

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

GUIDANCE DOCUMENT

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Pursuant to
Neb. Rev. Stat. § 84-901.03

With the implementation of the Medicaid Home and Community-Based Services (HCBS) Developmental Disabilities (DD) Waiver amendments on October 1, 2019, the Division of Developmental Disabilities (DHHS-DD) has received many questions related to transporting participants and billing. This Q&A is a compilation of questions received related to transportation, in order to clarify policies and expectations for participants, DHHS-DD service coordination staff, and providers.

Q Is transportation included in the rate for Habilitative Community Inclusion?

A Yes - Transportation during Habilitative Community Inclusion is included in the rate. Transportation to the site where Habilitative Community Inclusion begins, or transportation from where the service ends (to the participant's home or elsewhere) is not included in the rate.

- When the participant is receiving HCI in one community setting, then travels to HCI in another setting, the transportation between the two sites is included in the rate.
- The provider **cannot** stop billing HCI when leaving the first HCI site to bill transportation to the second HCI site, then resume billing HCI.
- For example:
 - Ollie is receiving HCI at the coffee shop before going to the mall to go shopping. Transportation **cannot** be authorized from the coffee shop to the mall. Transportation is included in the HCI service.
 - Zoey is not using any Medicaid HCBS DD waiver service, such as Independent Living, at her home. The provider picks her up to take her to the bank to withdraw some money before taking her to the craft store. After the craft store they go to the book store, then to the grocery store. Transportation **could** be billed between Zoey's house and the bank, however once at the bank, and HCI begins, no more transportation can be billed for the remainder of Zoey's community activities, as it is included in the HCI service.

Q When a provider is providing Independent Living or Supported Family Living to a participant in the participant's home, and then the provider and participant leave the home to go somewhere in the community, can the provider stop billing Independent Living or Supported Family Living when departing from the participant's residence, bill for transportation to the community location, and then begin billing Independent Living or Supported Family Living upon arrival?

A No – Transportation *during* the delivery of Independent Living or Supported Family Living are included in the rates for these services. A provider cannot stop billing one of these services in order to bill transportation for travel to another location where one of these services will resume.

- For example:
 - John is receiving Independent Living at his apartment before going to the grocery store to buy groceries. Transportation cannot be billed for travel from John's home to the grocery store, as this transportation is included in the rate for Independent Living.
 - Jane is not using any Medicaid HCBS DD waiver service at her home. Her provider picks her up to go to the grocery store to buy groceries, then returns with Jane to Jane's home to support her in putting away her groceries and meal preparation. Transportation could be billed for travel from Jane's home to the grocery store. Upon arriving at the grocery store, the provider begins billing Independent Living, so travel returning to Jane's home cannot be billed as Transportation, as it is included in the rate for Independent Living.

Q If a Shared Living/Host Home provider receives assistance in transporting a participant to day services, is this considered use of support staff or backup staff?

A No - This does not count toward the use of support staff or backup staff.

- A Shared Living/Host Home provider can make arrangements with the day provider for transportation to and from day services, and this does not count toward backup staff hours.
- An agency can make arrangements with the day provider to provide transportation for all the Shared Living/Host Home providers in their agency/area, and this does not count toward backup staff hours.
- An agency can make arrangements with an outside entity, such as Handi Bus, to provide transportation for all the Shared Living/Host Home providers in their agency/area, and this does not count towards backup staff hours.
- A Shared Living/Host Home provider can make arrangements directly with an outside entity, such as Handi Bus, to provide transportation for the participant living in his/her home, and it does not count toward backup staff hours.
- A Shared Living/Host Home provider could also use natural support for transportation, as agreed upon by the ISP team. Natural supports do not count toward backup staff hours.
- Assistance in transporting included in the Shared Living or Host Home service cannot be billed separately under the Transportation service.
- Reminder: In any of these scenarios, the participant may not be charged separately for the transportation. It is included in the Shared Living rate.

Q When providing the Transportation service, what if the ISP team determines the most direct route is unsafe (for example, due to unpaved roads)?

A The ISP team can discuss and determine the safest direct route to be taken for transportation. However, avoiding things like left turns, roundabouts, or busy streets are not sufficient justification to determine a longer route should be taken, while avoiding unpaved roads may be an appropriate reason to do so. When a route is determined to be unsafe, documentation in the ISP needs to explain why.

Q When transporting two participants at the same time, what if one participant is receiving a service with transportation included in the rate and one participant is being transported between two services which do not include transportation? Can a provider bill Transportation and another service with transportation included in the rate at the same time?

A A single independent provider or agency provider staff cannot provide two waiver services simultaneously, so Transportation and the service with transportation included in the rate could not both be billed at the same time. For example:

- Sue is receiving Habilitative Community Inclusion and travelling from one setting to another during the provision of the service, and on the way to the second location, the provider picks up Tom, who is not currently receiving services, to transport him to his competitive integrated employment. The provider cannot bill Habilitative Community Inclusion for Sue and Transportation for Tom for different services provided by the same staff/independent provider at the same time.

Q The Transportation service definition states it can be used to enable participants to access waiver services, community activities, and resources, as outlined in the participant's ISP. Can Transportation be used to transport a participant to competitive integrated employment when the participant is not receiving supported employment at the job?

A Yes – this would fall under Transportation to access community activities.

- Q** If a participant is receiving Advanced Tier or Behavioral Risk Tier funding, is 1:1 staffing required during transportation?
- A** Yes – the required staffing levels for the tiers are applicable during transportation:
- When a participant is in the Advanced Tier, 1:1 staffing is expected unless the team reviews the participant’s needs and determines 1:1 staffing is not needed during transportation. This review needs to include that if there is more than one participant being transported, and the sole staff has to leave the car to work with the other participant, that the Advanced Tier participant’s needs will continue to be safely met. The team’s review and decision must be documented in the ISP.
 - When a participant is in the Behavioral Risk Tier, 1:1 staffing during all waking hours is required and this includes transportation time.
- Q** When a participant receives Shared Living/Host Home services, the provider is responsible for transportation to and from the home. When the participant chooses to use public transportation rather than the provider’s mode of transportation and the provider pays for the bus pass, MOBY tickets, etc., does this count as backup staff?
- A** No –The participant is choosing to use public transportation, and the provider is paying the cost for public transportation so this does not count toward the use of backup staff.
- Q** Can a participant use his/her entire budget on transportation? Some participants only need transportation to and from their employment.
- A** Yes – However if a participant’s only authorization is for transportation, the ISP team should discuss why the participant is in need of Medicaid HCBS DD Waiver services. Even though some DD Waiver services are not habilitative, in general, DD Waiver services are intended to teach a participant skills so he/she can be independent in his/her own life.