

Bridge to Independence and Comprehensive Developmental Disabilities Waiver Walk Through

| | Bridge to Independence Program | Comprehensive Developmental Disabilities Waiver |
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| Federal Authorization | Fostering Connections to Success and Increasing Adoptions Act | §1915(c) of the Social Security Act 42 U.S.C. 1396n §1915(c) |
| State Statute | Neb. Rev. Stat. §43-4501 to 43-4514 | Neb. Rev. Stat. §83-1202 to 83-1227 |
| Advisory Body | Bridge to Independence Advisory Committee | Advisory Committee on Developmental Disabilities; Nebraska Planning Council on Developmental Disabilities |
| Legislative Intent | The purpose of the Young Adult Bridge to Independence Act is to support former state wards in transitioning to adulthood, becoming self-sufficient, and creating permanent relationships. The bridge to independence program shall at all times recognize and respect the autonomy of the young adult. Nothing in the Young Adult Bridge to Independence Act shall be construed to abrogate any other rights that a person who has attained nineteen years of age may have as an adult under state law. | It is the intent of the Legislature that: (1) All persons with developmental disabilities shall receive services and assistance which present opportunities to increase their independence, productivity, and integration into the community; (2) All persons with developmental disabilities shall have access to a full array of services appropriate for them as individuals; (3) All persons with developmental disabilities shall have a right to live, work, and recreate with people who are not disabled; (4) All persons with developmental disabilities shall be served in their communities and should only be served by specialized programs when their needs cannot be met through general services available to all persons, including those without disabilities; (5) All persons with developmental disabilities shall have the right to receive age-appropriate services consistent with their individual needs, potentials, and abilities; (6) All persons with developmental disabilities shall be afforded the same rights, dignity, and respect as members of society who are not disabled; and (7) Persons who deliver services to persons with developmental disabilities shall be assured a uniform system of compensation and training and a full range of work-site enhancements which attract and retain qualified employees |
| State Regulation | 395 NAC 10 | Title 202 NAC 1; Title 207 NAC 1; and Title 404 NAC |
| Nebraska Residency Requirement | No | Yes |
| Open Court Docket | Yes, docket remains open for youth to have review hearings with Judge | No open court docket to address specifically waiver services. Individual may file a petition for a judicial review after conclusion of the Developmental Disabilities hearing process (Neb. Rev. Stat. §83-1224) |
| Review | Foster Care Review Office conducts reviews every six months. A FCRO staff member does a paper file review as well as contacting or attempting to contact the young adult. This review includes data collection, advocacy for the young adult, and recommendations for systemic improvement. | |
| Funding | General Funds and Title IV-E | General Funds and Medicaid |
| Medicaid Payment | Medicaid does not pay for B2i Services, although young adults may apply to Medicaid. | Medicaid pays for DD services under home and community-based services (HCBS) Waivers. |

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| Eligibility | <p>The bridge to independence program is available, on a voluntary basis, to a young adult: (1) Who has attained at least nineteen years of age; (2) Who was adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 or the equivalent under tribal law and (a) upon attaining nineteen years of age, was in an out-of-home placement or had been discharged to independent living or (b) with respect to whom a kinship guardianship assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had attained sixteen years of age before the agreement became effective or with respect to whom a state-funded guardianship assistance agreement was in effect if the young adult had attained sixteen years of age before the agreement became effective; and (3) Who is:</p> <p>(a) Completing secondary education or an educational program leading to an equivalent credential; (b) Enrolled in an institution which provides postsecondary or vocational education; (c) Employed for at least eighty hours per month; (d) Participating in a program or activity designed to promote employment or remove barriers to employment; or (e) Incapable of doing any of the activities described in subdivisions (3)(a) through (d) of this section due to a medical condition, which incapacity is supported by regularly updated information in the case plan of the young adult.</p> | <p>To be eligible for DD Services, an applicant must (1) Be a citizen of the United States of America or a qualified aliens under the federal immigration and Nationality Act and be lawfully present in the United States; (2) Be a resident of the State of Nebraska; (3) Have a developmental disability.</p> <p>To be eligible for the waiver, the applicant must: (1) Submit an application; (2) Be eligible for Medicaid in accordance with 477 NAC; (3) Meet the definition of a developmental disability as determined by the Department in accordance with Neb. Rev. Stat. §83-1205; (4) Meet institutional level of care criteria initially and annually thereafter; (5) Elect to receive Medicaid home and community based waiver services as an alternative to institutional placement; (6) Have a physical health screen within the past 12 months and annual thereafter; and (7) Accept Service Coordination service.</p> <p>Developmental disability, as defined in Neb. Rev. Stat. § 83-1205, means: a severe, chronic disability, including an intellectual disability, other than mental illness, which:</p> <ol style="list-style-type: none"> (1) Is attributable to a mental or physical impairment unless the impairment is solely attributable to a severe emotional disturbance or persistent mental illness; (2) Is manifested before the age of twenty-two years; (3) Is likely to continue indefinitely; (4) Results in substantial functional limitations in one of each of the following areas of adaptive functioning: <ol style="list-style-type: none"> (a) Conceptual skills, including language, literacy, money, time, number concepts, and self-direction; (b) Social skills, including interpersonal skills, social responsibility, self-esteem, gullibility, wariness, social problem solving, and the ability to follow laws and rules and to avoid being victimized; and (c) Practical skills, including activities of daily living, personal care, occupational skills, healthcare, mobility, and the capacity for independent living; and (5) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. <p>An individual from birth through the age of nine years inclusive who has a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting three or more of the major life activities described in subdivision (4) of this section if the individual, without services and support, has a high probability of meeting those criteria later in life.</p> |

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| Waitlist | No waitlist for eligible young adults currently | Yes (Priority Waitlist as per Neb. Rev. Stat. §83-1216): (4) The priorities for funding the Medicaid home and community-based services waivers under this section are as follows: (a) The first funding priority of the state shall be responding to the needs of persons with developmental disabilities in immediate crisis due to caregiver death, homelessness, or a threat to the life and safety of the person; (b) The second funding priority of the state in responding to the needs of persons with developmental disabilities shall be for persons that have resided in an institutional setting for a period of at least twelve consecutive months and who are requesting community-based services; (c) The third funding priority of the state in responding to the needs of persons with developmental disabilities shall be for serving wards of the department or persons placed under the supervision of the Office of Probation Administration by the Nebraska court system who are transitioning upon age nineteen with no other alternatives as determined by the department to support residential services necessary to pursue economic self-sufficiency; (d) The fourth funding priority of the state in responding to the needs of persons with developmental disabilities shall be for serving persons transitioning from the education system upon attaining twenty-one years of age to maintain skills and receive the day services necessary to pursue economic self-sufficiency; and (e) The fifth funding priority of the state in responding to the needs of persons with developmental disabilities shall be for serving all other persons by date of application. |
| Grievance Process | Yes | Yes Neb. Rev. Stat. §83-1219 A person with developmental disabilities or his or her parent or guardian may initiate a hearing on matters related to the initiation, change, or termination of or the refusal to initiate, change, or terminate the determination of eligibility for specialized services or the evaluation or placement of the person or the provision of specialized services or records relating thereto. A copy of the procedures specified in rules and regulations of the department for complaints and hearings under this section shall be provided to such persons who are receiving specialized services or their parents or guardians. The hearing shall be initiated by filing a petition with the department. |
| Income Limits | No | No. A person who does not qualify for Medicaid may have an Ability to Pay for DD services, as outlined in Title 202 NAC. |
| Pay for Services | No. The youth is provided a stipend, and the Independence Coordinator connects the youth to resources in the community to meet the needs of the youth. The young adult is responsible for any premiums, copayment, share of costs, or other costs relating to accessing services. | Yes. An objective needs assessment is completed. Assessment results are translated into an Individual Budget Amount (IBA), which is the annual amount a participant may use to purchase DD services. |

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| Case Management | Yes – provided by an Independence Coordinator. Case management is defined as “support provided by the Department to a young adult to complement his/her own efforts towards self-sufficiency.” 395 NAC 10-002. As per statute this may include assisting the youth to access resources to obtain employment, identification, bank services, juvenile court sealing, secondary education, vocational and post secondary education, apply for immigration relief, create a health care power of attorney or health care proxy, obtain health and education records, apply for public benefits and assistance, maintain relationships with individuals who are important to the young adult, including searching for individuals, access information about relatives, access young adult empowerment opportunities, and access pregnancy and parent resources and services. | Yes – provided by a Service Coordinator. Services coordination is defined as “activities conducted on behalf of individuals with developmental disabilities and their families to help them access developmental disability services and other services not funded by the Department. Service coordination ensures that services are responsive to the preferences and needs of the individual and that services promote the independence, interdependence, productivity, and inclusion of individuals receiving services. In Nebraska’s home and community-based waivers for persons with developmental disabilities, service coordination is referred to as case management.” 404 NAC 2 A Service Coordinator will: Work directly to develop a service plan based on wants and needs; Complete referrals for DD agency providers and assist with visits and transition plans; Help preferred DD independent provider to enroll; Help access services not funded by DD, such as Medicaid, SSI, and SNAP; Help identify and access community resources; Hold meetings every six months, at a minimum, to help participants work toward life goals; Complete monitoring of the plan to ensure implementation and adequately addressed needs; Follow up with participant to ensure needs are being met; Follow up with any legal representative and, as requested, family; Adjust service plan and services when changes are necessary for success; Help advocate for what the participant wants and needs from service provider(s), family, and community; and •Ensure services promote independence, productivity, and inclusion. |
| Team | Independence Coordinator and individuals of the young adult’s choice. | Individual Support Plan Team is coordinated by the Service Coordinator. The Team includes the participant, Service Coordinator, any DD providers whose services are used, and the guardian, if applicable. The participant can also invite any other family, friends, or organizations who support them. |
| Contact with Case Manager | In person meeting every thirty days | Service coordination must have a billable contact at least monthly with each participant. |
| Employment Services | Not provided by the program, IC can connect young adult with resources | Yes, in addition to connecting participants to resources. All DD participants must apply for and use benefits from Vocational Rehabilitation, when eligible. DD day services focus on finding employment and increasing skills needed to join the workforce. Services include prevocational services, supported employment, habilitative workshops, and habilitative community inclusion. |
| Medicaid Services | A young adult who is enrolled in the B2i Program will receive medical assistance through Nebraska Medicaid, if eligible. IC can assist young adult with applying for Medicaid | To help maximize federal funding, all DD participants must apply for and accept federal Medicaid benefits. When necessary, a Service Coordinator can assist a participant with applying for Medicaid. Service Coordination will also assist a participant to maintain Medicaid by taking actions upon receiving an alert that Medicaid will be lost for any reason. |
| Requirement to Apply for other Services | No | Yes - “It is the intent of the Legislature that the department take all possible steps to maximize federal funding. All Nebraska residents eligible for funding for specialized services through the department shall apply for and accept any federal Medicaid benefits for which they may be eligible and benefits from other funding sources within the department, the State Department of Education, specifically including the Division of Rehabilitation Services, and other agencies to the maximum extent possible.” Neb. Rev. Stat. §83-1216 |
| Stipend for Individual | Yes. Financial support is provided in the form of continued foster care maintenance payments. | No |

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| Stipend for Dependents | Yes | No |
| Residence Payment | No | No – DD does not pay for room and board. DD may pay for residential services provided to help participants learn independent living skills and increase access to the community. Residential services may occur in a participant’s own home or apartment, family home, or a provide-operated location. |
| Assessment | National Youth in Transition Database | Needs are assessed using the ICF/DD level of care criteria. An objective assessment is also used to determine DD funding amount. |
| Services Provided | Case management, monthly meetings, court hearings, Foster Care Review Office Reviews, connection to resources, stipend. | Developmental Disabilities provides Service Coordination to coordinate and oversee the delivery of effective services. The following DD services are approved to be paid to providers: Adult Companion Service; Adult Day Services; Assistive Technology; Consultative Assessment Service; Crisis Intervention Support ; Environmental Modification Assessment ; Habilitative Community Inclusion; Habilitative Workshop; Home Modifications; Homemaker Services; In-Home Residential Habilitation; Personal Emergency Response System (PERS); Prevocational Services; Residential Habilitation; Respite Service; Supported Employment – Enclave; Supported Employment – Follow Along; Supported Employment – Individual; Transitional Services; and Transportation. |

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