

# Policy Transmittal Developmental Disabilities Services



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**Number: APD-PT-19-011**

**Issue date: 3/8/2019**

**Topic:** Developmental Disabilities

**Due date:** 3/8/2019

**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: {Select type}          | <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 checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Employment Service Providers |
| <input type="checkbox"/> ODDS Children's Residential Services           |   |
| <input type="checkbox"/> Child Welfare Programs                         |   |

<b>Policy/rule title:</b>	Benefits Counseling for Transition Age Students and Youth		
<b>Policy/rule number(s):</b>		<b>Release number:</b>	03/08/19
<b>Effective date:</b>	March 8, 2019	<b>Expiration date:</b>	
<b>References:</b>	The following ODDS worker's guides: 1. Benefits Counseling; 2. Employment Services for Transition-Age Individuals and Youth		
<b>Web address:</b>	<a href="https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/policy.aspx">https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/policy.aspx</a>		

**Discussion/interpretation:**

Guidance has been updated to clarify when ODDS funded benefits counseling is available for transition age individuals and youth. To implement this policy, revisions have been made to the following ODDS guidance documents:

- Benefits Counseling worker's guide and referral flow chart.
- Worker's guide regarding ODDS Employment Services for Transition-Age Individuals and Youth.

**Implementation/transition instructions:** Benefits Counseling is currently funded as an Employment Path service under the Children and Adult Waivers in Oregon. Typically, Employment Path services such as job shadowing, internships, pre-employment skill building, etc., is a service provided by schools under IDEA. For that reason, Employment Path services have not been allowed for individuals eligible for IDEA (even if they opt out of transition services early).

Although Benefits Counseling is considered an Employment Path service, unlike other Employment Path Services, Benefits Counseling is not something typically provided by schools under IDEA. Since Benefits Counseling has its own modifier code, and is not available through IDEA, it may be authorized and provided for individuals between the ages of 18-22 if it is not available from other sources (such as WIN).

If an individual 18-22 is eligible for employment services, and needs Benefits Counseling to obtain or maintain Competitive Integrated Employment, the service may be authorized under OR541 WB or OR 541 WC as outlined in the updated Benefits Counseling Worker's Guide (attached) and as specified in the current Expenditure Guidelines (<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/EngagementInnovation/expend-guidelines-v8-tracked-changes-accepted.pdf>). Any other Employment Path service (OR 541) will pend in eXPRS for individuals less than 21 and will not be approved for individuals who are still IDEA eligible.

Note, this service must be provided by a qualified provider who has all of the required training and credentialing to provide the training as outlined in OAR 411-345.

**Training/communication plan:** Questions can be submitted as part of the Employment First quarterly calls, and ODDS monthly transmittal calls. Technical assistance is available at any time through the Regional Employment Specialist teams.

**Local/branch action required:**

**Central office action required:**

**Field/stakeholder review:**  Yes  No

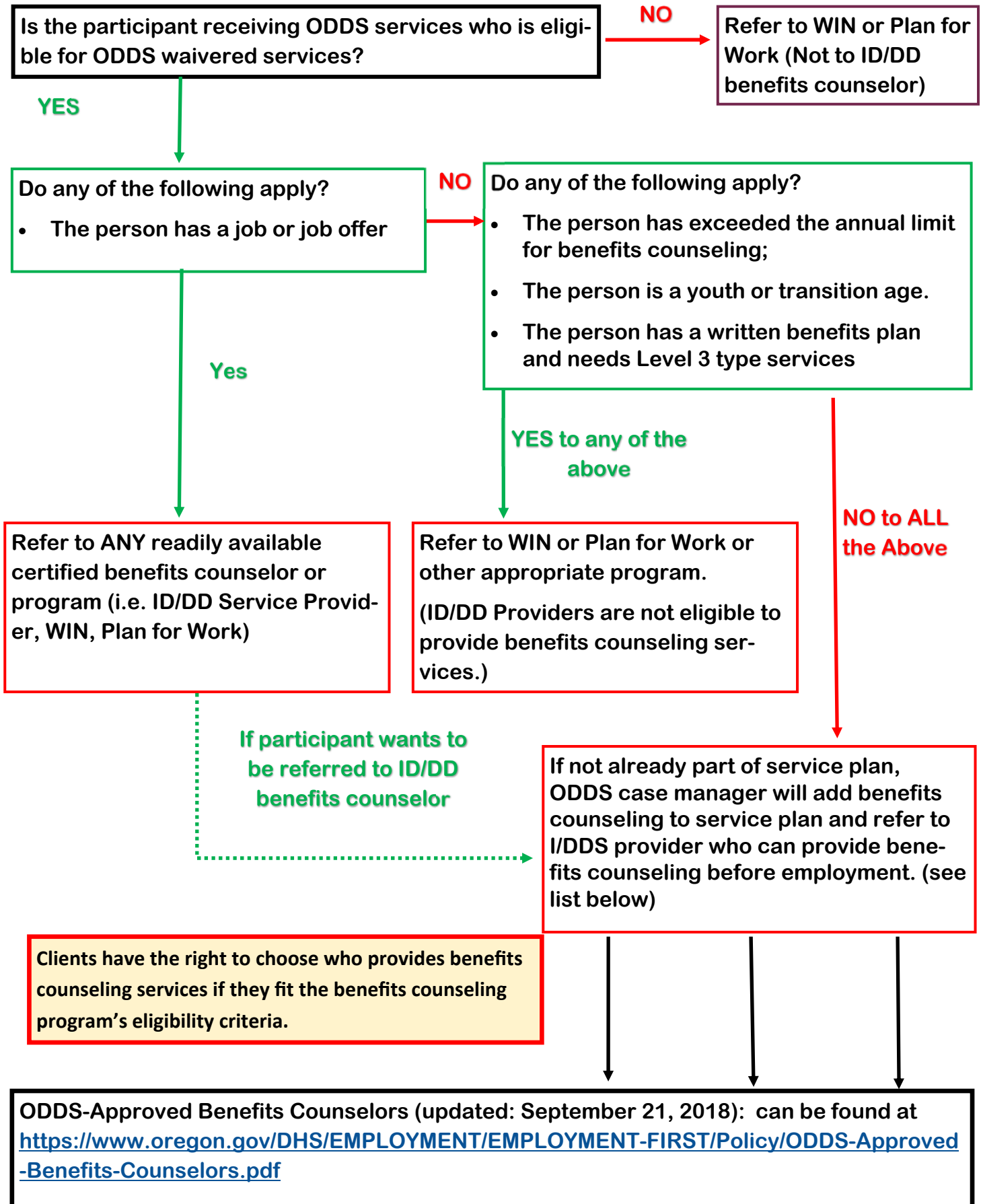
**If yes, reviewed by:**

**Filing instructions:**

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

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## Referring Participant to Benefits Counseling Services



<b>Topic:</b>	Benefits Counseling for Employment Path Services
<b>Date Issued/Updated:</b>	March 8, 2019

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## Overview

This worker's guide outlines requirements related to Benefits Counseling delivered as part of ODDS Employment Path Community Services. This guide also includes:

- I. Service Description and Requirements
- II. Provider Training and Certification Requirements (Must be verified by a case manager before authorizing service)
- III. Authorizing Benefits Counseling
- IV. Approving Billing for Benefits Counseling
- V. Additional Monitoring

## I. Service Description & Requirements

Benefits Counseling services are available through ODDS and Medicaid-funded Employment Path Community services. As outlined in further detail below, ODDS Benefits Counseling includes two levels of service: 1) Level One: Information and Referral; 2) Level Two: Work Incentive Summary (WIS) or a Benefits Summary and Analysis (BSA).

### 1. Level one: Information & Referral

The Benefits Counselor will provide general information to the individual regarding public benefits and various work incentives based on the information provided. The Benefits Counselor will ask a series of questions that are designed to prompt a discussion about the person's current circumstances to help determine if there are any issues that may require immediate action or a more comprehensive level of services. The Counselor should also be evaluating the need for other supports the person may require related to employment or other aspects of life. At this stage, the Benefits Counselor has not necessarily verified which public benefits the person is utilizing and/or is eligible to receive.

The consultation will include a review of fact sheets and other materials that provide basic information about benefits and work incentives that the person might utilize. The Benefits Counselor will be able to assess the person's questions/concerns about benefits and working, and provide preliminary

information regarding how benefits can be managed while working. The Benefits Counselor must also provide the person with a written advisement that outlines the information discussed. Because the person's benefits have not yet been verified, the Benefits Counselor will not be able to provide detailed answers during this phase of services. This level of service can typically be completed in one meeting.

## **2. Level Two: Work Incentive Summary (WIS) or Benefits Summary and Analysis (BSA)**

During Level Two services (Work Incentive Summary or Benefits Summary and Analysis) the Benefits Counselor will conduct an in-depth interview with the person to assess the issues and questions related to that person's benefits and working. The Counselor will obtain verification of the person's current benefits, confirm any benefit issues that need to be resolved, and identify relevant work incentives to recommend.

The Work Incentive Summary or Benefits Summary and Analysis provide a personalized written report about the person's public benefits and relevant work incentives. These two types of reports include either:

- A Work Incentive Summary (WIS) for those who do not have a job goal yet and summarizes the work incentives that will allow them to financially get ahead when working; or
- A Benefits Summary & Analysis (BSA) for those who have an idea of how much they will work and earn. This report analyzes how a specific earning goal will impact benefits the person has and recommends specific work incentives.

### **When is the second level of Benefits Counseling services needed?**

During Initial Information and Referral, the Benefits Counselor will utilize a decision tree to determine if the individual could benefit from a Work Incentive Summary (WIS) or a Benefits Summary & Analysis (BSA). A Work Incentive Summary or Benefits Summary and Analysis may be appropriate if the individual, for example:

- Receives Supplemental Security Income (SSI) and is working;
- Expects to start working in the next two months;
- Is interested in using a Plan to Achieve Self-Support (PASS);
- Receives a reduced Federal Benefit Rate (FBR) and has questions;

- Receives Social Security Disability Insurance (SSDI), Childhood Disability Benefit (CDB), or Disabled Widow(ers) Benefit (DWB) and has worked above Trial Work Period (TWP) threshold since entitlement; or
- The person or others are concerned about the impact working might have on the person's benefits and more information is needed.

Note that the above are examples of reasons why a WIS or BSA may be needed. There may be other reasons for needing a WIS or BSA.

## **II. When can ODDS fund Benefits Counseling, and when should a referral to WIN or WIPA be made for Benefits Counseling?**

If a person is eligible for ODDS and Medicaid-funded Home and Community-Based Services (HCBS), then ODDS can generally fund Level One and Level Two Benefits Counseling. A referral to WIN or WIPA should be made if Benefits Counseling services are readily available through these programs, if the person has exceeded the annual limit for ODDS Benefits Counseling, or if the person has a written benefits plan and needs Level 3 type services.

See enclosed flowchart for additional information.

## **III. Provider Training and Certification Requirements**

Only certified and endorsed employment service agencies may deliver ODDS-funded Benefits Counseling. Benefits counseling may only be delivered by a qualified and certified Benefits Counselor who is employed by an ODDS employment service agency. Benefits Counseling may be delivered as part of Employment Path Community services.

A Benefits Counselor must be on the list of ODDS-approved Benefits Counselors. Before authorizing a Benefits Counselor to provide Benefits Counseling, the Case managers must verify the Benefits Counselor is on the list of ODDS-approved Benefits Counselors found on the [Employment Policy website](#).

An employment professional can be added to the list of qualified Benefits Counselors by sending information regarding the required certification to: [employment.first@dhsosha.state.or.us](mailto:employment.first@dhsosha.state.or.us)

Training and certification requirements include the following:

- Benefits Counselors must maintain one of the following approved certifications for Benefits Counseling:
  1. Oregon WIN Certification
  2. [VCU/Social Security Administration Certification](#)
  3. [Cornell Certification](#)
  4. Any other Department-Approved Substantial Equivalent.
- Benefits Counselors must demonstrate competencies of an employment professional by completing the online modules within one year of hire.
- The continuing education required to maintain approved benefits counseling certifications satisfy the requirement that employment professionals complete 12 hours of annual supported employment training.
- Holding an approved Benefits Counseling certification is sufficient for requirements that employment professionals take an approved training within 90 days of delivering services.

A Benefits Counselor delivering ODDS Benefits Counseling must submit a written WIS or BSA to ODDS for review within three months of delivering the service and annually thereafter.

### III. Authorizing Benefits Counseling

The case manager may authorize Benefits Counseling if it is anticipated it will be needed within the upcoming ISP year. An ISP change of service form may also be completed if circumstances arise during the ISP year that mean Benefits Counseling is needed.

Employment Path Community - Benefits Counseling Services				
Level 1	Information & Referral	OR541 (WB)	May be authorized if the person is interested in working, but has questions or concerns related to benefits.	Up to 3 hours per plan year. Additional hours must be approved by the case manager.
Level 2	Work Incentive Summary (WIS) or Benefits Summary & Analysis (BSA)	OR541 (WC)	Is generally authorized when a person has a job and questions or concerns related to benefits.	Up to 12 hours per plan year. Additional hours must be approved by the case manager.



Both Level One and Level Two should be authorized if it is anticipated the person will get a job shortly and has questions or concern regarding benefits.

See the ODDS expenditure guidelines for additional information, including information regarding the rate.

### **How many hours can be used for Benefits Counseling services?**

It is estimated that up to three hours may be needed (per plan year) for Information and Referral (Level One) services. If additional hours are needed, an exception must be requested by the person or provider and approved by the case manager.

It is estimated that up to 12 hours may be needed (per plan year) for the Work Incentive Summary or Benefits Summary and Analysis or (WIS\BSA) Service. If additional hours are needed, an exception must be requested by the person or provider and approved by the case manager, or a referral to WIN or WIPA should be made.

ODDS Benefits Counseling should include a meeting with the person to get background information and to provide resources and information to the person, but, similar to Professional Behavior Services, some hours may be billed for time spent writing reports, time spent verifying information regarding the client's benefits, or other similar Benefits Counseling activities required to advise the client being served. If additional hours are needed, beyond the 25 hours per week limit on Employment Path Services (or a combination of ODDS Employment Services), then an exception must be submitted to ODDS for review.

The entire support team should be actively involved in benefits counseling so they are able to provide ongoing supports after these services end. Natural supports should be brought in whenever possible.

## **IV. Approving Billing for Benefits Counseling**

An outcome of Information & Referral services will also include a write up of the advisement. A referral for Work Incentive Summary or Benefits Summary and Analysis (WIS\BSA) is not necessary for payment of this service to occur. If Level One services (Information & Referral) result in a determination that Level Two services are needed (to complete a Work Incentive Summary or Benefits

Summary and Analysis (WIS\BSA), then Level Two services are generally provided within two months from completion of the Level One Benefits counseling.

The outcomes of Level Two services include:

1. A report (the WIS or BSA) that summarizes the individual's current benefit status, explain relevant work incentives and provide recommendations for addressing any benefit issues. These include an action plan of next steps that identify what items or issues need to be addressed, who is responsible, etc. This may be reporting wages to Social Security, follow along supports, etc. Once the report is completed, the Benefits Counselor will review the document with the individual and others the individual wants to have a detailed explanation of the content.
2. A referral to other agencies or services if necessary. The need for a referral will be assessed after a WIS or BSA is completed. This referral is not required for a service payment to occur.

## **V. Additional Monitoring**

- ODDS will verify Benefits Counselors have met qualification and training requirement upon enrollment. Benefits Counselors approved to deliver Benefits Counseling services will be on the list of approved providers.
- Licensing will verify qualifications during licensing reviews.
- Training and certification will also be tracked by ODDS through iLearn.

## **Technical Assistance**

- Available through WIN Administration or ODDS.

## **Form(s) that apply:**

## **Definition(s):**

## **Reference(s):**

## **Work Incentives Network ([WIN](#)):**

A free benefits and work incentives counseling program provided by the Department of Human Services with administration and technical assistance housed with the Vocational Rehabilitation program. Services are provided by 11

Certified Work Incentive Coordinators (WICs) who are located in Independent Living Centers around the state.

Contact: [win.refer@state.or.us](mailto:win.refer@state.or.us) or 1-800-661-2571,  
<http://www.oregon.gov/DHS/EMPLOYMENT/VR/WIN/>

### **Oregon's Work Incentives Planning and Assistance ([WIPA](#)):**

Social Security holds a cooperative agreement with Disability Rights Oregon (DRO) to provide community-based Work Incentives expertise to beneficiaries of Social Security or Supplemental Security Income (SSI) to enable beneficiaries with disabilities to receive accurate information and use that information to make a successful transition to work. Counseling is provided by Community Work Incentives Counselors (CWIC).

Contact: [pfw@droregon.org](mailto:pfw@droregon.org) or 1-833-438-7308

### **VCU Certification Information:**

<https://vcu-ntdc.org/training/initial/initial.cfm>

### **Cornell Certification Information:**

<http://www.ytionline.org/courses>

### **Frequently Asked Questions:**

Question: Can a person access Benefits Counseling if they are already using 25 (or more) hours of employment services?

Answer: Yes, however an exception request must be submitted to ODDS for review and approval.

Question: What is the rate for ODDS Benefits Counseling?

Answer: ODDS Benefits Counseling (both level one and level two) may currently be billed at the employment path community rate. Additional information is in the ODDS Expenditure Guidelines.

Question: Can Benefits Counseling be used as a stand-alone service, or does it have to occur with other employment path community service at the same time?

Answer: Benefits Counseling may occur as a stand-alone Employment Path Community service.

Question: Can youth or transition age students use ODDS Benefits Counseling?

Answer: Youth and transition age students can access benefits counseling if it is

not readily available through WIN or WIPA.

Question: Can a “provisionally certified” benefits counselor deliver ODDS-funded benefits counseling?

Answer: Yes. So long as the provider has met all of the other requirements.

Question: If a person is working with VR, can that person access ODDS funded benefits counseling?

Answer: Yes, particularly for Level One benefits counseling before a person has a job.

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<b>Topic:</b>	ODDS Employment Services for Transition-age Individuals and Youth while Special Education and Related Services Remain Available under IDEA.	
	<b>Date Issued/Updated:</b>	March 8, 2019

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## Overview

### **Description:**

This worker's guide outlines the availability of ODDS employment services for Transition-age Individuals and Youth while Special Education and Related Services Remain Available under IDEA. This worker's guide supersedes policy transmittals APD-PT-15-011, APD-PT-13-016, and APD-PT-13-011.

### **Applicability:**

### Procedure(s) that apply:

Transition-age individuals and youth may access a Medicaid-funded employment service, through Oregon's Office of Developmental Disabilities Services (ODDS), when the service is not available through the local educational agency, as part of special education and related services available under the Individuals with Disabilities Education Act<sup>1</sup> (IDEA), and when the service is not available through Vocational Rehabilitation (VR). Transition-age individuals and youth (hereinafter "individual") may therefore access ODDS employment services, while also eligible for special education and related services under IDEA, under the circumstances outlined below.

Policy clarifications outlined in this worker's guide align ODDS employment services with policies relating to Employment First, as well as federal laws and regulations under which ODDS and Medicaid-funded employment services may not include special education and related services which otherwise are available to the individual through a local educational agency.<sup>2</sup>

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<sup>1</sup> Individuals with Disabilities Education Act, 20 U.S.C. §1400 (2004). ODDS Employment Services do not include special education and related services which otherwise are available to the individual through a local educational agency. See 42 U.S.C. 1396n(c)(5)(C)(i); and 42 C.F.R 440.108(c)(3)(i). Additionally, ODDS Employment Services do not include vocational rehabilitation services which are otherwise available to the individual. See 42 U.S.C. 1396n(c)(5)(C)(ii); and 42 C.F.R 440.108(c)(3)(ii).

<sup>2</sup> Oregon's Employment First policy is codified under ORS 427.007(1)(b); see also Oregon Administrative Rule 411-345, Oregon's Executive Order 15-01.

## **CIRCUMSTANCES IN WHICH ODDS EMPLOYMENT SERVICES ARE AVAILABLE**

### **I. Individual Employment Support – Job Coaching**

Job coaching includes support to maintain or advance in competitive integrated employment. Under the following circumstances, individuals eligible for ODDS-funded employment services may access this service while also eligible for services under IDEA:

- a. The individual has obtained competitive integrated employment, at minimum wage or above, and expects to continue working in competitive integrated employment after completing school.
- b. The competitive integrated employment is not part of a high school transition service or program such as a paid work experience for students, an internship or a similar activity that is generally available to other students, and designed to prepare students for long-term employment.
- c. Job coaching is no longer available through VR.
- d. The individual's Individual Support Plan (ISP) and Individualized Education Program (IEP) must be coordinated and document how the ODDS Job Coaching service complements any services the individual receives through the local education agency. This coordination of the Individual Support Plan should also include the Individualized Plan for Employment (IPE) completed with VR.
- e. All other requirements for Job Coaching must also be satisfied as outlined under Oregon's Administrative Rules regulating ODDS Employment Services.

### **II. Discovery**

Discovery includes a series of work, volunteer, and other community-based experiences to inform the individual and the job developer about the strengths, interests, abilities, skills, experiences, and support needs of the individual, as well as identify the conditions that will contribute to an individual's success in an integrated employment setting in the general workforce. It is a short-term service that presumes approximately 40 hours of 1:1 service, but may take up to three months. This service is provided to

youth or transition students in limited or exceptional circumstances in which there is insufficient information for VR Job Development.

Discovery is most appropriate and effective when an individual is ready to actively pursue competitive integrated employment and seek a referral to VR for Job Development, but where, upon review of all employment related information available regarding the individual, it is determined there is insufficient information regarding the conditions in which the individual will be successful in an integrated employment setting in the general workforce.

Under the following circumstances, individuals eligible for ODDS and Medicaid-funded employment services may access Discovery while eligible for services under IDEA:

- a. The individual must express interest in actively pursuing competitive integrated employment within the upcoming ISP year.
- b. The Employment Team must recommend that the individual participate in Discovery based on review of all employment documentation available. The Employment Team includes the individual, the case manager, a VR counselor, the school case manager and other Local Education Agency representative, and any other person invited by the individual. A VR counselor may not yet be identified for the person; however, a VR counselor may be available to provide input on a consultation basis.

The recommendation process must include the following:

- i. The Employment Team must have an opportunity to review all available information, including, but not limited to:
  1. The individual's IEP (including the post-secondary goals).
  2. The Summary of Performance.
  3. Work experience evaluations, vocational assessments, and all available information from VR.
  4. All available relevant information from ODDS records.
  5. Information regarding the individual's PINS (preferences, interests, needs, and strengths).
  6. All other information regarding the individual's skills, experience, interests, and conditions that will contribute to his or her success in competitive integrated employment.

- ii. After reviewing all available documentation, the Employment Team will make a written recommendation on whether Discovery is the right service that the individual needs, and how available information is not sufficient.
  - iii. The Service Coordinator or Personal Agent will authorize the Discovery service based on the individual's request and the recommendation from Employment Team. The individual's Career Development Plan must document why the available information is insufficient, and why Discovery is the right service that is needed.
- c. The individual's ISP and IEP must be coordinated and document how the ODDS Discovery service complements any services the individual receives through the local education agency. This coordination of Individual Support Plans should also include the IPE (Individualized Plan for Employment) completed with VR.
  - d. The employment team should also ensure that referrals have been made to both VR and DD services to ensure a seamless transition from ODDS to VR services. It is generally considered best practice for the referral to occur 30 days before Discovery ends.

### **III. Small Group Employment Support**

This service includes support and training provided in regular business, industry, and community settings for groups of two to eight individuals with disabilities. This service is provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces. The optimal and expected outcome of this service is competitive integrated employment.

Under the following circumstances, individuals eligible for ODDS-funded employment services may access ODDS Small Group Employment Support while also eligible for services available under IDEA:

- a. The individual intends to continue pursuing competitive integrated employment and has active steps in his or her IEP, ISP, and Career Development Plan (CDP) towards obtaining competitive integrated employment.



- b. After exiting school, the individual intends to continue working, and moving towards competitive integrated employment.
- c. The job must pay minimum wage or better as outlined under OAR 411-345.
- d. The individual's ISP and IEP must be coordinated and document how the ODDS Small Group Supported Employment service complements any services the individual receives through the local education agency. This coordination of individual service plans should also include the IPE completed with VR.
- e. All other requirements for the Small Group Employment Support service must also be satisfied as outlined under Oregon's Administrative Rules regulating ODDS Employment Services.

#### **IV. Employment Path Services**

ODDS Employment Path services includes support to develop general skills that can be transferred to individual integrated employment. The nature of this service, including support in an internship, or other community work experience, is available through the local education agency. ODDS therefore does not provide this service to students and transition-age individuals.

Additionally, to clarify already stated policy, schools and local education agencies, ODDS, and VR are not permitted to use state public funds to contract with or fund vocational assessments or placements in Sheltered Workshop settings.

#### **V. Employment Path - Benefits Counseling**

Transition students and youth may access ODDS Benefits Counseling. All other requirements for ODDS Benefits Counseling service must also be satisfied as outlined under Oregon's Administrative Rules regulating ODDS Employment Services.

## **STUDENTS WHO CHOOSE NOT TO USE SERVICES AVAILABLE UNDER IDEA**

Students eligible for special education and related services may continue to use services available under IDEA until the school year in which they will reach the age of 21 (or until a regular high school diploma is attained).

As outlined above, federal laws and regulations require that ODDS and Medicaid-funded Employment Services only be used when services are not “available” through the school. The policies outlined in this worker’s guide apply the same to all individuals who are eligible for services under IDEA, regardless of whether that individual chooses to use the services available under IDEA. The policies in this worker’s guide therefore apply to the following students because they remain eligible for services under IDEA:

1. Students who are currently enrolled in school,
2. Students who have earned an (Oregon) Extended Diploma,
3. Students who have earned an (Oregon) Modified Diploma, and
4. Students who have not attained a diploma and have not passed the school year in which they will turn 21.

If, however, an individual graduates with an regular Oregon high school diploma, he or she no longer has services available through the local educational agency. Individuals who graduate with a regular diploma may therefore access all ODDS employment services if otherwise eligible.

## **INDIVIDUALS UNDER THE AGE OF 18**

Individuals under the age of 18 may use ODDS Employment Services under certain circumstances that align with this policy. Job Coaching must have ODDS approval for individuals under the age of 16. All other employment services must have ODDS approval for individuals under the age of 18.

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