

# NEBRASKA

Good Life. Great Mission.

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DEPT. OF HEALTH AND HUMAN SERVICES



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Good Life. Great Mission.

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Pete Ricketts, Governor

November 27, 2017

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

Dear Mr. O'Donnell:

Pursuant to the provisions of Neb Rev Stat §68-909(2), the Division of Medicaid and Long-Term Care (MLTC) is submitting this report to the Governor and the Legislature. This report summarizes the purpose and content of proposed rules and regulations, state plan amendments, or waivers. Information provided includes the projected impact on recipients of medical assistance and medical assistance expenditures.

If you have any questions, please contact Catherine Gekas Steeby, Interim Deputy Director for Policy and Communications at [Catherine.gekassteeby@nebraska.gov](mailto:Catherine.gekassteeby@nebraska.gov).

A handwritten signature in black ink, appearing to read "Rocky Thompson".

Thomas "Rocky" Thompson, Interim Director  
Division of Medicaid and Long-Term Care  
Department of Health and Human Services

Waiver	Purpose and Content	Projected Impact
NE HCBS for Aged & Adults & Children with Disabilities (0187.R06)	The Waiver serves individuals of all ages who have a disability or are aged and require a nursing facility (NF) level of care.	No change, last approved in 2016 for five years.
NE Traumatic Brain Injury Waiver (40199.R03.00)	This waiver provides assisted living service for individuals with brain injury ages eighteen to sixty-four.	No change. Last approved in 2013 for five years.
Managed Care Waiver (03.R09.M02)	This 1915(b) waiver provides the authority to operate a managed care delivery system in Nebraska.	This waiver was amended, effective October 1, 2016, allowing the state to implement the integrated managed care program, Heritage Health.
Comprehensive developmental disabilities (CDD) waiver (4154)	Allows persons of all ages with developmental disabilities to maximize their independence as they live, work, socialize, and participate to the fullest extent possible in their communities. A participant must have a developmental disability and needs that require services like those provided by an intermediate care facility for persons with developmental disabilities (ICF-DD).	Elimination of some services and encompasses previous DD waivers into one comprehensive waive for all ages.
Developmental disabilities adult day (DDAD) waiver (0394)	Allows persons ages 21 and over with developmental disabilities to maximize their independence as they live, work, socialize, and participate to the fullest extent possible in their communities. A participant must have a developmental disability and needs that require services like those provided by an intermediate care facility for persons with developmental disabilities (ICF-DD).	Unbundling of services, modifications to service definitions, provider qualification revisions, as well as other changes.

State Plan Amendment	Purpose and Content	Impact to Recipients	Impact to Expenditures	Status
16-0009	This SPA adds coverage of peer support services under the state plan.	Expands the service array for Medicaid members.	Increases federal and state expenditures.	Approved 6-16-17 with a 7-1-17 effective date.
16-0012	This SPA increases nursing facility & ICF/DD reimbursement rates for SFY 2017 as required by the legislature.	Ensures continued access to services for Medicaid members.	Increases federal and state expenditures.	Approved 3-30-17 with a 7-1-16 effective date.
16-0013	This amendment allows the State to collect supplemental rebates on medication claims processed through managed care claims processors as well as fee-for-service.	No impact.	No fiscal impact.	Approved 11-17-16 with a 1-1-17 effective date.
17-0001	Cover medical nutrition therapy and lactation counseling.	Expands the service array for Medicaid members.	Increases federal and state expenditures.	Approved 6-26-17 with a 7-1-17 effective date.
17-0002	Adjustment to the methodology on cost effectiveness for the Health Insurance Premium Program (HIPP).	Ensures continued access to services for Medicaid members.	No fiscal impact.	Approved 7-24-17 with a 7-1-17 start date.
17-0003	Medicaid covered outpatient drug final rule update. Implements new pricing methodology for Medicaid outpatient drugs.	No impact.	No fiscal impact.	Approved 5-22-17 with a 4-1-17 start date.
17-0004	To remove language requiring accreditation by specific accrediting organizations.	No impact.	No fiscal impact.	Approved 9-15-17 with a 7-1-17 start date.
17-0005	Update to the Medicaid in public schools program required by statute.	Expands the service array for Medicaid members.	Increases federal and state expenditures.	Submitted 7-20-17, under CMS review.
17-0006	Change to the dental cap for non-disabled adults to \$750.	Change in the amount of services provided.	General fund savings	Submitted 10-12-17, under CMS review.
17-0007	Medicare / Medicaid crossover methodology. Implementation of the lessor of methodology.	No impact.	General fund savings	Approved 9-15-17 with a 7-1-17 start date.
17-0009	Nursing facility and ICF/DD rates for SFY18	No impact.	No fiscal impact.	Submitted 9-29-17 with a 10-1-17 start date.
17-0010 and 17-0011	Hospital inpatient, outpatient, and professional Medicaid rates for SFY18.	No impact.	No fiscal impact.	SPA w/drawn as not needed due to no rate changes.
17-0015	Update to the definition of peer support professionals.	Ensures continued access to services for Medicaid members.	No fiscal impact.	Submitted 10-16-17 with a 10-1-17 start date.
17-0019	Waiver from the RAC due to the small amount of fee for service clients.	No impact.	No fiscal impact.	Submitted 11-15-17 with a 11-30-17 start date.

Regulation	Purpose	Content	Projected Impact	Status
471 NAC 1	General Cleanup	Administration	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 2	General Cleanup	Provider Participation	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 3	Update to the lessor of methodology for crossover claims	Medicare/Medicaid crossover claims	No impact to recipients, decreased costs to the state	Signed by the governor, effective 9-10-17.
471 NAC 4	General Cleanup	Ambulance Services	No Impact	Signed by the governor, effective 12-14-16.
471 NAC 5	General Cleanup	Chiropractic Services	No Impact	Sent to governors office for signature.
471 NAC 6	General Cleanup, update to the dental cap amount.	Dental Services	Impact to the amount of dental services non-disabled adults can receive, decreased costs to the state.	Signed by the governor, effective 8-29-17
471 NAC 7	General Cleanup	Durable Medical Equipment	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 8	General Cleanup	Hearing Aids	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 9	General Cleanup	Home Health Agencies	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 10	General Cleanup	Hospital Services	No Impact	Sent to governor's Office for Initial Review.
471 NAC 11	General Cleanup	Indian Health Services	Federal impact with the addition of the pharmacy encounter, no state impact.	Sent to the AG's office for review.
471 NAC 12	Modifies adult level of care and adds children level of care criteria.	Level of Care	Possible Impact to the number of individuals served in facilities.	Public hearing held 11-6-17
471 NAC 13	General Cleanup	Nursing Services	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 14	General Cleanup	Occupational Therapy	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 15	General Cleanup	Personal Assistance Services	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 16 and 18	Per the federal outpatient drug final rule, regulation changes are required to implement a new pricing methodology for Medicaid outpatient drugs.	Pharmacy and physicians services	No impact to recipients, or on costs to the state	Signed by the governor, effective 7-2-17
471 NAC 19	General Cleanup	Podiatry Services	No Impact	Signed by the governor, effective 12-14-16.
471 NAC 20	General Cleanup	Psych Services 21 and Older	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 21	General Cleanup	Rehabilitation Care in Hospitals	No Impact	Sent to governors office for signature.
471 NAC 22	General Cleanup	Respiratory Therapy	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 23	General Cleanup	Speech Path/Audiology	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 24	General Cleanup	Visual Care Services	No Impact	Signed by the governor, effective 12-14-16.
471 NAC 25	General Cleanup	Special Ed School Based	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 26	General Cleanup	Ambulatory Surgical Centers	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 29	General Cleanup	FQHCs	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 31	General Cleanup	Intermediate Care Facilities	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 32	General Cleanup	Child Mental Health and Substance Use	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 33	General Cleanup	EPSDT	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 34	General Cleanup	Rural Health Clinics	No Impact	Stakeholder review completed, internal DHHS process underway.
471 NAC 36	General Cleanup	Hospice Services	No Impact	Sent to the governors office for initial review.
471 NAC 42	General Cleanup	Freestanding Birth Centers	No Impact	Stakeholder review completed, internal DHHS process underway.
477 1-28	General Cleanup	Medicaid Eligibility	Changes to eligibility, aligning the state with federal law; Decreased costs to the State	Sent to the AG's office for review.
480 NAC 1-7	General Cleanup	Home and Community-Based Services	Aligning Waiver Provisions to State Regulations	Internal DHHS Process Underway.
480 NAC 11	Repealing Chapter	Autism Spectrum Disorder	No Impact	Sent to governors office for signature.
482 NAC 3	General Cleanup	Managed Care	No Impact	Stakeholder review completed, internal DHHS process underway.
482 NAC 2	Adding Provisions for Enrollment Into Heritage Health	Managed Care - Member Participation and Enrollment	Populations added to physical health managed care	Signed by the governor, effective 12-11-16.