff	03/01/2015	ongoing	monitoring tool	staff, Waiver Team	conduct plan monitoring to ensure
Aged and Disabled						DHHS Policy Directives	Contracted Services	Service planning and monitoring policies
Waiver and						Needs Assessement (child	Coordination and DHHS	reflect individual needs and preferences
Traumatic Brain		General or Other	Monitor Services Coordination			and adult) & file review	Services Coordination	and ensure individual rights, optimize
Injury Waiver	Remediation	Requirements	activities	03/01/2015	ongoing	monitoring tool	staff, Waiver Team	independence, facilitate choice and

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

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

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

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

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
Aged and Disabled Waiver and		Community	Identify residential services settings that that are "likely not" community. See attached Aged and Disabled Waiver and			Listing of all residential settings that meet at least	Contracted Services Coordination and DHHS	
Traumatic Brain		Integration -	Traumatic Brain Injury Waivers			one of the "not likely"	Services Coordination	There is a list of residential locations that
Injury Waiver	_Identification	Residential	Addendum.	12/01/2014	02/28/2015	community criteria	staff, Waiver Team	are "not likely" community
Aged and Disabled Waiver and Traumatic Brain		Community Integration -	Review administrative code and waivers to identify requirements and language that don't comport with all other requirements of			Waivers: NE HCBS for Aged & Adults & Children w/ Disabilities; NE TBI; Nebraska Administrative		Necessary changes to Nebraska Adminsitrative Code, waiver language, policy and procedures are identified to ensure compliance with lease
Injury Waiver	_Identification	Residential	the new CMS HCBS rules	08/01/2014	02/28/2015	Code Title 480 Home and Assessment and site	DHHS Staff, Consultant	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 scruntiny from those that don't. See attached Aged and Disabled Waiver and Traumatic Brain Injury Waivers Addendum.	11/01/2014	03/31/2015	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 scruntiny 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 scruntiny	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 Waivers: NE HCBS for	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 sesttings	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

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

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Amuliaahla		Regulatory		A maticina de d	Targeted	Nebraska Health and Human Services	Nebraska Health and Human Services	
Applicable Waivers	Task	Compliance Area	Action Item	Anticipated Start Date	Completion Date	Resources	Stakeholders	Expected Outcome
Aged and Disabled Waiver and Traumatic Brain		Community Integration -	De-certify residential services settings that are unable to meet requirements mandated by the				Quality Improvement, Resource Development	Residential services settings that don't meet requirements mandated by the new CMS HCBS rules will not receive HCBS
Injury Waiver	Remediation	Residential	new CMS HCBS rules	01/31/2016	ongoing	Site reviews and survey	staff	funding
Aged and Disabled Waiver and Traumatic Brain Injury Waiver	Remediation		Monitor residential services settings to ensure compliance with requirements mandated by the new CMS HCBS rules	01/31/2016		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		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		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 Assessement (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		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

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	Ī
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
Aged and Disabled								Needs assessment and planning
Waiver and			Draft DHHS process and forms			Needs Assessement (child	Waiver Team w/	procedures align w/ rule requirements,
Traumatic Brain		General or Other	revisions and create an			and adult) & file review	stakeholders advisory	including team composition; there is a
Injury Waiver	Analysis	Requirements	implementation plan	01/01/2015	03/31/2015	monitoring tool	council	schedule for implementation
Aged and Disabled			Identify and implement effective					Stakeholders including self advocates and
Waiver and			strategies for involving			Public meetings, ad hoc		their families and friends will guide, inform
Traumatic Brain		General or Other	stakeholders in the assessment			committees, provider		and oversee "not like" community
Injury Waiver	Outreach	Requirements	and remediation of "not likely"	08/01/2014	ongoing	meetings,	DHHS Staff, Consultant	residential changes
Aged and Disabled								
Waiver and								
Traumatic Brain		General or Other				Rules, Tool box material,	Providers, DHHS Staff,	
Injury Waiver	Outreach	Requirements	Educate providers	01/01/2014	ongoing	provider meetings	Advocacy Grups	Inform providers and public
, ,			Educate waiver participants,		<u> </u>		, .	·
Aged and Disabled			guardians, and family on the					Wavier participants understand the
Waiver and			requirements of the new CMS					requirements of the new CMS HCBS rules
Traumatic Brain		General or Other	HCBS rules and the changes they			Comprehensive transition		and what they can expect / how their
Injury Waiver	Outreach	Requirements	can expect to see as a result of	07/01/2014	ongoing	plan, MLTC website	DHHS Staff, Consultant	services will be impacted
								Service coordinators have the skills and
								tools to facilitate planning that reflects
Aged and Disabled						DHHS Policy Directives	Contracted Services	individual needs and preferences and
Waiver and						Needs Assessement (child	Coordination and DHHS	conduct plan monitoring to ensure
Traumatic Brain		General or Other	Train Service Coordination and			and adult) & file review	Services Coordination	individual rights, optimize independence,
Injury Waiver	Remediation	Requirements	Resource Development staff	03/01/2015	ongoing	monitoring tool	staff, Waiver Team	facilitate choice and maximize
Aged and Disabled						DHHS Policy Directives	Contracted Services	Service planning and monitoring policies
Waiver and						Needs Assessement (child	Coordination and DHHS	reflect individual needs and preferences
Traumatic Brain		General or Other	Monitor Services Coordination			and adult) & file review	Services Coordination	and ensure individual rights, optimize
Injury Waiver	Remediation	Requirements	activities	03/01/2015	ongoing	monitoring tool	staff, Waiver Team	independence, facilitate choice and
								Waiver participants living in provider
Aged and Disabled			Manifestinanian tri			 		owned and controlled settings are
Waiver and		G 1 03	Monitor implementation of and			Resource Development	Overlite to the second of	afforded the same tenant rights extended
Traumatic Brain	Dames II II		compliance with new rules	04/24/2045		activities, Quality	Quality Improvement	to all NE citizens and choice of roommates
Injury Waiver	Remediation	Requirements	requiring a lease agreement	01/31/2016	ongoing	Improvement data	Team	when sharing a bedroom
Aged and Disabled			I doubify data accuracy that			Doubleinant Franciscos		Valid and reliable data produce a
Waiver and		Daufauman	Identify data sources that			Participant Experience	Overlite a language and a set	performance metric that demonstrates
Traumatic Brain	Idontification	Performance	demonstrate the current level of	01/01/2014	11/20/2014	Survey, Quality	Quality Improvement	compliance with new CMS rule
Injury Waiver	_Identification	Metrics	compliance with new CMS rules	01/01/2014	11/30/2014	Improvement Data	Team, Quality Council	requirements

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		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable Waivers	Task	Compliance Area	Action Item	Anticipated Start Date	Completion Date	Human Services Resources	Human Services Stakeholders	Expected Outcome
valvers	Task	Area	Action Item	Start Date	Date	Resources	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	Procedures, CMS Toolkit	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

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

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

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
						Provider Listings, Provider		
						Site Reviews and		
						Compliance Surveys,		
						Participant Experience		
						Surveys, Self-		
						Advocate/Family Surveys,		
						Service Coordination	QI Team, Technical	
							Assistance Team,	
		•	Identify residential services			Self-Assessments,	Community Liaison,	
		Integration -	settings that that are "likely not"			Stakeholder Meetings,	Service Coordination	There is a list of residential locations that
DD Waivers	_Identification	Residential	community	10/01/2014	12/31/2014	Transition Plan Consultant	Leadership Team	may be considered "not likely" community.
						D: 0.16 t 1		
						Prior Self-Advocate/Family		
						Surveys, Samples from Other States, CMS Toolkit,		
						ARC of Nebraska,		
						Developmental		
			Create Provider Self-Assessment			Disabililities Council.		
			Tool and revise existing Self-			Developmental Disabilities		A Provider Self-Assessment Tool is created
			Advocate/Family Surveys to			Advisory Committee,	Community Liaison,	and the DD Community-Based Services
		Community	provide information regarding the			Nebraska Association of	Technical Assistance	Self-Advocate/Family Survey is updated to
		Integration -	community nature of residential			Service Providers, and	Manager, DD Contract	provide information regarding the
DD Waivers	_Identification	Residential	settings.	08/15/2014	09/30/2014	Transition Plan Consultant	Manager	community nature of residential settings.
						Nebraska Administrative		
			Review regulations, internal			Code, Title 404, DDD		
			guidelines, and HCBS waivers to			*	Deputy Director of CBS,	
			identify requirements and				Service Coordination	Necessary changes to NAC, waiver
			language that don't comport with			Waivers, CMS Toolkit and	Team Administrator, QI	language, policy and procedures are
		G 1 0.4	all other requirements of the new			Guidance, Stakeholder	Administrator, Technical	identified to ensure compliance with lease
DD Wainne	I.J		CMS HCBS rules that are not	07/10/2014	12/21/2014	_	Assistance Manager,	requirements and roommate choice
DD Waivers	_Identification	Requirements	already identified herein.	07/10/2014	12/31/2014	Plan Consultant	Community Liaison	provisions of the new CMS HCBS rules

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	T T
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
***************************************	Tush	meu	Tittlein Item	Start Bate	Dute	Provider Site Reviews and	Stancholders	Expected Sutcome
						Compliance Surveys,		
						Participant Experience		
						Surveys, Self-		
						Advocate/Family Surveys,		
						Service Coordination		
						Monitoring Tools, Quality		
						Review Team Surveys,		
			Identify data sources and			Quality Improvement	OI Team, Community	
			performance metrics that relate to			Indiciators/Data, CMS	Liaison, Service	Valid and reliable data produce a
			and/or demonstrate the current			Toolkit, Stakeholder	Coordination Leadership	performance metric that demonstrates
		General or Other	level of compliance with new			Meetings, Transition Plan	Team, Quality Review	compliance with new CMS rule
DD Waivers	Identification	Requirements	CMS rules	07/10/2014	12/31/2015	Consultant	Teams	requirements
	_	1						Valid and reliable data produce a
			Identify data sources that will be			HCBS Compliance Plan	Deputy Director of CBS,	performance metric that can be used to
			used to measure transition plan			Matrix (and all related data	Service Coordination	assess the success of transition plan actions
		General or Other	activities compliance with new			sources referenced therein),	Team Administrator, QI	in meeting the expectations of the new
DD Waivers	_Identification	Requirements	CMS rules	10/01/2014	ongoing	Transition Plan Consultant	Administrator	CMS rule requirements
								For community day services, the Division
								knows which services are fully compliant,
						Provider Site Reviews and		which ones are not fully compliant but meet
						Compliance Surveys,		the hightened scrutiny requirements, and is
						Participant Experience Surveys, Self-		aware of the location and characteristics of
			Distinguish "likely not"			Advocate/Family Surveys,	QI Team, Technical	settings that are not compliant and do not meet the heightened scrutiny requirements.
			community day services settings			Service Coordination	Assistance Team,	By fully analyzing the characteristics of the
		Community	that meet requirements of			Monitoring Tools, Provider	Community Liaison,	various settings, the Division is better
			heightened scruntiny from those			Self-Assessments,	Service Coordination	equipped to consider options to obtain full
DD Waivers	Analysis	Services	that do not.	01/01/2015	12/31/2015	Stakeholder Meetings	Leadership Team	compliance.
DD WALTOID	1 IIIII j 515	Bervices	and do not	01/01/2015	12,01,2010	Station order 1/100tings	Deadersmp Team	The Division has a plan with an array of
								options to bring "not likely" day services
						Provider Self-Assessments,		settings into compliance that identifies the
						Stakeholder Meetings (led		resources necessary and targeted
			Consider remediation options for			by Consultant, to include		timeframes for each element of the plan.
			"likely not" community day			providers, self	Deputy Director of CBS,	For any settings that are not capable of
		Community	settings that do not meet			advocates/families, service	Technical Assistance	coming into compliance, the Division has a
		Integration - Day	requirements of heightened			coordinators and advocacy	Team, Community	plan to transition individuals to alternative
DD Waivers	Analysis	Services	scruntiny.	01/01/2015	12/31/2015	entitites)	Liaison, QI Team	services settings.
			Draft regulation changes				Deputy Director of CBS,	Regulations comply with the new CMS
			necessary to ensure compliance			Nebraska Administrative	Technical Assistance	HCBS rules related to day settings and
		•	with new CMS HCBS Rules			Code, Title 404 and	Team, Community	support DDD activities to ensure
DD Waivers	Analysis	Services	related to day settings.	01/01/2015	03/31/2016	Stakeholder Meetings	Liaison	compliance

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			Draft internal Division guideline				Deputy Director of CBS,	DDD internal staff guidelines comply with
			revisions necessary to ensure			DDD Guidelines and	Service Coordination	the new CMS HCBS rules related to day
		Community	compliance with new CMS			Related QI and Service	Team Administrator, QI	settings and support QI Team and Service
		Integration - Day	HCBS rules related to day			Coordination Forms and	Administrator, Technical	Coordination Team activities to ensure
DD Waivers	Analysis	Services	settings	01/01/2015	03/31/2016	Tools	Assistance Manager	compliance.
			Review and revise day service					
			definitions to remove reference to					
			facilities-based settings and					DD HCBS Waivers reflect language that
		Community	clarify the Division's mission of			Developmental Disabilities		describes the Division's mission to serve all
		Integration - Day	serving all individuals in the most				Deputy Director of CBS,	individuals in the most integrated setting
DD Waivers	Analysis	Services	integrated setting possible.	06/01/2014	10/01/2014	Stakeholder Meetings	DD Waiver Administrator	possible.
		Community	Review and revise retirement			Developmental Disabilities		
			services definition, requirements			· · · · · · · · · · · · · · · · · · ·		Retirement services are clearly defined to
DD Waivers	Analysis	Services	and restrictions.	11/01/2014	12/31/2015	Stakeholder Meetings	DD Waiver Administrator	include requirements and restrictions.
			Distinguish "likely not"			Provider Site Reviews and		
			community residential settings			Compliance Surveys,		
			that meet requirements of			Participant Experience		
			heightened scruntiny from those			Surveys, Self-		
			that do not. (For community			Advocate/Family Surveys,	QI Team, Technical	
			residential services, the Division			Service Coordination		By fully analyzing the characteristics of the
			has already defined in regulation				Community Liaison,	various settings, the Division is better
		Integration -	settings that are "likely not"			Self-Assessments,	Service Coordination	equipped to consider options to obtain full
DD Waivers	Analysis	Residential	community residential settings.)	01/01/2015	12/31/2015	Stakeholder Meetings	Leadership Team	compliance.
								The Division has a plan with an array of
								options to bring "not likely" residential
						Provider Self-Assessments,		services settings into compliance that
						Stakeholder Meetings (led		identifies the resources necessary and
			Consider remediation options for			by Consultant, to include	D . D	targteted timeframes for each element of
			"likely not" community				Deputy Director of CBS,	the plan. For any settings that are not
		Community	residential settings that do not			advocates/families, service	Technical Assistance	capable of coming into compliance, the
DD W.		Integration -	meet requirements of heightened	01/01/2017	12/21/2017	coordinators and advocacy	Team, Community	Division has a plan to transition individuals
DD Waivers	Analysis	Residential	scruntiny.	01/01/2015	12/31/2015	entitites)	Liaison, QI Team	to alternative service settings.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			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				Deputy Director of CBS,	Regulations comply with the new CMS
		Community	settings meet particular criteria			Nebraska Administrative	Technical Assistance	HCBS rules related to residential settings
		Integration -	ensuring community			Code, Title 404 and	Team, Community	and support DDD activities to ensure
DD Waivers	Analysis	Residential	characteristics.	01/01/2015	03/31/2016	Stakeholder Meetings	Liaison	compliance
			Draft internal Division guideline				Deputy Director of CBS,	DDD internal staff guidelines comply with
			revisions necessary to ensure			DDD Guidelines and	Service Coordination	the new CMS HCBS rules related to
		Community	compliance with new CMS			Related QI and Service	Team Administrator, QI	residential settings and support QI Team
DD III :		Integration -	HCBS rules related to residential	01/01/2015	00/01/0016	Coordination Forms and	Administrator, Technical	and Service Coordination Team activities
DD Waivers	Analysis	Residential	settings.	01/01/2015	03/31/2016	Tools	Assistance Manager	to ensure compliance.
			Analyze other regulations and internal guidelines not					
			specifically addresssed in HCBS					
			Transition Plan to determine					
			whether additional revisions				Deputy Director of CBS,	
			and/or enhancements are needed				QI Team, Technical	
			to ensure compliance with HCBS			Nebraska Administrative	Assistance Team,	
			rule. If revisions are warranted, a			Code, Title 404, DDD	Community Liaison,	Division regulations and guidance have
		General or Other	plan for implementation is to be			Guidelines, CMS Toolkit	Service Coordination	been fully reviewed and revised to ensure
DD Waivers	Analysis	Requirements	created.	11/01/2014	06/30/2015	and Stakeholder Meetings	Leadership Team	requirements with all new HCBS rules.
		•				Provider Site Reviews and		1
						Compliance Surveys,		
						Participant Experience		
						Surveys, Self-		
						Advocate/Family Surveys,		Performance metrics will demonstrate the
			Analyze performance metrics			Service Coordination	QI Team, Community	level of existing system compliance with
			used to assess the current level of			Monitoring Tools, Quality	Liaison, Service	new HCBS rules and identify areas where
			compliance with new CMS			Review Team Surveys,	Coordination Leadership	enhanced effort is needed to ensure
			Rules; revise where necessary to			Quality Improvement	Team, Quality Review	individuals are being supported in the most
DD Waivers	Analysis	Requirements	address new requirements.	10/01/2014	Ongoing	Indiciators/Data	Teams	integrated way possible.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			Analyze performance metrics and					
			revise where necessary to ensure					
			compliance with all elements of					
			the transition plan (including any			HCBS Compliance Plan	Deputy Director of CBS,	
			new elements that are identified			Matrix (and all related data	Service Coordination	Performance metrics will demonstrate the
		General or Other	in the Identification and Analysis			sources referenced therein),	Team Administrator, QI	level of compliance with the expectations
DD Waivers	Analysis	Requirements	activities described herein.)	10/01/2014	05/31/2016	Transition Plan Consultant	Administrator	contained within the transition plan.
			Coordinate with Stakeholders to					
			design a lease template that can					
			be used by waiver participants			Nebraska Association of		
			living in provider owned or			Specialized Providers		DHHS has a lease template that can be
			controlled residential settings that			Workgroup, CMS Tool		used to ensure waiver participants are
DD W.	A 1	To 10 11 al Distan	meets the requirements of the	01/01/2014	10/21/2014	box, State and Federal	Technical Assistance	afforded the same tenant rights extended to
DD Waivers	Analysis	Individual Rights	new CMS HCBS rules	01/01/2014	12/31/2014	Housing Agencies	Team, Contract Manager	all Nebraska citizens.
			Promulgate rules that require provider owned or controlled					
			residences to ensure resident's				Deputy Director of CBS,	DDD has rules that ensure waiver
			rights are protected by a lease or			Nebraska Administrative	Technical Assistance	participants living in provider owned and
			comparable legally binding			Code, Title 404 and	Team, Community	controlled settings are afforded the same
DD Waivers	Analysis	Individual Rights	agreement.	11/01/2014	03/31/2016	Stakeholder Meetings	Liaison	tenant rights extended to all NE citizens
	•		Promulgate rules that require					
			provider owned or controlled				Deputy Director of CBS,	DDD has rules that ensure waiver
			residences to offer choice of			Nebraska Administrative	Technical Assistance	participants living in provider owned and
			roomates to people sharing			Code, Title 404 and	Team, Community	controlled settings are afforded choice or
DD Waivers	Analysis	Individual Rights	bedrooms.	11/01/2014	03/31/2016	Stakeholder Meetings	Liaison	roommate when sharing a bedroom
						Service Coordination	O	
			Enhance survey tools and process			Monitoring Tools, Provider	QI Team, Service	DDD regulations ensuring that individual's
DD Waivers	Amalyaia	Individual Diabta	to more rigorously review human and legal rights processes.	10/01/2014	05/31/2016	Site Reviews and Compliance Surveys	Coordination Leadership Team	rights are not improperly restricted are diligently enforced.
DD waivers	Analysis	marviduai Rigitis	and legal rights processes.	10/01/2014	03/31/2010	Public Meetings,	Team	dingently enforced.
						Specialized Provider		
						Workgroup/Meetings,		
						Coordination with the ARC		
						of Nebraska, People First of		
						Nebraska, the		
						Develomental Disabilities		
						Council, and the		
			Identify and implement effective			Developmental Disability	Deputy Director of	Stakeholders including self advocates and
			strategies for involving			Advisory Committee,	Community Based	their families and friends, providers, and
		Community	stakeholders in the analysis and			Nebraska Association of	Services, Community	self-advocacy entities will guide and
DD W-:	Outr1-	Integration - Day	remediation of "not likely"	06/01/2014	Ongelie	Service Providers, and	Liaison, Technical	inform the "not like" community day
DD Waivers	Outreach	Services	community day services settings	06/01/2014	Ongoing	Transition Plan Consultant	Assistance Manager	services changes.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
						Public Meetings, Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the		
DD Waivers	Outreach	•	Identify and implement effective strategies for involving stakeholders in the assessment and remediation of "not likely" community residential settings	06/01/2014	Ongoing	Develomental 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	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 is also severable by applicable waiver - so that, if necessary, the plan may be finalized in stages by waiver.
_All Waivers	Outreach		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.

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
_All Waivers	Outreach		Coordinate and hold public meetings.	08/01/2014	10/15/2014		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		Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	I , ,	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		Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	1 '	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		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	Provider Training and Technical Assistance, Service Coordination Monitoring Tools, Service	Deputy Director of Community Based Services, QI Team, Technical Assistance Team, Service Coordination Team,	The Division will exercise its authority to ensure compliance with new CMS HCBS rules related to community like day services settings

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			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			2017-18 Biennial Budget		"Not likely" community day services
			methodology to account for			Request to Nebraska	DD Director, Deputy	settings that don't meet the requirements
			increased provider staffing			Legislature, Developmental	Director of Community	under heighten scrutiny have accessed
		Community	requirements to support			Disability Council Grants,	Based Services, Technical	resources and implemented changes
		Integration - Day	individuals in a more integrated			and other State/Federal	Assistance Manager, DD	necessary to be compliant with the new
DD Waivers	Remediation	Services	setting.	01/01/2016	Ongoing	Grants or Funds	Fiscal Analyst	CMS HCBS rules
			Reach out to integrated providers					
			of retirement services to increase			Aged and Disabled		
			options available to retirees in			Programs, Leagues of		
			developmental disability services.			Human Dignity, State and		An array of service provider are available
			While this may affect both day			Local Chambers of		to support individuals with developmental
			and residential services, efforts				Technical Assistance	disabilities throughout Nebraska to avoid
		Community	are targeted towards day services			Organizations Targeted at	Team, Community	unnecessary institutionalization or other
			as that is where the Division	04/04/2047			Liaison, QI Manager,	services that may exclude individuals from
DD Waivers	Remediation	Services	recognizes the greatest risks.	01/01/2015	Ongoing	Advocacy Entities	Contract Manager	integrated community enjoyment.
			Provide education, technical					
			assistance and enforcement of					
			regulatory changes to day			Nebraska Administrative		
			services requirements that align			Code, Title 404, Provider		
			with new CMS HCBS rules			Site Reviews and	D . D' . C	
			related to residential services			1	Deputy Director of	
			settings. This includes			_	Community Based	
			enforcement of progressive			· ·	Services, QI Team,	The Division will assess to such six as
		Communit	discipline to include financial				Technical Assistance Team, Service	The Division will exercise its authority to
		Community	penalties and failure to renew			Monitoring Tools, Service Coordination	Coordination Team.	ensure compliance with new CMS HCBS
DD Waivers	Remediation	Integration - Residential	certification for specialized providers.	01/01/2017	Ongoing	Individual/Family Meetings	, , , , , , , , , , , , , , , , , , , ,	rules related to community like residential services settings
DD waivers	Kemediadon	Residential	providers.	01/01/2017	Ongoing	marvidual/Family wieetings	Community Liaison	services settings

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			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			2017-18 Biennial Budget		"Not likely" community residential services
DD Waivers	Remediation	Community Integration - Residential	evaluation of rate methodology to account for increased provider staffing requirements to support individuals in a more integrated setting.	01/01/2016	Ongoing	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	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
		General or Other	Routiely 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, individial rights, and all other			Provider Site Reviews and Compliance Surveys, Participant Experience Surveys, Self- Advocate/Family Surveys, Service Coordination Monitoring Tools, Provider Self-Assessments,	QI Team, Technical Assistance Team, Community Liaison, Service Coordination	HCB services support access to the greater community, offers opportunities for employment, optimizes independence, facilitates choice and ensures individual
DD Waivers	Remediation	Requirements	aspects relevant thereto.	07/01/2017	Ongoing	Stakeholder Meetings	Leadership Team	rights are protected.
			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,			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	Deputy Director of Community Based Services, Service	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
DD Waivers	Remediation	General or Other Requirements	and ensuring that all individuals are supported in the most integrated settings possible.	03/01/2015	Ongoing	Coordination Training and Tri-Annual Develomental Disability Conferences	Coordination Leadership Team, Technical Assistance Team	opportunities to access community and receive services in the most integrated setting

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

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Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
DD Waivers	_Identification		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 regulatons are identified to comply with new CMS rules regarding day services
DD Waivers	_Identification	Community Integration - Day Services	Identify internal Division guideline revisions nessary 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 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.		09/30/2014	Prior Self-Advocate/Family Surveys, Samples from Other States, CMS Toolkit, Transition Plan Consultant	Technical Assistance Manager, DD Contract	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.

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable Waivers	Task	Compliance Area	Action Item	Anticipated Start Date	Completion Date	Human Services Resources	Human Services Stakeholders	Expected Outcome
DD Waivers	Analysis	Community	Distinguish "likely not" community day services settings that meet requirements of heightened scruntiny 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 hightened 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 scruntiny.	01/01/2015	12/31/2015	Provider Self-Assessments, Stakeholder Meetings (led by Consultant, to include providers, self advocates/families, service coordinators and advocacy entitites)	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.

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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	· · · · · · · · · · · · · · · · · · ·	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.
			Review and revise retirement			Developmental Disabilities		
			services definition, requirements				Deputy Director of CBS,	Retirement services are clearly defined to
DD Waivers	Analysis	Services	and restrictions.	11/01/2014	12/31/2015	Stakeholder Meetings Specialized Provider Workgroup/Meetings, Coordination with the ARC of Nebraska, People First of Nebraska, the	DD Waiver Administrator	include requirements and restrictions.
		Community Integration - Day	Identify and implement effective strategies for involving stakeholders in the analysis and remediation of "not likely"			Council, and the Developmental Disability	Deputy Director of Community Based Services, Community Liaison, Technical	Stakeholders including self advocates and their families and friends, providers, and self-advocacy entities will guide and inform the "not like" community day
DD Waivers	Outreach	Services	community day services settings	06/01/2014	Ongoing	Nebraska Association of	Assistance Manager	services changes.

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		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable		Compliance		Anticipated	Completion	Human Services	Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			Provide education, technical					
			assistance and enforcement of			Nebraska Administrative		
			regulatory changes to day			Code, Title 404, Provider		
			services requirements that align			Site Reviews and	D . D' . C	
			with new CMS HCBS rules			Compliance Surveys,	Deputy Director of	
			related to day services settings.  This includes enforcement of			Provider Training and Technical Assistance,	Community Based Services, QI Team,	
			progressive discipline to include			Service Coordination	Technical Assistance	The Division will exercise its authority to
		Community	financial penalties and failure to			Monitoring Tools, Service	Team, Service	ensure compliance with new CMS HCBS
		•	renew certification for			Coordination	Coordination Team,	rules related to community like day services
DD Waivers	Remediation	Services	specialized providers.	01/01/2017	Ongoing	Individual/Family Meetings	Community Liaison	settings
DD Warvers	Remediation	Bervices	support innovation necessary to	01/01/2017	Ongoing	2017-18 Biennial Budget	Community Engison	"Not likely" community day services
			bring "not likely" community day			Request to Nebraska	DD Director, Deputy	settings that don't meet the requirements
			services settings into compliance			Legislature, Developmental	Director of Community	under heighten scrutiny have accessed
		Community	with new CMS HCBS rules. This			Disability Council Grants,	Based Services, Technical	
		Integration - Day	includes evaluation of rate			and other State/Federal	Assistance Manager, DD	necessary to be compliant with the new
DD Waivers	Remediation	Services	methodology to account for	01/01/2016	Ongoing	Grants or Funds	Fiscal Analyst	CMS HCBS rules
			of retirement services to increase			Aged and Disabled		
			options available to retirees in			Programs, Leagues of		
			developmental disability services.			Human Dignity, State and		An array of service provider are available
			While this may affect both day			Local Chambers of		to support individuals with developmental
			and residential services, efforts			Commerce, State and Local	Technical Assistance	disabilities throughout Nebraska to avoid
		Community	are targeted towards day services			Organizations Targeted at	Team, Community	unnecessary institutionalization or other
		2	as that is where the Division	04/04/		Retirees, Stakeholders,	Liaison, QI Manager,	services that may exclude individuals from
DD Waivers	Remediation	Services	recognizes the greatest risks.	01/01/2015	Ongoing	Advocacy Entities	Contract Manager	integrated community enjoyment.
			Identify regulation changes			Nebraska Administrative	Deputy Director of CBS,	
		Community	necessary to ensure residential			Code, Title 404, CMS	Technical Assistance	Necessary changes to regulations are
DD W.	T.1	Integration -	services compliance with new	06/01/2014	12/21/2014	Toolkit and Guidance,	Team, Community	identified to comply with new CMS rules
DD Waivers	_Identification	Residential	CMS HCBS rules.	06/01/2014	12/31/2014	Stakeholder Meetings	Liaison	regarding residential services.

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	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 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 Disabililities 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 scruntiny 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 scruntiny.	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

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	Legislature, Developmental Disability Council Grants, and other State/Federal	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

Applicable		Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	
Waivers	Task	Area	Action Item	Start Date	Date	Resources	Stakeholders	Expected Outcome
			Identify data sources that will be used to measure transition plan activities compliance with new			HCBS Compliance Plan Matrix (and all related data sources referenced therein),	Deputy Director of CBS, Service Coordination Team Administrator, QI	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
DD Waivers	_Identification	Requirements	CMS rules	10/01/2014	ongoing	Transition Plan Consultant	Administrator	CMS rule requirements
DD Waivers	Analysis	General or Other Requirements	internal guidelines not specifically addresssed 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		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		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	HCB services support access to the greater community, offers opportunities for employment, optimizes independence, facilitates choice and ensures individual rights are protected.

Applicable	T. 1	Regulatory Compliance		Anticipated	Targeted Completion	Nebraska Health and Human Services	Nebraska Health and Human Services	F
Waivers  DD Waivers	Task  Remediation	General or Other Requirements	Action Item  Service Coordination hiring tools, orientation, training curriculum, monitoring tools and other supports to ensure a continued	03/01/2015	<b>Date</b> Ongoing	Resources  Hiring Tools and Orientation Curriculum, Service Coordination Training Curriculum,	Stakeholders  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		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 roomates 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		Coordination Leadership	DDD regulations ensuring that individual's rights are not improperly restricted are
DD Waivers	Analysis	Individual Rights	and legal rights processes. individual and their families, service providers and Divison staff in the area of right	10/01/2014	05/31/2016	Compliance Surveys Service Coordination Training Curriculum, Nebraska Association of	Team, Contract Manager, Community Liaison, Service Coordination	diligently enforced. under which and the requirements that must be met before an indivdual's rights are restricted; all stakeholders appreciate,
DD Waivers	Remediation	Individual Rights	restrictions/ensuring individual	09/01/2014	Ongoing	Service Provider Meetings,	Team	recognize and diligenty protect the rights of

		Regulatory			Targeted	Nebraska Health and	Nebraska Health and	
Applicable Waivers	Task	Compliance Area	Action Item	Anticipated Start Date	Completion Date	Human Services Resources	Human Services Stakeholders	Expected Outcome
_All Waivers	Outreach	Plan Creation and Implementation	Draft a waiver transition plan.	07/01/2014	09/01/2014	DHHS Internal Policies and Procedures, CMS Toolkit	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	1 /	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		Coordinate and hold public meetings.	08/01/2014	10/15/2014		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		Review, incorporate, and respond to public comments.	09/25/2014	11/01/2014	8	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		Finalize transition plan for submission to CMS, either comprehensively or separately by specific waiver.	10/15/2014	11/15/2014	,	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.

<u>Traumatic Brain Injury:</u> 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.

<u>Qualities of an HCBS Setting:</u> 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.