

Questions from October 9, 2018 VR/ODDS 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: 20 Hour Policy, Job Coaching Rates, VR Job Development, Benefits Counseling, and more

These questions are taken from a webinar with the field and stakeholders held on October 9, 2018, as well as other inquiries sent in via email.

Introduction: Vocational Rehabilitation (VR) discussed hiring a new training staff member, Jennifer Rice, who will VR Job Development Training, or JDOT, is required for contractors for job development. VR Policy staff are revising all procedures to match WIOA and changes to federal and state legislature. Staff training is being developed to go along with these revisions.

ODDS updates: the new referral and release form is being piloted and the goal is for it to be statewide in early 2019. Job coaching rates have been posted for public comment and public notice. ODDS will convene a stakeholder group in January 2019 to look at job coaching rates in the future. If interested in participating, email Employment First at: employment.first@state.or.us

A webinar on Discovery was conducted and pilot on new Discovery profile and tools will be launching in November. Reminder about the 20 Hour policy: this is a recommended standard for planning required by Lane v. Brown, but the person drives the plan. The person may want to work 40 hours or 10 hours. It is based on what the person chooses to work, but 20 hours is a good starting point for a discussion.

Benefits counseling update: ODDS added benefits counseling to the waiver after a Policy Option Package didn't go through the legislature. Providers that are Medicaid agencies that want to offer benefits counseling as an Employment Path Community service can do so if they have taken the approved trainings, either through the Work Incentives Network (WIN) or another nationally accredited training. We now have 14 newly authorized benefits counselors in Oregon. A variety of information and resources is available at:

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/policy.aspx>

Question: When can ODDS benefits counseling be used versus when is a referral to VR (WIN), or Work Incentives Planning and Assistance (WIPA) required?

Answer: WIN or WIPA should be used when there is no ODDS availability. If there is an ODDS-certified benefits counselor, it is advised to use that service first. But there are times when someone is not certified in a local area, then it is time to look at using WIN or WIPA. Other times it may be appropriate to use WIN or WIPA first: the person exceeds their limit on ODDS employment services (i.e. 40 hours for job coaching only; or 25 hours for a combo of services); the person is a youth or transition student; the person has requested a PASS and it is likely the process will exceed the annual limit for benefits counseling; or the person has a benefits plan and needs additional benefits counseling the provider doesn't believe they are qualified to provide. All this information is in the Worker Guide.

Question: Which benefits counselors can provide ODDS benefits counseling?

Answer: A list of approved counselors is online at:
<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Policy/ODDS-Approved-Benefits-Counselors.pdf>

The Service Coordinator or Personal Agent must verify the provider authorized has someone on the list. The provider is liable to ensure anyone delivering the service has the required credentials.

Question: What if someone is already using their 25 hours of Employment Path?

Answer: An exception can always be requested. ODDS must approve an exception if a person is over 25 hours per week. However, only the case manager needs to approve if it's going over the 15 hours per year guidance for benefits counseling. If an exception is submitted, ODDS will move to look at it quickly.

Question: Can youth and transition age students use ODDS benefits counseling?

Answer: Not at this time because it is an Employment Path Community service. If a student is still eligible for services under the Individuals with Disabilities Education Act (IDEA), then not eligible for Employment Path services. A referral to WIN or WIPA should be made.

Question: Why can Level One benefits counseling not be provided in a group setting?

Answer: Benefits counseling is an individualized service. This can be discussed further and looked at more in the future. Intended to be individualized service.

Because Employment Path Community is not facility-based, should be a one-on-one service provided in the community. EPC not facility based, should be a one on one way in the community.

Question: Will the Oregon Needs Assessment (ONA) used for ODDS service cause individuals to lose employment services.

Answer: No, the ONA should not impact employment services. Employment services, including ODDS job coaching, are under the waiver. If a person is eligible for waiver service, he/she can access the needed job coaching or other employment service. Currently the ONA is used to determine Level of Care. If someone does not meet Level of Care, they are not eligible for ODDS employment services. However, it is rare that an individual would not meet Level of Care who is eligible for ODDS services.

Question: What are the expectations for ODDS employment service providers with regards to supporting health and safety needs and related risks?

Answer: The rule ([411-345](#) and [411-415](#)) outlines:

- SC/PA send relevant risks (documented either in the “risk management plan” section of the ISP or in the service agreement)
- Provider develops protocols (or implementation strategies) to address risk – can be simple and range from a “working with” or “safety plan” to a positive behavior support plan, depending on the individuals needed.

This is required for ODDS & Medicaid funded services (including Discovery). A provider should also be sure to address the risks even when the services are funded through VR. However, it is required that these things are in place before stabilization & transfer to ODDS services.

Question: Wondering about Direct Placements through VR. We consider everyone receiving Discovery, Path or Small group services to be in “job development” even if not officially open with VR. If a job match comes for someone during Discovery or while in another service, we would like to be able to approach VR and do a Direct Placement so we are compensated for our time developing that placement.

Answer: Discovery, Employment Path Community and Small Group are ODDS services that have specific purposes that are included in the definition of the service (such as discovering the type of tasks they do or do not want to do on a job; training in specific skills; or, honing skills they already have and may want to use in employment).

Placement and retention payments for a Direct Placement are paid at the discretion of the VR Counselor, based on whether they match the person's vocational goal (including type of employment and number of hours the person wants to work per week and other factors). Our advice would be to involve your local VR branch or counselor as quickly as possible in the process.

Question: Job Development Contract Question: What does it mean that OJT is reserved?

Answer: This is reference to language in the document titled, "Amendment to State of Oregon Personal/Professional Services Contract." That document contains the edits to the original contract language. While this makes it easier to identify changes, strike-outs and underlines can be confusing. On page 6, section m (5) you will see that On the Job Training (OJT) has been deleted (as noted in section m text and by the strike throughs). You also see the word "Reserved" right after the number (5). That is a Procurement and Contract designation that means the section has been archived by Procurement staff, saving it in case VR ever needs to refer to the deleted section.

Question: For VR Job Development Contract: What is considered job search assistance and do we know what people are charging/paying for this service? Four months after a Job Strategy Plan is written and executed, is a new AFP issued if it's decided we will continue with a new Plan?

Answer: Job Search assistance (refer to page 4 of the amendment, section g (Job Search Assistance) will be those tasks that the VR Counselor may choose to request for a VR Participant who does not need and does not anticipate using Job Placement. There is a description on page 4 of the Amendment and it includes a list of possible services. The VR Counselor may pick one or more of these, or request others, depending on the participant and their needs.

There is no set Job Search Assistance payment rate, this is negotiated between the Contractor and the VR Counselor.

In general, questions about the contract should be directed to:

vr.contracts@state.or.us or look in your contract for contact information in the VR contracts office.

Question: Can we talk about the possibility of using a service like Uber or Lyft for a long-term support funded service through ODDS and what the current barriers are with using these types of transportation services?

Answer: ODDS has been exploring this, including consulting with other states. One of the many issues involving this is that these services do not offer driver accommodation-specific training, and in order to be contracted to provide this service, they would need that training. There are other issues as well and ODDS continues to consult with national subject matter experts to work through this.

Question: If a provider has provided Discovery and been with a client through the process, once the referral gets to VR and eligibility has been determined why then are VR counselors requiring additional meetings for the client to meet other providers? Is there a rule?

Answer: VR rules and federal regulations require that clients have the opportunity to make an informed choice of provider. Since this should be documented, talking to the client about this choice is generally done at a meeting where the client meets or gets information about providers. CFR 361.52 Informed Choice, is a source of information about this federal requirement.