

Lilia Teninty

**Authorized Signature**

**Number:** APD-PT-15-007

**Issue date:** 2/25/2015

**Topic:** Developmental Disabilities

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other: \_\_\_\_\_

**Applies to (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> All DHS employees                     | <input type="checkbox"/> County Mental Health Directors  |
| <input type="checkbox"/> Area Agencies on Aging                | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities    | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services(ODDS)  |
| <input type="checkbox"/> Self Sufficiency Programs             | <input type="checkbox"/> ODDS Children’s Intensive In Home Services  |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)  |
| <input type="checkbox"/> ODDS Children’s Residential Services  | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): CDDP Service Coordinators, Brokerage Directors, Brokerage Personal Agents |
| <input type="checkbox"/> Child Welfare Programs                |  |

Policy/rule title:	No new services in Sheltered Workshop settings (SC/PA)		
Policy/rule number(s):		Release no:	
Effective date:	2/25/2015	Expiration:	
References:			
Web address:			

**Discussion/interpretation:**

**POLICY:**

Oregon formally adopted its “Employment First” policy in 2008, and was one of the first states in the country to do so. Under its Employment First policy, Oregon presumes that, with the right training and support, each individual who experiences an intellectual or developmental disability (I/DD) can succeed in an individual integrated job that pays competitive wages and benefits. Recognizing the pivotal role integrated employment

plays in the lives of individuals who experience intellectual or developmental disabilities, employment in fully integrated settings is the highest priority over unemployment, segregated employment, facility-based employment, or day habilitation.<sup>1</sup> As outlined below, the Employment First policy is being implemented through a number of ongoing initiatives.

In order to further Oregon's Employment First policy, effective July 1, 2015, ODDS will no longer fund services in Sheltered Workshop settings for individuals who are newly eligible for services, or individuals already using services but not in a Sheltered Workshop setting. Only individuals already using services in Sheltered Workshop settings as of June 30, 2015 may continue to do so after July 1, 2015.

## **BACKGROUND:**

Oregon's Office of Developmental Disability Services (ODDS) and Oregon's Department of Human Services (DHS) have implemented changes to employment and other non-residential day services to implement Oregon's Employment First policy, to highlight opportunities available to use Medicaid-funded services administered through ODDS, and to increase integrated employment opportunities for individuals with disabilities. These measures include but are not limited to:

- Previously bundled, ODDS Employment Services now include an array of discrete stand-alone community-based employment services. Services can be combined in order to meet the needs of the individual using the services. Additionally, Employment Services are now paid based on an hourly rate instead of on a daily rate. These modifications increase flexibility to meet individualized needs, and better support goals related to achieving community employment in the most integrated setting.
- Community-based employment services funded through ODDS include<sup>2</sup>:
  - Individual Employment Support – Job Coaching
  - Discovery
  - Individual Employment Support – Job Development
  - Small Group Employment Support
  - Employment Path Community

Other day services are also available under Oregon's Community First Choice K Plan. Services include group based support to meet ADL/IADL needs, including but not limited to, socialization and community inclusion.

- Career Development Planning is required for all individuals using ODDS services, at minimum, as part of the annual person-centered planning process, or

---

<sup>1</sup> See Oregon's Employment First policy codified under Oregon Revised Statutes 427.007(1)(b); see also Oregon Administrative Rule 411-345-0025(2) regulating ODDS and Medicaid-funded employment services.

<sup>2</sup> See Oregon Administrative Rule 411-345, and policy transmittal APD-PT-14-023.

more frequently as necessary or as requested. As part of Career Development Planning, individuals will have an opportunity to discuss all Employment Service options. Individualized approaches may be needed to ensure the person has an opportunity to make a truly informed choice about pursuing employment.

- Oregon Administrative Rules governing ODDS employment services, and all related guidance, explicitly requires that the optimal and expected outcome of all ODDS and Medicaid-funded employment services is individual integrated employment that pays minimum wage or better, but no less than the same wage and level of benefits paid to individuals who do not have disabilities.<sup>3</sup> An individual who uses ODDS employment services must have an employment goal in his or her Career Development Plan (CDP).<sup>4</sup> This employment goal must support progress towards the optimal and expected outcome of employment services, which is individual integrated employment that pays competitive wages and benefits, as well as work experience leading to further career development.<sup>5</sup>
- DHS has awarded contracts to Living Opportunities and Washington Initiative for Supported Employment (WISE), two organizations that will provide training and technical assistance to other provider organizations in order to increase capacity for more community-based employment supports.
- DHS will also be issuing a number of grants to fund new organizations that provide individual integrated employment services, or fund existing provider organizations that will expand to provide individual integrated employment services in Oregon.
- New federal regulations regarding Medicaid Home and Community Based Services (all ODDS-funded employment and day services) require that every setting in which services are provided meet the new setting requirements. As outlined under Oregon's HCBS Transition Plan to come into compliance, each setting will be assessed to measure compliance. Assessment for compliance with the new federal regulations will occur initially and on an ongoing basis.

## **SHELTERED WORKSHOP SETTINGS:**

**Effective July 1, 2015, ODDS will no longer fund services used in Sheltered Workshop**

<sup>3</sup> OAR 411-345-0025(4); see also sub-regulatory guidance from the Center for Medicare and Medicaid Services (CMS) (September 16, 2011) found here: <http://downloads.cms.gov/cmsgov/archived-downloads/CMCSBulletins/downloads/CIB-9-16-11.pdf>.

<sup>4</sup> OAR 411-345-0160(2).

<sup>5</sup> OAR 411-345-0025(4).

<sup>6</sup> See Oregon's Executive Order 15-01 (which replaces and supersedes Oregon's earlier Executive Order 13-04).

<sup>7</sup> See Oregon Administrative Rule 407-025 and Oregon's Executive Order 15-01.

<sup>8</sup> OAR 411-345-0025(4); see also sub-regulatory guidance from the Center for Medicare and Medicaid Services (CMS) (September 16, 2011) found here: <http://downloads.cms.gov/cmsgov/archived-downloads/CMCSBulletins/downloads/CIB-9-16-11.pdf>.

<sup>9</sup> Additional information regarding Oregon's Transition Plan can be found here: <http://www.oregon.gov/dhs/dhsnews/Pages/hcbs-transitionplan.aspx>

<sup>10</sup> 42 CFR §441.301(c)(4)-(5).

<sup>11</sup> See OAR 411-345-0025(9)(d)(B); see also CMS sub-regulatory guidance (September 16, 2011) referenced above.

settings for individuals who are newly eligible for services, or individuals already utilizing services who are not already working in Sheltered Workshop settings.<sup>6</sup>

To operationalize this, Oregon service coordinators and personal agents will no longer authorize ODDS and Medicaid-funded Employment Services in Sheltered Workshop settings for individuals not already using services within Sheltered Workshop settings. Only individuals who use Employment Path Facility services for support in a Sheltered Workshop setting as of June 30, 2015, can receive authorization to continue using Employment Path services in the Sheltered Workshop setting after July 1, 2015. If, after July 1, 2015, an individual discontinues using services in a Sheltered Workshop setting for one month or more, he or she will not be able to resume using ODDS services in a Sheltered Workshop setting. Individuals may temporarily suspend services for more than 30 calendar days if the suspension is due to a change in eligibility for Medicaid Home and Community Based Services that may occur, for example, due to hospitalization.

Sheltered Workshops are facilities in which individuals who experience intellectual or developmental disabilities are congregated for the purpose of using ODDS employment services and performing work tasks for pay at the facility. A Sheltered Workshop primarily employs individuals with I/DD and other disabilities, with the exception of service support staff. A Sheltered Workshop is a fixed site that is owned, operated, or controlled by a provider, where an individual has few or no opportunities to interact with people who do not have disabilities, not including paid support staff.<sup>7</sup>

### **BACKGROUND FOR THIS NEW POLICY:**

- As outlined under sub-regulatory federal guidance regarding ODDS employment services, “funding is not available for the provision of vocational services delivered in facility based or sheltered work settings, where individuals are supervised for the primary purpose of producing goods or services.”<sup>8</sup>
- ODDS services must be provided in the most integrated setting possible.
- Under new federal regulations, ODDS and Medicaid-funded Home and Community Based Services must be provided in settings that meet new requirements. Settings that isolate individuals with disabilities, and provide minimal interaction with the broader community, must make adaptations to come into compliance under Oregon’s Transition Plan.<sup>9</sup> These settings must encourage interaction with the general public, facilitate access to the greater community, and provide opportunities to seek competitive integrated employment.<sup>10</sup>
- All Employment Path services, including those used for support in Sheltered Workshop settings, are time limited and expected to occur over a defined period of time, with specific outcomes to be achieved.<sup>11</sup>

## **Implementation/transition instructions:**

### **Career Development Planning**

Oregon presumes that, with the right training and support, each individual who experiences an intellectual or developmental disability can succeed in an individual integrated job that pays competitive wages and benefits. Recognizing the pivotal role integrated employment plays in the lives of individuals who experience intellectual or developmental disabilities, employment in fully integrated settings is the highest priority over unemployment, segregated employment, facility-based employment, or day habilitation.

To help operationalize this policy, service coordinators and personal agents must work with all individuals who presently use ODDS services for support in Sheltered Workshop settings to complete a Career Development Plan on or before July 1, 2015.

To clarify requirements already established under Oregon Administrative Rule 411-345, and action request transmittals APD-AR-14-043 and APD-AR-14-067, effective July 1, 2014, all individuals in the target population were to complete a CDP as part of their annual ISP. The target population includes all individuals using ODDS Employment Services in Sheltered Workshop settings.<sup>12</sup> As a result, all individuals using ODDS Employment Services for support in Sheltered Workshop settings must have completed their first year of Career Development Planning at their annual ISP between July 1, 2014 and July 1, 2015.

### **If a Career Development Plan has not been completed for individuals using ODDS services in a Sheltered Workshop setting, it must be done no later than July 1, 2015.**

As previously outlined under APD-AR-14-043, a CDP must also be completed with anyone who has requested one, and within one year of a student's exit or departure from school.

Upon implementation of the new Individual Support Plan (ISP), every working aged adult, between the ages of 18 and 60, will need to complete a CDP as part of annual person centered planning.

As a part of Career Development Planning, all available ODDS Employment Services must be discussed and reviewed with the individual as part of the person centered planning process to help ensure the individual is able to make an informed choice

---

<sup>12</sup> As outlined under APD-AR-14-043, the target population includes individuals using services in Sheltered Workshop Settings, transition aged youth, within one year of exiting school services, and anyone who indicates they would like to complete a Career Development Plan.

about the available employment services that will best help the individual achieve his/her employment goals. Individualized measures may often times be necessary to ensure individuals understand the services and are able to make an informed choice about pursuing employment. This might include using an employment service to explore integrated employment opportunities.

More information regarding ODDS Employment Services can be found under policy transmittal APD-PT-14-023, under Oregon Administrative Rule 411-345, and in the discussion guide for Career Development Planning.

**Training/communication plan:** Outlined above.

**Local/branch action required:** Outlined above.

**Central office action required:** Outlined above.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** CDDPs, Brokerages, Provider Organizations, DHS Employment First, Vocational Rehabilitation, Oregon Department of Education, and Oregon Council on Developmental Disabilities.

**Filing instructions:**

*If you have any questions about this policy, contact:*

<b>Contact(s):</b>	Allison Enriquez		
<b>Phone:</b>	503-569-1710	<b>Fax:</b>	
<b>Email:</b>	allison.enriquez@state.or.us		