

Ralph Lollar
Director of Division of Long Term Services & Supports

February 18, 2015

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

Mr. Lollar:

This letter is being written in regard to Nebraska's Transition Plan for Home and Community Based Services submitted to the Centers for Medicare and Medicaid Services (CMS) and the state's required response to public comments. The NE Home and Community Based Services (NE HCBS) Coalition, with membership composed of a broad and diverse group of organizations 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, are concerned that the Nebraska Department of Health and Human Services (DHHS) did not fulfill the involvement of stakeholders¹ in the development of Nebraska's transition plan as required by CMS.

The Centers for Medicare and Medicaid Services have provided clear guidance that stakeholder participation, comments, and the state's response and incorporation of public comments into the final plan are vital to insuring compliance with this new rule.² While the Nebraska Department of Health and Human Services took public comments, summarized the comments and responded to them, none of the 48 public comments submitted were incorporated into the final transition plan submitted to CMS as required.³

The NE HCBS Coalition provided a letter (see addendum, item #1) to the state in October, outlining key considerations for the state in developing the final transition plan. The NE HCBS Coalition expressed many concerns regarding the state's draft plan. These include: the difficulty in understanding Nebraska's transition plan, the language used not being consistent with language used within the federal guidance, and the lack of transparency or detail about settings that the Department believes may not fit the new definition of home and community based services.

While members of the NE HCBS Coalition do not believe the Department has adequately addressed stakeholder's comments, we do want to recognize staff within the Department of Health and Human Services for the amount of work that they put into the transition plan. We also would like to commend the Department on increasing opportunities for the public to comment on the draft transition plan, expanding from an online form to offering four face-to-face meetings in locations across the state, and the Department's use of the NE HCBS Coalition for assistance in developing surveys they plan to use to collect data on current settings and measure participant satisfaction.

Further, we acknowledge that the Nebraska Department of Health and Human Services has undergone many leadership changes including the year-long absence of a Medicaid Director. We also recognize that there will be further leadership changes under the governance and direction of Governor Ricketts. To that end, the NE HCBS membership would like to offer our members as a resource to the administration.

The NE HCBS Coalition was formed last year to address these new HCBS regulations, changes that are being implemented under the federal 'Workforce Innovation and Opportunity Act,' and also to acknowledge the recent incorporation of the federal Aging, Independent Living and Intellectual and Developmental Disabilities offices into the Administration for Community Living. Our members strive to insure that individuals in need of long-term services and supports have quality services, person-centered planning, choice, independence and access to the community. We

¹ <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Downloads/Heightened-Scrutiny.pdf>

² <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/statewide-transition-plan-toolkit.pdf>

³ <http://dhhs.ne.gov/Documents/Response-to-Comments.pdf>

believe that there are many initiatives at both the federal and state level that can transform our Medicaid and Long-term Services and Supports, improve the delivery, and also drive down costs.

The NE HCBS Coalition welcomes the opportunity to collaborate with both the Governor and his appointed officials to improve home and community based services for those aging and who have disabilities. We hope that this letter will help to foster involvement by stakeholders and the NE HCBS Coalition serves as a ready resource to both the state and CMS.

We look forward to hearing back from you in regard to the state's transition plan and hope to work collaboratively on this and future efforts.

Best,



Cc:
Courtney Phillips, CEO NE Department of Health and Human Services
Joseph Acierno, Interim CEO NE Department of Health and Human Services
Kathy Campbell, NE Legislative Health & Human Services Committee Chair
Linda Joyce, Deputy Director of the Division of Long Term Services & Supports

