

DIVISIONS OF MEDICAID & LONG-TERM CARE AND DEVELOPMENTAL DISABILITIES

Document ID	Title: Children's AD Waiver Renewal Process – MOE Unwind		Effective Date March 1, 2023
Created By: MLTC – Eligibility Operations and SRT Unit and DDD – Service Coordination and E&E Unit	Date Created December 1, 2022	Approved By <hr/> Kevin Bagley, MLTC Director <hr/> Tony Green, DDD Director	Date Approved January 18, 2023

Procedure Statement: This SOP outlines the interdivisional processes across MLTC and DDD for the Children's AD Waiver Renewal Process.

Reason for Procedure: The purpose of this SOP is to streamline renewal determinations of disability and level of care within the context of eligibility determinations for children for whom AD Waiver services are requested, to achieve a more customer-focused, efficient, and timely result.

Law/Regulation: 477 NAC 3 contains the underlying eligibility timeliness requirement.
 477 NAC 27 contains timeliness requirements for medical documentation.
 471 NAC 43 contains the Level of Care criteria for Children

Scope: This SOP applies to the renewal of current disability status, to continue AD Waiver services for individuals 17 years of age or younger at the time of review.

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Definitions & Acronyms:

ACCESSNE: Access Nebraska

AD Waiver: Aged and Disabled Waiver

AD Waiver SSW: Aged and Disabled Waiver Social Services Worker

AR: Authorized Representative

ARP: Agency Related Person

CA: Case Aide

Case Folder: The folder created for each child

DDD: Division of Developmental Disabilities

Determination: approval or denial of current disability

DI: Document Imaging

Disability worksheet: form used by SRT to document clinical notes and rationale for the current disability determination

E&E: Eligibility and Enrollment Unit within DDD

Eligibility Operations: Eligibility Operations unit within MLTC

Eligibility Operations SSW: Eligibility Operations Social Services Worker

FTP: Failure to Provide

LOC: Level of Care Determination

MC: Master Case

MHCP: Medically Handicapped Children's Program

MLTC: Division of Medicaid & Long-term Care

MLTC-73: form used by SRT to document the current disability determination

MOE – Maintenance of Eligibility

N-FOCUS: Nebraska Family Online Client User System

NF: Nursing Facility

NOA: Notice of Action

Person-Centered Plan – Plan of services and supports

PHE – Public Health Emergency related to COVID-19

SC: Services Coordinator

SOE – State of Emergency related to COVID-19

SRT: State Review Team

SRT CA: State Review Team Case Aide

SRT Clinical Team: SRT RN and SRT MD

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SRT MD: State Review Team Physician

SRT RN: State Review Team Registered Nurse

SSA: Social Security Administration

SSW: Social Services Worker

UC: Universal Caseload

VR: Verification Request

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Maintenance of Eligibility (MOE) Unwind process or adjustments are noted in ‘Orange’ text.

Maintenance of Eligibility Unwind (MOE Unwind) – Through the Consolidated Appropriations Act of 2023 that was passed by Congress at the end of December 2022, the PHE has been separated out from the MOE requirement. The State of Nebraska has opted to begin the MOE Unwind effective 3/1/2023. Adverse action on cases can begin on April 1st, 2023, after an MOE Unwind Renewal is completed.

For cases requiring a disability determination by the State Review Team:

- If the Medical Impairment Review date is BEFORE the Medicaid MOE Unwind Renewal due date, the Medical Impairment Review date will be extended to align with the Medicaid MOE Unwind Renewal date.
- If the Medical Impairment Review date is AFTER to the Medicaid MOE Unwind Renewal date, the process will begin with the alert that is generated 60 days prior to the Medical Impairment Review date.

Please refer to the MLTC [MOE Unwind Guidance](#) for additional information.

Process:

1) Eligibility Operations initiates the SRT renewal process.

- a) Eligibility Operations will review the list of cases that have both a required SRT review and the Medicaid renewal is due to determine if SRT is still needed. Eligibility Operations will notify the SRT of any cases that a Medical Review is indicated, but is no longer needed. The remainder will continue to step b)
 - i) Once a MOE Unwind renewal has been completed, disability determination reviews will return to being based on the SRT approval period.
- b) The AD Waiver SSW attempts to reach the individual or individual's representative 90 days before the expiration of the current SRT approval period, **or at the initiation of the MOE Unwind renewal process;**
- c) If contact is:
 - i) Made - the AD Waiver SSW:
 - (1) Explains the SRT renewal process and that a SRT VR#1 will be arriving in the mail with documents for them to give to their medical provider(s); **if this is a review of a child with a previous SRT review that could not be completed or the child did not meet disability criteria, inform the child's representative that the SRT review is required. Failure to complete the review at this time will result in a loss of Medicaid eligibility, and therefore AD Waiver eligibility.**
 - (2) Completes the DM-12 with the child's representative and uploads it to DI; **if the SRT review is overdue due to the SOE then the DM-12 should reflect a start date beginning the month of the new renewal period (example: Medicaid Renewal date is 4/30/23 DM-12 request date would be 5/1/2023) and,**
 - (3) Confirms with the child's representative that any and all resources and income sources listed in the budget are current and complete. Proceed to Step 2; or

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- ii) Not made - the AD Waiver SSW:
 - (1) Completes the DM-12 and uploads it to DI; and
 - (2) Proceed to Step 2.

2) The AD Waiver SSW sends SRT VR#1

- a) The AD Waiver SSW sends SRT VR#1 with a 30-day due date within 1 business day of contact or attempted contact with the child's representative
- b) SRT VR#1 must include:
 - i) A copy of the DM-5 Form; and,
 - ii) A copy of:
 - iii) A copy of:
 - (1) the Medical Documentation Guide for Parents and Guardians – Disability Review for Children; and
 - (2) Medical Documentation Guide for Providers – Disability Review for Children; and,
 - iv) The following language:

<CHILD'S NAME> is due for a review of their disability status for continued Medicaid and AD Waiver eligibility.

The enclosed **DM-5 form** needs to be completed by your child's medical provider who knows the most about their disability. This form allows that provider to describe your child's disability. Give it to your child's provider to fill out.

You also need to request records from within the last 12 months that document and specifically relate to your child's disability. This could be from more than one provider, if your child sees more than one provider about their disability. When you contact your providers, please be sure to contact any therapy and mental health providers. Clinic visit summaries from a patient portal cannot be used. Your child's providers must send a copy of the actual medical records. If your child has an individualized education plan (IEP), MDT or IFSP, ask your child's school to send a copy.

Please review the enclosed Medical Documentation Guide for more information. If you have any questions about records, contact dhhs.srtmedical@nebraska.gov.

Your child's providers can send the completed DM-5 form and your child's records to the State Review Team any of the following ways:

Internet: www.accessnebraska.ne.gov

Email: DHHS.ANDICenter@Nebraska.gov

Fax: 402-742-2351

In person: dropping off at a local DHHS office

The completed DM-5 Form and a copy of your child's records must be sent to the State Review Team within 30 days of the date of this request.

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The State Review Team will review the completed DM-5 Form and records that are submitted. Based on this review, they will determine if your child is currently disabled according to Social Security's rules. The result of their decision will be provided to you.

Failure to complete this review process may result in a loss of Medicaid Eligibility and/or AD Waiver services.

If you have any additional questions regarding the review process, contact me at (xxx) xxx-xxxx;

c) Proceed to step 3.

3) The AD Waiver SSW assigns the case to the SRT Clinical Team

a) The AD Waiver SSW:

- i) Assigns the case to SRT Clinical Team position number 2655312, as an additional worker in N-FOCUS;
- ii) Reviews to make sure that a completed DM-12 has been uploaded to DI;
- iii) Creates an email with a subject line of "Children's AD waiver RENEWAL" and sends it to the SRT Clinical Team at dhhs.srtmedical@nebraska.gov, copying the E&E Unit at dhhs.adwaiverapp@nebraska.gov with the following information:
 - (1) Child's name;
 - (2) MC number;
 - (3) ARP ID;
 - (4) SRT VR#1 due date;
 - (5) Date SRT renewal is due; if this is a MOE Unwind Renewal and,
 - (6) Assigned AD Waiver SC name; and

b) Proceed to Step 4.

4) The SRT CA receives the AD Waiver SSW email

a) The SRT CA:

- i) Creates a new entry in the master spreadsheet titled "Tracking: Disability Review;"
- ii) Creates a new folder for the case in R:drive/SRTclinicalteam/MEDICALRECORDSREQUESTS;
- iii) Labels the case folder as follows: child's last name, first name – Child AD Waiver Renewal <YEAR>;
- iv) Creates subfolders labeled:
 - (1) Communications – which includes emails from the AD Waiver SSW; and
 - (2) Other Records;
- v) Attaches the following documents in the case folder:
 - (1) DM-12 from DI;
 - (2) DM-5 from DI;
 - (3) Medical records received;

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- (4) Disability worksheet – completes the first 2 lines; and,
- (5) MLTC-73 – completes the first 2 lines; and
- b) Proceed to Step 5 if records are not submitted in response to SRT VR#1, or proceed to Step 6 if records are submitted in response to SRT VR#1.

5) When records are not submitted in response to SRT VR#1

- a) The SRT CA:
 - i) Sets an alert in N-FOCUS to notify the AD Waiver SSW that no records have been received by the deadline; and
 - ii) Sends an email to notify the E&E Unit at dhhs.adwaiverapp@nebraska.gov and the AD Waiver SC that no records have been received by the deadline;
- b) The assigned AD Waiver SC sends a closure NOA for the AD Waiver;
- c) The AD Waiver SSW processes the application for Medicaid eligibility under any other category that may be appropriate. If the child is not eligible, the AD Waiver SSW sends the denial NOA for FTP. The denial NOA must include the 90-day date from the date of denial, by which deadline the child's representative can still submit records; **if this is a MOE unwind renewal, the case cannot close prior to the renewal due date.**
- d) The AD Waiver SSW sets an alert for 90 days from the date of denial in N-FOCUS. The case remains assigned to the AD Waiver SSW and the SRT CA for this 90-day period; and,
- e) If records:
 - i) Are not submitted by the 90-day alert date set above:
 - (1) The AD Waiver SSW closes all assignments and returns the case to UC. Stop here; or
 - ii) Are submitted by the 90-day alert date set above:
 - (1) Proceed to Step 6.

6) When records are submitted in response to SRT VR#1

- a) If records are submitted to ACCESSNE, the ANDI Center indexes and uploads the records to DI in the child's master case in N-FOCUS. This generates an alert in N-FOCUS;
- b) If records are submitted to the AD Waiver SSW, the AD Waiver SSW indexes and uploads the records to DI in the child's master case in N-FOCUS. This generates an alert in N-FOCUS;
- c) All other alerts for Medicaid eligibility are worked by the AD Waiver SSW as outlined in the [MLTC Processing Guide](#);
- d) The SRT CA checks for alerts in N-FOCUS daily, receives any records, clears the alert, and documents that the alert was cleared;
- e) The SRT CA:
 - i) Retrieves the records from DI, based on the [SRT N-FOCUS Document Retrieval Guide](#), and saves them in the case folder in R:drive/SRTclinicalteam/MEDICALRECORDSREQUESTS;
 - ii) Uses professional judgment to determine when to begin the labeling and sorting process, and ensures that it is completed by the SRT VR#1 expiration date;

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- iii) Drags the case folder from
R:drive/SRTclinicalteam/MEDICALRECORDSREQUESTS to
R:drive/SRTclinicalteam/Needstobesorted;
- iv) Labels and sorts the records based on the [SRT Labeling and Sorting Process](#);
- v) Drags the case folder from R:drive/SRTclinicalteam/Needstobesorted to
R:drive/SRTReviews/currentmonth/Children'sADReview folder; and,
- vi) Updates the Tracking: Disability Review master spreadsheet; and,
- f) Proceed to Step 7.

7) The SRT RN receives the case

- a) When the SRT RN receives the case:
 - i) Adds their name to the end of the case folder,
 - ii) Reviews all received records and applies SSA Clinical guidelines (please refer to the [SRT Clinical Review Process Guide for Child AD Waiver](#) for further details); and,
 - iii) If additional records:
 - (1) Are not needed:
 - (a) Proceeds to Step 11; or
 - (2) Are needed (and not the subject of a pending SRT VR#1, unless it is reasonably clear from records already received that clarification by means of an additional VR would be appropriate):
 - (a) Documents the list of additional records needed on the Disability worksheet;
 - (b) Sends an email to the SRT CA at dhhs.srtmedical@nebraska.gov with this list, which the SRT CA will include in SRT VR#2;
 - (c) Moves the case folder to the subfolder titled "waiting for more info" under R:drive/SRTReviews/currentmonth/Children'sADReview;
 - (d) Updates Tracking: Disability Review master spreadsheet; and,
 - (e) Proceed to Step 8.

8) The SRT CA sends SRT VR #2

- a) The SRT CA sends SRT VR#2 to the child's representative, which if appropriate may be sent while the response to SRT VR#1 is still pending:
 - i) SRT VR#2 must contain the following language, as applicable:

The State Review Team has received records for <CHILD'S NAME> to determine if they meet Social Security's disability requirements. **Additional records are requested to complete the review.**

The additional records must be from within the last 12 months unless otherwise noted. Ask your child's providers to send these records. Clinic visit summaries from a patient portal cannot be used. Your providers must send a copy of the actual medical records.

The additional records requested are (as appropriate) :

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1. Therapy: most recent notes from your therapy provider. For example, physical therapy, occupational therapy, speech therapy, respiratory therapy, psychotherapy
2. Genetic testing: done at any time after birth
3. Most recent Well Child Check
4. IEP /IFSP and MDT (SRT RN can insert this when applicable)
5. Any mental health records
6. Any other records about the child's disability

Your child's providers can send these additional records to the State Review Team any of the following ways:

Internet: www.accessnebraska.ne.gov

Email: DHHS.ANDICenter@Nebraska.gov

Fax: 402-742-2351

In person: dropping off at a local DHHS office

The requested records must be sent to the State Review Team within 21 days of the date of this request.

If you have any questions about this request for additional records, contact dhhs.srtmedical@nebraska.gov;

- b) The SRT CA enters the SRT VR#2 due date in the Tracking: Disability Review master spreadsheet; and,
- c) Proceed to Step 9 if new records are not submitted in response to SRT VR#2, or proceed to Step 10 if new records are submitted in response to SRT VR#2.

9) When new records are not submitted in response to SRT VR#2

- a) When new records are not submitted in response to SRT VR#2 by the deadline, the SRT CA sends an email to the SRT RN at dhhs.medicaidstatereviewteam@nebraska.gov; and
- b) The SRT RN proceeds to Step 11.

10) When new records are submitted in response to SRT VR#2

- a) When new records are submitted in response to SRT VR#2, the SRT CA:
 - i) Receives an alert from N-FOCUS that records have been uploaded to DI;
 - ii) Creates a new folder in R:drive/SRTclinicalteam/MEDICALRECORDSREQUESTS and labels it as follows - child's last name, first name – ADDITIONAL RECORDS;
 - iii) Retrieves the [records from DI](#) and saves them in the case folder in R:drive/SRTclinicalteam/MEDICALRECORDSREQUESTS;

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- iv) Uses professional judgment to determine when to begin the labeling and sorting process, and ensures that it is completed by the SRT VR#2 expiration date;
- v) Drags the case folder from
R:drive/SRTclinicalteam/MEDICALRECORDSREQUESTS to the
R:drive/SRTclinicalteam/Needstobesorted folder;
- vi) Labels and sorts the records based on the [SRT Labeling and Sorting Process](#);
- vii) Drags the email with the request for additional records and the sorted additional records file into the case folder in
R:drive/SRTReviews/currentmonth/Children'sADReview/Waiting for more info folder;
and,
- viii) Opens the email with the request for additional medical records and notifies the SRT RN at dhhs.medicaidstatereviewteam@nebraska.gov that additional medical records are ready for review; and
- b) The SRT RN proceeds to Step 11.

11) The SRT RN reviews the case

- a) The SRT RN reviews the case and:
 - i) Reviews all records and applies SSA Clinical guidelines (please refer to the [SRT Clinical Review Process Guide for Child AD Waiver](#) for further details);
 - ii) Submits the case to the SRT MD by email dhhs.medicalreviews@nebraska.gov and attaches the following:
 - (1) Current renewal Disability worksheet;
 - (2) Current renewal Review file;
 - (3) Last-most-recent disability worksheet; and,
 - (4) Last-most-recent review file;
 - iii) Documents the following notes in the email:
 - (1) Directions on where records are located in
R:drive/SRTReviews/currentmonth/MDReviewing;
 - (2) Whether a SRT VR#2 was sent to the child's representative; and,
 - (3) Clinical impression; and,
 - iv) Updates Tracking: Disability Review master spreadsheet; and
- b) Proceed to Step 12.

12) The SRT MD reviews the case

- a) The SRT MD reviews the case within 5 business days and:
 - i) Sends an email to the SRT RN at dhhs.medicaidstatereviewteam@nebraska.gov, listing additional records needed, if a SRT VR#2 was not sent to the child's representative already:
 - (a) *Note: if a SRT VR#2 is sent to the child's representative per the SRT MD's request, go back to Step 7(a)(iii)(2) and follow through to Step 11, and make the modification to the folder name for these additional records;*
 - ii) Documents the clinical rationale and the current disability determination on the Disability worksheet; and,

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- iii) Sends an email to the SRT RN at dhhs.medicaidstatereviewteam@nebraska.gov and attaches the completed Disability worksheet; and
- b) Proceed to Step 13.

13) The SRT RN receives the case from the SRT MD

- a) The SRT RN receives the case from the SRT MD and:
 - i) Saves the completed Disability worksheet in the case folder in R:drive/SRTReviews/currentmonth/MDReviewing;
 - ii) Completes the MLTC-73, including entering the current disability determination (please refer to the [SRT Clinical Review Process Guide for Child AD Waiver](#) for further details);
 - iii) Sends an email to the SRT CA at dhhs.srtmedical@nebraska.gov and attaches the completed MLTC-73;
 - iv) Sends an email to the AD Waiver SSW, using the initial email as noted in Step 3(a)(iii), if a referral to MHCP is considered appropriate, such as for cases in which the current disability determination is a denial;
 - v) Moves the case folder to R:drive/SRTReviews/currentmonth/Done – Child AD Waiver; and,
 - vi) UpdateTracking: Disability Review master spreadsheet; and
- b) Proceed to Step 14.

14) The SRT CA receives the determination from the SRT RN

- a) The SRT CA receives the determination from the SRT RN and:
 - i) Uploads the MLTC-73 to DI;
 - ii) Sets an alert for the AD Waiver SSW in N-FOCUS; and,
 - iii) Sends an email to the E&E Unit at dhhs.adwaiverapp@nebraska.gov and AD waiver SC, and attaches the MLTC-73; and
- b) The AD Waiver SSW proceeds to Step 15, and the E&E Unit proceeds to Step 16.

15) The AD Waiver SSW receives the alert from the SRT CA

- a) If SRT's current disability determination is:
 - i) Approved:
 - (1) The AD Waiver SSW narrates the dates of approval in N-FOCUS and adds the SRT determination result and dates in N-FOCUS. An approval may occur if appropriate even if the due date for SRT VR#1 and SRT VR#2 (if applicable) has not passed. Proceed to Step 17(b)(1); or
 - ii) Denied (which cannot occur until after the due date for SRT VR#1 and SRT VR#2, if applicable, have passed. **If this review is part of the MOE Unwind the closure cannot occur until the MOE Unwind Renewal due date:**
 - (1) The AD Waiver SSW acts on the alert and processes the application for Medicaid eligibility under any other category that may be appropriate. If the child is not eligible, the AD Waiver SSW copies and pastes the verbiage from the comment box in the MLTC-73 to the denial NOA, and sends the denial NOA to the child's representative; and,

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(2) The AD Waiver SSW:

- (a) Sets an alert for 90-days from the date of the denial NOA in N-FOCUS. The case remains assigned to the AD Waiver SSW and the SRT CA for this 90-day period;
- (i) If an appeal has not been filed by the 90-day mark, the AD Waiver SSW:
 - 1) Closes all assignments and returns the case to UC; and
 - a. Sends an email to the E&E Unit to notify them that an appeal has not been filed; and,

(3) Proceed to Step 17(a)(1).

16) The E&E Unit receives the result of the disability determination with the MLTC-73 from the SRT CA:

- a) If an approval of current disability, updates E&E Tracker and reviews to determine if LOC review is due; or
- b) If a denial of current disability, updates E&E tracker; and
- c) Stop here.

17) The AD Waiver SC will:

- a) If denial:
 - ii) Prepare discharge planning from the AD Waiver case load (allowing for timely notice) at the end of the disability determination; and
 - iii) Notify AD waiver SSW by submitting a change report in N-FOCUS, including the date of waiver closure; or
- b) If approval:
 - i) Review to determine if there has been a break in waiver services due to case closure;
 - ii) If break in service has occurred, complete PCP and consent and notify the AD Waiver SSW; or
 - iii) Update the PCP as needed; and
- c) Proceed to Step 18.

18) The AD Waiver SSW receives the N-FOCUS alert from SRT CA

- a) If the SRT disability determination is approved:
 - i) Update the N-FOCUS medical review due date and set an N-FOCUS alert for 90 days prior to SRT end date; or
- b) If the SRT disability determination is denied:
 - i) Within 1 business day takes action on the alert and processes the application for Medicaid eligibility under any other category that may be appropriate. ([MLTC Processing Guide](#)) If the child is not eligible, the AD Waiver SSW sends the denial NOA for Medicaid to the child's representative;
 - ii) Remains assigned to the case for 90 days from the date of the denial NOA; and,

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- iii) Closes all assignments and returns the case to UC if an appeal is not filed by the 90-day mark. Stop here.

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Forms:

DD-10

DM-5

DM-12

MLTC-73

Disability worksheet

Process References:

[MLTC Processing Guide](#)

[SRT Clinical Review Process Guide for Child AD Waiver](#)

[SRT Labeling and Sorting Process Guide](#)

[SRT N-FOCUS Document Retrieval Guide](#)

Procedure History:

Initial Procedure

Revision	Date	Description of changes	Requested By	Revised By	Revision Approved By	Date Revision Approved
		Initial Release				