

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



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Pete Ricketts, Governor

November 8, 2018

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 Rocky Thompson, Deputy Director for Policy and Communications at Rocky.Thompson@nebraska.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "MVP".

Matthew A. Van Patton, DHA, Director
Division of Medicaid and Long-Term Care
Department of Health and Human Services

MVP/cgs

Attachment

cc: Suspense Log

Regulation	Purpose	Content	Projected Impact	Status
471 Chapter 21	General Cleanup	Rehab Care in Hospitals	No Impact	Promulgated 5-9-18
477 Chapters 1-28	Changes to eligibility, aligning the state with federal law	Medicaid Eligibility	Compliance with federal law, fiscal savings	Promulgated 3-13-18
471 Chapter 5	General Cleanup	Chiropractic Services	No Impact	Promulgated 5-17-18
480 Chapter 11	Repealing Chapter	Autism Spectrum Disorder	No Impact	Repealed 5-22-18
471 Chapter 11	General cleanup	Indian Health Services	Updates based on state plan information for reimbursement	Promulgated 6-5-18
471 Chapter 12	Adds children level of care criteria.	Level of Care	Possible impact to the number of individuals receiving waiver services	Public hearings held 11-6-17 and 6-7-18
471 Chapter 25	Updates made to comply with statute changes and updated state plan	Special Ed School Based	Compliance with state statute and state plan	Stakeholder review completed 10-25-18
471 Chapter 30	Updates made to comply with CMS requested changes and updated state plan	Health Insurance Premium Payment	Compliance with federal law, fiscal savings	Public hearing held 10-1-18
471 Chapter 38	Updates made to comply with statute changes and updated state plan	Estate Recovery	Compliance with state statute and state plan	Public hearing held 9-25-18
471 Chapter 32	General Cleanup	Child Mental Health and Substance Use	Adding direct care staffing, leave, and licensure information	Internal DHHS process underway
471 Chapter 1	General Cleanup	Administration	Clarifications regarding managed care, restricted services, and prior authorization	Internal DHHS process underway
Title 482	General Cleanup	Managed Care	Updates to incorporate dental, mandatory enrollment, and subsequent Heritage Health changes	Internal DHHS process underway
471 Chapter 2	General Cleanup	Provider Participation	Addition of fingerprinting and background checks	Internal DHHS process underway
471 Chapter 12	General Cleanup (separate from children's LOC noted above)	Nursing Facility Services	Remove outdated language, and review reimbursement language	Internal DHHS process underway
Title 480	General Cleanup	Home and Community Based Services (HCBS)	Re-write all of 480 to be in compliance with the current HCBS waivers	Internal DHHS process underway

State Plan Amendment	Purpose and Content	Impact to Recipients	Impact to Expenditures	Status
NE - 17-0013 -CHIP	Addition of Heritage Health managed care to the CHIP state plan	Adds SCHIP to managed care	No fiscal impact	Approved 8-31-17 with a start date of 1-1-17
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	Approved 1-25-18 with a 9-1-17 start date
17-0006	Change to the dental cap for non-disabled adults to \$750	Change in the amount of services provided	General fund savings	Approved 12-13-17 with a 10-1-17 start date
17-0009	Nursing facility and ICF/DD rates for SFY18	No impact	No fiscal impact	Approved 1-26-18 with a 10-1-17 start date
17-0015	Update to the definition of peer support professionals	Ensures continued access to services for Medicaid members	No fiscal impact	Approved 11-22-17 with a 10-1-17 start date
17-0017	Ground emergency medical transportation act submitted per NRS 68-977 to 68-988	None, funding sources for city/county emergency transportation		Disapproved by CMS on 5-4-18
17-0018	Clarification to provider types for nutrition counseling	Ensures continued access to services for Medicaid members	No fiscal impact	Approved 12-8-17 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	Approved 12-15-17 with a 11-30-17 start date
17-0021	Update to the definition of estate recovery per LB268 (2017)	Expands the definition of estate recovery	Increases federal and state expenditures	Approved 2-18-18 with a 10-1-17 start date
18-0001	Nursing facility specialized services	Provides for payment of specialized services	Increases federal and state expenditures	Approved 9-4-18 with a 7-1-18 start date
18-0002	Health Insurance Payment Program	Expands the service array for Medicaid members	No fiscal impact	Approved 6-14-18 with a 1-1-18 start date
18-0003	PRTF leave days	Provides for payment of leave days	General fund savings	Approved 7-17-18 with a 5-1-18 start date
18-0004	Asset Verification System (AVS)	Mandated by the Social Security Act, provides for electronic verification of assets	Increases federal and state expenditures	Approved 3-12-18 with a 5-31-18 start date
18-0005	Compliance with Section 50002 of the 21st Century Cures Act of 2016* Rate Reduction for Fee-For Service DME	No impact	General fund savings	Approved 9-14-18 with a 7-1-18 start date
18-0007	Peer support supervision and billing	Ensures continued access to services for Medicaid members	No fiscal impact	Approved 9-5-18 with a 7-1-18 start date
NE - 18-0014 CHIP	Compliance with Mental Health Parity (MHP)	Required by CMS to ensure compliance with MHP	No fiscal impact	Approved 5-10-18 with a 10-2-17 start date
18-0006	Annual nursing facility rate rebasing for SFY19	No impact	Increases federal and state expenditures	Submitted 8-21-18 with a 7-1-18 start date
18-0008	Additions to the disregards for blind individuals and life estates	Ensures continued access to services for Medicaid members	No fiscal impact	Tribal notice submitted 10-24-18 with a 10-1-18 start date.
NE - 18-0015 CHIP	Federally mandated update to the managed care section of the CHIP state plan. Ensures compliance with the managed care final rule	No impact	No fiscal impact	Drafting

Waiver	Purpose and Content	Impact to Recipients	Status
1115 Demonstration	Substance use disorder (SUD)	Ensures continued access to services for medicaid members requiring SUD services who are residing in an institute for mental disease (IMD)	Drafting, tribal notice completed 8-31-18
NE Traumatic Brain Injury Waiver (40199.R03.00)	This waiver provides assisted living service for individuals with brain injury ages eighteen to sixty-four.	Ensures continued access to services for medicaid members with traumatic brain injury.	Renewal due 12-29-18, submitted 9-27-18.
Managed Care Waiver (03.R09.M02)	This 1915(b) waiver provides the authority to operate a managed care delivery system in Nebraska.	Allows the state to implement the integrated managed care program, Heritage Health.	Renewal due 6-30-19
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.	Ensures continued access to services for medicaid members requiring nursing facility level of care.	Renewal due 7-31-21
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.	Approved 3-1-17, renewal due 2-28-22
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.	Approved 6-1-17, renewal due 5-31-22