

# Oregon's Office of Developmental Disabilities Services (ODDS)

## New Requirements for ODDS and Medicaid-funded Home and Community-Based Services:

Requirements related to Sheltered Workshops that have Additional Time to Transform

August 2018

# Timeline for Sheltered Work Settings with a Variance

- CMS and ODDS granted additional time to come into compliance with HCBS to ensure transitions to integrated community settings are collaborative, transparent, and timely.
- Providers transforming sheltered work settings were able to request additional time as outlined in the related worker's guide found on the Employment Policy website or here: [HCBS Sheltered Workshop Request for Additional Time Worker Guide](#)
- A list of providers with approved variances can also be found on the I/DD employment policy website:  
<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/policy.aspx>

# Timeline for Employment & DSA Settings without a Variance

09/01/18: Deadline for compliance/transformation. All employment & day service settings without a variance must be compliant.

09/18-12/18: ODDS employment specialists will visit previously-identified sheltered work settings that have not submitted a variance.

01/15/19: If a variance has not been granted and a Sheltered Work setting is not in full compliance, then ODDS will issue 60 days written notice regarding termination of service setting for the individuals who use services within the non-compliant setting. Termination of services will be effective March 15, 2019.

03/15/19: Full compliance (or approved variance) required for state and federal reimbursement under Medicaid HCBS.

Ongoing: Non-sheltered work employment and day service settings will be reviewed for HCBS compliance as part of licensing reviews and other reviews as needed.

# Timeline for Sheltered Work Settings with a Variance

09/01/18-09/01/19: Initial variance period.

06/01/19: Deadline for submitting request for variance during second variance period.

09/01/19-09/01/20: Second Variance period.

09/19-12/19: ODDS employment specialists will visit previously-identified sheltered work settings that have not submitted a second variance.

01/15/20: If a variance has not been granted and a setting is not in full compliance, then ODDS will issue 60 days written notice regarding termination of service setting for the individuals who use services within the non-compliant setting. Termination of services will be effective March 15, 2020.

# Timeline for Sheltered Work Settings with a Variance for second Variance Period

On or before 07/01/20: ODDS employment specialists will visit remaining sheltered work settings.

07/01/20: ODDS will issue 60 day advance written notice regarding termination of service setting for anyone using services in a non-compliant sheltered work setting. The termination of services will be effective September 1, 2020.

09/01/20: Plan of Care authorizations for support in sheltered work settings will end.

On or before 07/01/21: Full compliance verified for all settings

# Sheltered Work Providers - Requirements for Variance & Additional Time

As part of a variance approval for additional time to transform, and support people to transition to compliant settings, sheltered workshop providers must:

- Provide ODDS with monthly updates regarding referrals to VR, job placements, community work experiences, etc.
- Monthly meetings and updates with ODDS.
- Quarterly meetings with ODDS, which may also include community partners (VR, case management entities) to provide updates related to transformation.
- All individuals will need to have community work experiences in order to continue using services in a sheltered work setting during a second variance period.

# Sheltered Work Providers - Requirements for Variance & Additional Time

As part of a variance approval for additional time to transform, sheltered workshop providers will need to consider:

- Coordinating with VR to hold regular hours at the provider site. This is so people can become more familiar with the services VR offers, and to streamline the person's path to competitive integrated employment.
- Whether contract work be moved to the general community business?
- Holding regular information nights for individuals and families.
- Other recommendations ODDS and technical assistance providers have made based on the particular provider's circumstances.

# Case managers supporting sheltered workers

It is recommended that case management entities:

- Review whether sheltered workers can be supported by a few case managers who have specialized experience and expertise in employment, and, in particular, experience supporting sheltered workers to go to work in general community community-based settings.
- Participate in regular meetings held for sheltered workshop providers to update partners on transformation.
- Be aware of the outcomes from VR career counseling (for subminimum wage earners), and do any follow up needed in a timely manner. This includes supporting a referral to VR for employment services.



# Plans to transition from Sheltered Settings

- The provider was also required to submit individual level information for anyone who will continue working in a sheltered work setting, beyond March 15, 2019.
- Case managers must collaborate with providers and everyone on the person's employment team to ensure the individual level variance information aligns with the CDP and other employment service planning documents.

# Case managers supporting Sheltered Workers

Case managers must ensure people using services in sheltered work settings have an opportunity to develop an individualized plan related to exploring community employment. Everyone using services in a sheltered work setting must have an effective plan in place that documents how the person will explore and/or obtain employment in the general workforce, and, ultimately, transition to an alternative setting.

Everyone using services in a sheltered work setting ***must*** have community work experiences in order to make an informed decision about whether to pursue community employment in the general workforce.

*Community work experience must occur in general community business settings and can include: a referral to VR, small group, discovery, or, for example, internships, informational interviews, job shadows, etc., in general community business settings.*

The plan and community work experience(s) must be reflected in the Desired Outcomes section of the CDP and the Provider Implementation Strategies (or Action Plan).

# Sheltered Work Monitoring – Plans to transition from Sheltered Settings

When an individual is using Employment Path Facility, the case manager must monitor services as follows (in addition to all other service monitoring requirements for all services under OAR 411-415):

- Visit each Employment Path Facility setting being used at least twice per plan year.
- Visits must occur no less than once every six months.
- Must be while the person is present.
- The case manager must document the progress being made to support the person to achieve employment goals documented in the Career Development Plan (CDP) (working towards competitive integrated employment). This includes following up on the community work experiences the person has had, and making adjustments needed to the person's employment goals or desired outcomes.

*The case manager must review the CDP, the provider implementation strategies, progress notes, and speak with the person to verify the progress being made to support the person to achieve the person's goals related to competitive integrated employment in the general workforce.*

# Sheltered Work Monitoring – Plans to transition from Sheltered Settings

**As part of monitoring the progress the person is making towards community employment in the general workforce, the Case Manager will need to monitor the following as part of the person's plan to transition from the sheltered work setting:**

- What type of community work experiences is the person participating in to make an informed choice about the type of work he or she is interested in? (Internships, job shadowing, informational interviews, job development, VR referral, etc.).
- What were the outcomes of these experiences? What adjustments are needed to the CDP, provider implementation strategies, etc, based on the outcomes of these experiences? Are there changes to the type of work the person would like to pursue? Are there other types of work experience the person needs?
- If the person earns less than minimum wage, what was the outcome of the person's career counseling with VR? Is any follow up needed? A referral to VR?

## Sheltered Work Monitoring – Plans to transition from Sheltered Settings cont.

**The Case Manager will need to monitor the following as part of the person's plan to transition from the sheltered work setting:**

- Does the person need benefits counseling?
- Does the person need peer counseling/mentoring?
- Has the person identified a provider or other supports that may be needed for support to obtain a job in the general workforce?
- What is the estimated timeframe for each of these things, and when does the sheltered work setting anticipate it will close?
- Is there anything else the person needs to make an informed decision about pursuing employment?

# Sheltered Work Monitoring – Plans to transition from Sheltered Settings

See the ODDS I/DD  
employment policy website  
for a sample monitoring  
checklist.

## Employment path facility monitoring tool

Individual	Prime #
ISP start date	Review Due
Employment provider	SC/PA

\*The case manager must review the Individualized Support Plan (ISP), Career Development Plan (CDP), the provider implementation strategies, progress notes, and speak with the person face to face to verify the progress being made to support the person to achieve the person's goals related to competitive integrated employment in the general workforce.

ISP was in place and available for review? Do the services meet what is important to and for the person (Goals are relevant, supported and met.)	
CDP was in place and reflective of the persons interest in community employment?	
How has this person explored the types of work in the general workforce he or she is interested in?	
What type of community work experiences has the person participated in to make an informed choice about the type of work he or she is interested in? (Internships, job shadowing, informational interviews, job development, VR referral, etc.)	
Does the person need benefits counseling? Is it a current ISP goal?	
Does the person need peer counseling/mentoring? Is it a current ISP goal?	
Has the person identified a provider or other supports that may be needed for support to obtain a job in the general workforce?	
When does the sheltered work setting anticipate it will close?	
Is there anything else the person currently needs to make an informed decision about pursuing employment?	
Has this person met with or been offered to meet with a VR counselor at their current worksite?	

# Sheltered Work Monitoring – Plans to transition from Sheltered Settings

See the ODDS I/DD  
employment policy website  
for a sample monitoring  
checklist.

Do you have any concerns regarding medical issues, support or protocols?	
Do you have any concerns regarding behavioral issues or supports?	
Is the employment provider maintaining regular progress notes regarding the employment service provided?	
Do the progress notes indicate the date and time service was provided?	
Do the notes show progress towards achieving the intended progress towards the persons community employment goals?	
Based off of this review, is a team meeting needed to address concerns, create/update desired outcomes, or the planning of next steps?	

# Additional Resources

[Employment Policy for Individuals with I/DD](#)

[DHS HCBS Transition Plan Website](#)

[HCBS Sheltered Workshop Request for Additional Time Worker Guide](#)

[ODDS/DHS Employment First Initiative Website](#) (includes employment success stories)



# QUESTIONS?

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