

October 14, 2014,

Dear Christina Mayer and Nebraska DHHS Staff,

RE: Nebraska's Draft Transition Plan for Home & Community Based Services

The Nebraska HCBS Coalition is composed of a broad and diverse group of stakeholders representing aging, physical and developmental disabilities, traumatic brain injuries, mental health, independent living, self-advocates and other groups who are interested in Medicaid long-term services and supports within the community. The HCBS Coalition was formed as one means to address the new CMS regulations redefining HCBS but also to acknowledge the recent incorporation of the federal Aging, Independent Living and Intellectual and Developmental Disabilities offices into the Administration for Community Living.

The Nebraska HCBS Coalition would like to thank the Department of Health and Human Services staff for meeting with us and for your extensive work on the Draft Transition Plan for Home and Community Based Services. We appreciate that the Department is now offering four face-to-face meetings with stakeholders in locations across the state per suggestions from advocacy agencies. We would also like to acknowledge that the Department has had to respond to many federal requirements in this process and appreciate the efforts that have been made to address these. To that end, the HCBS Coalition would like to offer our members as a resource to the Department as we would like to have involvement as the Department works to support these processes, for example identifying and creating plans to address settings and procedures found out of compliance with the Center for Medicare and Medicaid's new rules and the quality improvement process.

In addition, we propose the following considerations related to the state's HCBS transition plan:

- Provide the final transition plan written in a more easy to understand format including a summary narrative for each Waiver. In addition, alternative formats need to be provided such as in braille or an audio recording insuring true stakeholder engagement.
- Provide additional details in the final plan on the settings that the Department currently believes does not fit the new regulations for home and community based settings in the final plan.
- Hold public hearings to detail the settings, processes and providers that need heightened scrutiny. Take public comments for 30 days and provide the methods that the state will be undertaking to assist these providers/settings to come into compliance.
- Replace the language "community-like" with "home and community based" (making the document more consistent with CMS' language) in the final transition plan submission to CMS. Using consistent language helps to set high expectations and insures that the next administration will use the same language for interpretation.
- Identify and detail the personnel, methods and processes currently in place for the "quality improvement process" in the final transition plan. The quality improvement process needs to have conflict-free, on-site evaluation with transparency and process in place so that individuals in services and staff know the process to report concerns.
- Incorporate the HCBS Coalition into the quality improvement process and adopt the National Core Indicators¹ to access the outcomes of services to individuals and families.

¹ <http://www.nationalcoreindicators.org>

- Post all stakeholder comments on Nebraska DHHS' website on the same page as HCBS Transition Plan.
- As a standard practice moving forward, post upcoming waiver amendments and/or renewal applications on the same page on the HCBS Transition Plan website; assuring optimal transparency and acknowledging stakeholder input is vital to the successful implementation of these processes.
- Identify and notify key advocacy organizations, for example via the HCBS coalition membership, regarding waiver renewal applications or amendments; this is equally critical to a transparent and efficient process.

Again, we greatly appreciate the Department's significant work on this draft plan and would like to again state that the HCBS Coalition's members stand ready to serve as a resource to you through this process. Please contact Kathy Hoell, Executive Director of the Nebraska Statewide Independent Living Council (NE SILC) with future communications and she will forward these to the HCBS Coalition members.

