

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

December 15, 2016

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509-4604

Re: Disability Services Stakeholder Olmstead Planning Advisory Committee Progress Report

Dear Mr. O'Donnell,

Nebraska Revised Statute §81-6,121-122 requires the Department of Health and Human Services to report to the Legislature and the Governor by December 15, 2016, on the Department's comprehensive strategic plan for providing services to qualified persons with disabilities in the most integrated community-based settings pursuant to the Olmstead decision.

The preliminary progress report due December 15, 2016 is attached.

If you have any questions, please contact me at (402) 471-8714.

Respectfully,

A handwritten signature in blue ink that reads "Courtney Miller".

Courtney Miller, Director
Division of Developmental Disabilities
Department of Health and Human Services

Preliminary Progress Report to the Legislature and the Governor

Assessment of Components of the Strategic Plan

The Department convened a team consisting of persons from each of the six divisions of the Department to assess components of the strategic plan which may be in development. Please find the attached Department of Health and Human Services Initiatives and Programs.

Consultation with other state agencies that administer programs serving persons with disabilities and appoint and convene a stakeholder advisory committee

The Department assembled the Disability Services Stakeholder Olmstead Planning Advisory Committee. Please find the attached list of committee appointments that represent other state agencies that administer programs serving persons with disabilities and representation as required in §81-6,121-122. The Committee met on September 16, 2016, and on November 29, 2016.

The Department's Recommendation on Hiring a Consultant

The Department is recommending hiring a consultant to facilitate stakeholder engagement, build upon recommendations from the Medicaid Long-Term Care Redesign initiative and develop the strategic plan.

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Money Follows the Person Program

The Division of Medicaid and Long-Term Care facilitates the Money Follows the Person (MFP) Program. Nebraska was one of 31 states selected by CMS to host this demonstration project. This initiative is designed to assist individuals who are institutionalized in nursing facilities, hospitals, and intermediate care facilities to transition to their homes and communities. Transition assistance includes identifying and connecting with community resources, applying for financial assistance, coordinating providers and services, and facilitating communication with the individual and his/her family regarding transition options. Through its MFP project, Nebraska is committed to the following objectives:

- Assisting persons who are elders, have a physical or developmental disability, or have a TBI to transition from a nursing facility or intermediate care facility to a community based setting
- Rebalancing Nebraska's long-term care continuum by increasing the use of community based services and decreasing the use of facility-based care
- Promoting choice and supporting community-based services and programs

Since the program was initiated in June 2008, 500 individuals have transitioned to the community.

Aging and Disability Resource Center (ADRC) Pilot Project

The Division of Medicaid and Long-Term Care facilitates the Aging and Disability Resource Center pilot project. The 2015 Nebraska Legislature funded a pilot project for three regional Aging and Disability Resource Center sites through LB 320. The sites will operate through June 30, 2018.

The ADRCs will offer information and referral and options counseling to individuals age 60 and over, and disabled persons of all ages. In addition, ADRCs are to identify unmet service needs in their communities and develop recommendations.

Nebraska's ADRC services will be provided through the three pilot sites, collaborating with local providers, an online hub of information (<http://nebraska.networkofcare.org/aging/index.aspx>), and over the telephone via toll-free number: 1-844-843-6364.

Long-Term Care Redesign Project

The Division of Medicaid and Long-Term Care launched its Long-Term Care Redesign Project in the summer of 2016. The Division has contracted with a national consultant to evaluate its long-term care delivery system and to talk with consumers, providers, advocacy organizations and others about their experience with publicly-funded long-term care services delivery (and especially Medicaid-funded service delivery). The consultant will present recommendations for the redesign of its programs in order to meet project goals, which include improving quality, independence for individuals, coordination, access to services, matching individuals with needed

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services, and providing services in the most integrated setting. Project information is available at http://dhhs.ne.gov/medicaid/Pages/medicaid_LTC.aspx. A final redesign plan is to be available by May of 2017.

Aged and Disabled 1915(c) Waiver

The Division of Medicaid and Long-Term Care administers the Aged and Disabled (AD) Waiver are available to individuals of all ages who are eligible for Medicaid and have needs that qualify for a nursing facility LOC, but wish to remain at home and can be safely served in their home. Services that are available through this waiver include in-home assistance such as cleaning, laundry, home delivered meals; respite; adult day health care, extra care for children with disabilities, and assisted living.

Traumatic Brain Injury 1915(c) Waiver

The Division of Medicaid and Long-Term Care administers the Traumatic Brain Injury (TBI) Waiver program provides specialized assisted living services to individuals aged 18-64 years who have a diagnosis of TBI and meet nursing facility level of care criteria. This waiver provider is Quality Living of Omaha.

Developmental Disabilities 1915(c) Waivers

The Division of Developmental Disabilities (DDD) administers two Medicaid Home and Community-Based Services (HCBS) waivers for adults with Developmental Disabilities (DD), and one Medicaid HCBS waiver for children with DD.

Each adult waiver offers alternatives to institutionalization in an ICF/IID or nursing facility for individuals whose needs can be met by community-based DD providers. DDD offers a menu of services and supports intended to allow individuals with intellectual or DD to maximize their independence as they live, work, socialize, and participate to the fullest extent possible in their communities.

The HCBS waiver for children with DD offers alternatives to institutionalization in an ICF/IID or nursing facility for individuals whose needs can be met by community-based DD providers. A combination of non-specialized (directed by family or guardian) and specialized services are offered under this waiver for children under the age of 21 years, and their families as appropriate, to allow choice and flexibility for individuals to purchase the services and supports that the individual may need or prefer. For individuals continuing in special education beyond their 21st birthday, eligibility may continue until the special education services end.

Effective January 1, 2017, the Division will implement prioritization criteria for individuals who choose to leave an institution and reside in the community through the HCBS DD waivers.

Nebraska Planning Council on Developmental Disabilities

The Division of Public Health provides administrative support to the Nebraska Planning Council on Developmental Disabilities. This is a federally mandated Council with membership appointed by the Governor to provide outreach, education, and advocacy to improve the quality of life for persons with developmental disabilities. The Council's goal is that individuals with

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developmental disabilities are able to have access to community services and that these individuals and their families have access to programs that promote independence, productivity, integration, inclusion, and self-determination in all facets of community life. The Council has a long history of advocating for the most integrated community-based service settings pursuant to the Olmstead decision in 1999 by the United States Supreme Court.

The Nebraska Planning Council on Developmental Disabilities uses the following strategies to promote their mission:

- Identifies performance priorities in a five-year state plan that guides all Council work.
- Awards grants to various agencies, organizations and other entities to address gaps and barriers in the system.
- Identifies legislation introduced and educates policymakers on the impact of these bills on persons with developmental disabilities.
- Presents testimony at relevant hearings and follows applicable regulation development.
- Serves on committees to ensure discussions include needs of persons with developmental disabilities.
- Funds six Regional Councils to meet the State Council's goals at local levels and to assist with grant reviews, hosting public forums and advocacy efforts.
- Supports Council staff who advocate, collaborate, and increase awareness for individuals with developmental disabilities by serving on numerous advisory councils and committees.

Nebraska Supportive Housing Plan

The Division of Behavioral Health (DBH) engaged the services of the Technical Assistance Collaborative, Inc. (TAC) to work with the Division and related state agencies to develop a Strategic Supportive Housing Plan for Nebraskans living with and recovering from serious behavioral health conditions. This plan offers recommendations in the following general categories:

- Develop and align DBH policy to promote supportive housing and community integration as two foundational aspects of the behavioral health service system
- Define and establish a supportive housing pipeline over a three- to five-year timeframe
- Ensure that effective and evidence-based practices and services are available to promote successful tenancy and community integration
- Establish sustainable funding sources for supportive services to individuals living in supportive housing settings
- Strengthen provider workforce capacity

Each key recommendation is broken down into specific action steps. The full Nebraska Supportive Housing Plan can be found at:

http://dhhs.ne.gov/behavioral_health/Documents/TACFinal2016.pdf

Veterans Homes Voluntary Discharge

The Division of Veterans Homes currently has a voluntary discharge process in place to ensure the health and safety of the members. Some process items include:

- Promoting successful transition of the member to their new location

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- Education to members, family, & legal representative regarding care & medication
- Education on outside agencies that can assist the member following discharge
- Interdisciplinary team discussion regarding any risks or concerns
- Discussion of bed hold policy prior to discharge.

Child Protective Services

The Division of Children and Family Services (DCFS) administers Child Protective Services and policies and procedures require any child who cannot safely reside with a parent/legal guardian must be placed in the least restrictive placement. When children require a residential type of living arrangement, the goal is to move the child to the least restrictive placement as soon as possible and to ensure the placement is in the best interest of the child.

DCFS is in the process of implementing requirements of the Strengthening Families Act, which implements new requirements and best practice provisions to ensure the following for children involved in the foster care system:

- Reasonable and Prudent Parent Standard (RPPS): Allows foster parents and designated individuals at child care institutions (i.e., group homes) to use their best judgment in making day-to-day decisions regarding in what age and developmentally appropriate extracurricular, enrichment, cultural, and social activities youth in their care may participate. DHHS is training these caregivers to ensure there is clear understanding of this provision.
- Youth Notice of Rights: DCFS is working with stakeholders to develop a bill of rights for youth ages 14 and older that describes their rights with respect to education, health, visitation, court participation, to receive important documents, and the right to stay safe and avoid exploitation.

Adult Protective Services

The Division of Children and Family Services administers Adult Protective Services (APS). Policies and procedures require APS workers to support individuals in maintaining control over their lives and in making informed choices without coercion. The APS Worker must balance the duty to protect the safety of the vulnerable adult with the adult's right to self-determination.

APS has recently been invited to participate in the Long-Term Care Redesign Project to bring our Division's perspective to the recommendations of the redesign of that project.

Youth Rehabilitation and Treatment Centers

The Division of Child and Family Services, Youth Rehabilitation and Treatment Centers (YRTCs) have been working with the Rural Improvement for Schooling and Employment (RISE) program with the youth in the facility. Americorp provides education and early employment supportive services for at-risk youth across Nebraska. The RISE members provide

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skill support to adjudicated youth in all 12 Nebraska Judicial Districts and collaboration with community volunteers and stakeholders to help create a brighter future for all Nebraska youth.

The YRTC's also work with Vocational Rehabilitation to provide on the job training and school assistance.

Lifespan Respite Program

The Division of Children and Family Services administers the Lifespan Respite program which provides support to pay for respite services to give the primary caregiver a temporary break. This program serves disabled individuals of all ages.

Disabled Persons Program

The Division of Children and Family Services administers the Disabled Persons and Family Support (DPFS) program which provides up to \$300 a month of funding for services to individuals with disabilities to help them continue to live independently or help families stay together. This program serves disabled individuals of all ages.

Social Services for Aged and Disabled Program

The Division of Children and Family Services administers the Social Services for Aged and Disabled (SSAD) program which provides services to keep aged or disabled persons in the home. Services include housecleaning, meal preparation, shopping, home delivered meals, non-medical transportation and adult day care.

Assistance to the Aged, Blind and Disabled Program

The Division of Children and Family Services administers the Assistance to the Aged, Blind or Disabled (AABD) program which is the State Supplemental payment to an individual's Social Security Income. Individuals who are determined disabled by the Social Security Administration or DHHS are eligible for monthly money payments for living expenses. The program also provides non-recurring grants for partial reimbursement of certain expenses.

Medically Handicapped Program

The Division of Children and Family Services administers the Medically Handicapped Children's Program (MHCP) which is an umbrella term used to describe three separate programs delivered as MHCP. The Disabled Children's Program, Genetically Handicapped Person's Programs and MHCP are these three programs. These programs provide for support in paying medical expenses for children with specific health care needs, provides respite and reimbursement for some medical services.

Disability Services Stakeholder Olmstead Planning Advisory Committee Appointee List (LB1033)

Groups Requiring Representation Per Statute	Representative
State Advisory Committee on Mental Health Services	Rachel Pinkerton
Advisory Committee on Developmental Disabilities	Joyce Werner, Committee Chairperson
Nebraska Statewide Independent Living Council	Kathy Hoell, Executive Director, NSILC
Nebraska Planning Council on Developmental Disabilities	Kristen Larsen
Division of Rehabilitation Services in the State Department of Education	Mark Schultz, Deputy Commissioner VR
A housing authority in a city of the first or second class	Nancy Bently, Housing Partner Western NE
A housing authority in a city of the primary or metropolitan class	Seanna Collins, Lincoln Housing Authority
Assistive Technology Partnership	Tobias Orr, Director, Assistive Technology Partnership
Protection and advocacy system for Nebraska	Dianne DeLair, Disability Rights Nebraska
Assisted-living organization	Heath Boddy, President, Nebraska Assisted Living Association
Behavioral health regions	Julie Kaminski, Board of Leading Age and New Cassel
Mental health practitioners	Patricia E. Jurjevich
Developmental disability service providers	Bill Reay, CEO, OMNI Behavioral Health
Organization that advocates for persons with developmental disabilities	Stacey Werth-Sweeney, Lincoln Regional Center
Organization that advocates for persons with mental illness	Roger Stortenbecker, DSN
Organization that advocates for persons with brain injuries	Michael Chittenden, Arc
Area agency on aging	Tom Adams, NAMI
Person with disability representing self-advocacy organization (1)	Keri Bennett, Program Director, Acquired Brain Injury, NE VR
Person with disability representing self-advocacy organization (2)	Dennis Loose, Eastern NE Office on Aging
Others:	Joni Thompson, Executive Director, Independence Rising
Private ICF	Ken Timmerman
Legislative representative	Tammy Westfall, V.P. of Operations, Mosaic
Probation representative	Kate Bolz
Family member of an aged or disabled program recipient	Julie Scott
NE Occupational Therapy Assoc.	Sharon Dalrymple
	Janel Meis