

## Questions from July 19, 2018 Stakeholder Call

Frequently Asked Questions (F.A.Q) regarding employment policy questions for Office of Developmental Disabilities Services (ODDS) and Vocational Rehabilitation (VR) on topics including: Home and Community Based Services, Employment Path Facility, 20 Hour Policy, Job Coaching, Rates and more.

These questions are taken from a webinar with the field and stakeholders held on July 19, 2018, as well as other inquiries sent in via email.

**Introduction:** ODDS discussed Home and Community Based Services (HCBS) variance requests from providers operating sheltered workshops. Original timeline was September 1, 2018 to allow for implementation time, with a final deadline of March 2019. Centers for Medicare & Medicaid Services (CMS) has allowed for variances for sheltered workshops to have additional time. Seven variances have been requested, but not all sheltered workshop providers applied. ODDS is in the process of reviewing the variance requests and will get back to providers by the end of July 2018. CDDPs and Brokerages will be notified if providers in their area received variances. ODDS is working closely with those providers and is scheduling quarterly meetings.

ODDS has also received questions regarding Employment Path Facility and Sheltered Workshop services. A [fact sheet](#) and [message](#) on this topic were recently published. The main difference to remember is that the service needs to facilitate being in the community. Employment Path Facility can be HCBS-compliant, but it cannot be the main activity or service being provided. For instance, a provider might want to address some specific behavioral issues at the provider site, or offer specific classes. However, the majority of time needs to be spent in the community. Additional information regarding the impact of new setting requirements on ODDS employment and non-residential day services can also be found in the ODDS HCBS [online webinar](#).

Starting July 1, 2018, benefits counseling is now an ODDS waived service. It is billed as Employment Path Community. A provider that is a Medicaid Agency with an Employment Endorsement can provide benefits counseling if someone at the agency has a benefits counseling certification. Work Incentives Network is offering a certification program beginning in July 2018. The WIN certification includes an initial week-long training, exams, field assignments, etc.

VR discussed that its contractors will finish up the individual services part of their work on the VR Subminimum Wage Project on July 20, 2018. VR is required to provide Career Counseling and Information and Referral services to anyone known to be earning subminimum wages during the last year. This year the contractors used the Release of Information and Referral forms that have been recently used in pilot sites. VR staff will contact PA or SCs, as directed by these documents. If the request is for a referral and the form is used, that referral will be facilitated by VR Admin staff. If a possible referral is mentioned during the discussion but the person chose to not sign a referral form, then that information will be passed on to the person's PA or SC and, if they are already at VR, to their VR counselor. If you have questions about this project, you can contact Ann Balzell at [ann.balzell@state.or.us](mailto:ann.balzell@state.or.us) or 503-949-9876.

VR also noted that ongoing internal meetings are happening to address issues like capacity and VR is considering pilot projects in rural areas and other places where a shortage of job developers is a serious issue. VR is working with ODDS and ODE on the issues of job developer and job coach capacity throughout Oregon.

**Question:** Tell us about new expenditure guidelines and attendant care in employment?

**Answer:** ODDS has been trying to move to our own employment code for a while. In the past, we have historically used OR 526, which is general attendant care. If you billed for job coaching, that included attendant care and would not be billed separately under OR 526. However, there are people who are completely independent on the job but they need attendant care. That is now under the new code, OR 545, which is designed to show that a person is working but only needs attendant care. We are not asking anyone to change a plan immediately. This can be changed as the ISP is updated.

**Question:** Is there updated data on the number of people working in integrated employment and the number working 20 hours or more?

**Answer:** The newest data report will be done around September 2018. The report will include number of people working and people working 20 hours or more. The standard for planning is 20 hours or more per week and the new ISP has a place to document that goal.

Last year our hours around 20 hours went up significantly. Post School Outcomes (PSO) data also is showing a big rise in 20 hours for the student/transition-age population.

**Question:** If someone authorizes Employment Path Facility, do they also have to authorize Employment Path Community?

**Answer:** ODDS rules require that Employment Path Facility must be paired with a community employment service. That could be Employment Path Community (i.e. job shadow, internship, informational interview, etc., in a general community business setting), but it could also be Discovery, Small Group Supported or Competitive Integrated Employment.

**Question:** Do I have to be on site to monitor Employment Path Facility services?

**Answer:** It is required to go on site to monitor Employment Path Facility services bi-annually to ensure the person is progressing towards the employment goals stated in the Career Development Plan, and gaining work experience in the community. A new fact sheet on this was shared at the SC/PA conference and will be coming out soon.

**Question:** If an individual has a job in the community and is supported through a provider agency for Ongoing Job Coaching, but gets another position within the same company — is the individual able to access Initial Job Coaching again for the new position?

**Answer:** A person can go back into Initial Job Coaching as long as job duties have changed significantly. This means not just one new duty added to the job, but a new position, new role or many primary duties have changed dramatically. If there is a question about what meets the threshold, please reach out.

**Question:** We have someone who is 18-years-old with a modified diploma and still eligible for school services. She has the opportunity to work in a location designated as an employment path community site. Can we authorize payment for job coaching support in this instance?

**Answer:** In general, if a person is eligible for school services, they cannot access Employment Path Community services. The rule states that if the service is something school can provide, the waiver does not allow for that. See the [Worker's Guide](#) that covers employment services for those eligible for education services under I.D.E.A. Employment services at a provider site are presumed to be Employment Path. However, an exception may be submitted. It may meet the requirements for Job Coaching if it can be shown that the setting meets

requirements for Competitive Integrated Employment. See the [Worker's Guide](#) regarding Competitive Integrated Employment (see page 3 regarding the exception).

**Question:** I have a clarifying question about the amendment to 411-345 Employment Services regarding Employment Path to include Benefits Counseling. Does this change mean that providers of Employment Path services will be required to also provide Benefits Counseling?

**Answer:** Benefits Counseling is not required. It is now available as a billable service under Employment Path Community. Providers may now provide this service under their certification and endorsement to provide services under OAR 411-345 (so long as the Benefits Counselor on staff has one of the ODDS-approved credentials), but providers are not required to offer this service.

**Question:** With capacity issues, wondering when were rates last updated and when will rates be updated again?

**Answer:** Employment rates were updated in 2014 and again in 2016 for job coaching and Discovery. Cost of Living Adjustments (COLAs) have occurred for several rates in the past few years. The Burns rate model is being updated right now, and we have a Policy Option Package (POP) going forward to hopefully give us dollars to implement those rates. Our No. 1 priority is building capacity through recruitment and marketing and hopefully having higher rates.

**Question:** How is attendant care funded when someone is working with VR?

ADL/IADL means “activities of daily living and instrumental activities of daily living.” These services include things like assistance with communication, help coordinating transportation, assistance setting up for an activity such as work, etc. Much of what is considered “ADL/IADL” is also part of job coaching. However, when the k-plan started in the DD system, ADL/IADL started to be considered as a stand-alone service. However, it is not ideal to have multiple people on a job. For that reason, ADL/IADL is a component part of DD Job Coaching services.

Until recently, ADL services were not allowed by VR’s job development/job coach contract. This followed the traditional view of VR nationally, where initial job coaching is seen as a short-term targeted service that must concentrate on: training the functions of the job; understanding and influencing the workplace culture; and negotiating with the employer. While that prohibition was removed from the new

job placement contract, it is not a requirement to provide the services and some VR contractors do not. This could happen because the contractor is not familiar with specific support needs such as behavior supports, or ADL to assist with transfers, restroom use, etc. or have not received training, or because they feel the need to concentrate their expertise on the specific tasks needed to learn a new job at a new worksite and to negotiate with the employer, as needed. Others are comfortable providing the ADL supports needed by the individual while at the worksite and will agree to do that. When possible, VR seeks a job developer and/or job coach who can meet the job coaching and ADL needs of the person while at the worksite, but capacity does not always allow this solution. ODDS and VR are coordinating work to increase capacity for serving individuals with a range of needs, including training specific to the needs of individuals with most significant developmental and/or intellectual disabilities. VR and the DD system are also working together to seek new job coaches who can provide Job Coaching, and ADL support services at the worksite; and to seek ways that make the transition from short-term support by VR to long-term support by the DD system as seamless as possible.

**Question:** What is the expectation for monitoring or site visit for community employment services?

**Answer:** This depends on the community services a person is getting. In general, we recommend not going on a job location of a community employer. Of course, if there is a health and safety concern, the right monitoring needs to take place. We recommend focusing on monitoring actual job coaching rather than the individual employer. For instance, focusing on specific outcomes, if person wants to be more independent on job, track that by following up with the individual and their team and see how they are progressing on that goal. The rule only requires onsite monitoring when services occur at a provider site. We are working on monitoring guidance, as this is a question that comes up.

**Question:** If student is under 21 and not attending school, are they still covered for services under Individuals with Disabilities Education Act (IDEA)?

**Answer:** If someone does not graduate with a diploma or modified diploma and chooses not to go into transition services, they still may be eligible for some ODDS employment services. We want to be clear we never want to encourage people to leave school. In terms of Employment Path Community services, the key word is eligible. They can choose that service but can't be in that service and still be eligible for school services. See the [worker's guide](#) for more information.

If a person gets a competitive integrated job in the general workforce, the person may use ODDS funded job coaching even while eligible for services under IDEA. Again, see the worker's guide for more information.

**Question:** In terms of capacity, how do we find jobs with enough hours to meet the needs of people with significant disabilities and still receive the second outcome payment?

**Answer:** The number of hours is part of the job goal, and that goal is not always 20 hours. With customized employment and a person's informed choice, this could be an ongoing conversation regarding the hours the person wants. The job developer can request a meeting to talk about this issue after the first job is found. Sometimes it takes working to find out how much you want to work, whether that is more or fewer hours a week. In that case, if an individual gets a job and wants to change their hours, their plan can be amended if the VR counselor and the individual agree. However, if VR counselor and/or the individual do not agree then the VR employment contract allows half of the placement payment to be provided when the first job is developed and the remainder to be paid when the total hours are reached. Any issues should be discussed with VR contracts.

**Question:** What is the impact of face-to-face time on job coaching rates?

**Answer:** We are collecting this data and have been given more time from CMS to gather this data. We expect to have proposed rates in September 2018. Some providers who have not been entering direct contact time may be getting an email about this so we can make sure our data is accurate.

**Question:** We have a student who is 15 years old and wants Discovery. Can this service be authorized?

**Answer:** If the student is under age 18, then an exception needs to be submitted. See the [worker's guide](#) for more information.