

Topic:	Employment Services III.c. Attendant Care During VR and Employment Services
Date Issued/Updated:	03/01/2024

Overview

This Worker's Guide describes Attendant Care when connected to Vocational Rehabilitation (VR) and Employment Services.

Procedure(s) that apply:

1. Attendant Care in Competitive Integrated Employment when Job Coach has Completely Faded

If the individual only needs attendant care or personal care to meet ADL/IADL needs then **"On the Job Attendant Care"** in competitive integrated employment should be authorized rather than the job coaching service. This might occur when a job coach has completely faded. For instance, if an individual is able to perform their job independently but requires some assistance with eating their lunch, support in the restroom, line of sight support, or any other personal care support need identified by the person, then attendant care may be authorized for support during this time. Job coaching has completely faded and is not billed. Additional information can be found here: <https://www.oregon.gov/odhs/idd/Documents/job-coaching-vs-adl-iadl-services.pdf>

2. "On the Job Attendant Care" while a Person is Accessing VR-funded Services.

It is best practice for the person to work with their VR Counselor and other members of their support team to select up front a provider who can meet all their long term support needs on the job. The team will also need to plan for a successful transfer from VR-funded to ODDS-funded employment services. Teams should be aware that VR job coaching is hourly and ODDS job coaching for an agency pays based on the number of hours the person works, and is a rate that includes all job coaching and personal assistance support needs.

The ISP, IPE (Individual Plan for Employment for VR services), and other service planning documents must clearly identify which service and funding authority is being used to meet each of the person's support needs and demonstrate services are not duplicated.

The job setting must meet requirements for Competitive Integrated Employment.

The ODDS case manager may authorize “On the Job Attendant Care” (OR 545 NA) under the circumstances outlined below.

A. During Job Development

ODDS-funded “On the Job Attendant Care” may be used for up to 10 hours per week while using VR Job Development. ODDS approval is required for more than 10 hours per week. On the Job Attendant Care is a separate and distinct hourly service paid based on the actual hours of direct support and must be face to face (cannot be remote); whereas VR Job Development is an outcome based payment that does not include attendant care or personal care support.

In order to authorize these services, documentation of the intended purpose for the OR545 authorization, including number of hours authorized and the time period this service is needed, will need to be present in the eXPRS Plan of Care (either through notes in the Plan of Care, an uploaded change form or ISP, etc.). The authorization will pend. Allow up to 7 business days for review. It is best practice to authorize the service along with a referral to VR if it will be needed.

Examples of how this service may be used include (Note, there are many other circumstances based on the person’s individual circumstances):

Service	On The Job Attendant Care allowable
Job Development	A Positive Behavior Support Plan outlines line of sight supports as a need in the Positive Behavior Support Plan and it is needed when a person is participating in a job interview.
Job Development	Person requires attendant care (transfer support in the restroom) and is participating in a working interview.

Some examples of what would not be allowed:

Service	On the Job Attendant Care
Job Development	Job Developer is making phone calls on behalf of the individual to find interview opportunities. No On the Job Attendant Care should be authorized.

B. Training

ODDS-funded “On the Job Attendant Care” may be billed for the time one provider or support professional spends training another provider or support professional on how to meet a person’s attendant or personal care support needs (e.g. how to follow a health and safety protocol). This may be used for up to 20 total hours per plan year. The ISP must specify training on attendant care support needs as the purpose. ODDS approval is required for additional hours.

This training must occur before a provider starts billing for ODDS Job Coaching. Training that

occurs after transfer to ODDS Job Coaching will be built into the ODDS Job Coaching rate that pays based on the number of hours a person works.

Training for “On the Job Attendant Care” should not include training on behavior support needs. Training on behavior support needs is available under ODDS-funded Professional Behaviors Services. See the ODDS Expenditure Guidelines for more information.

C. ODDS Job Coaching When a Person is Accessing VR Services and Attendant Care/Personal Care Supports are Needed

ODDS may fund job coaching **from job placement if:**

1. ODDS long term job coach is in place, and it is reasonable to expect the person will reach job stability with a long term job coach in place;
2. Personal care supports are needed;
3. It is in the best interests of the person; and
4. The job is considered competitive integrated employment and is not at a provider business.

If the person is selecting an agency for job coaching, they will usually want to select a job coach agency who can meet all their support needs. The ODDS-funded job coach provider is expected to meet the person’s personal care support needs. The ODDS job coaching agency rate pays based on the number of hours the person works. The job coach agency can staff the service in a way that best meets the person’s support needs within the ODDS rate. This might mean that the job coach meets all the person’s support needs, including the person’s personal care support needs. Alternatively, one staff might be meeting the person’s personal care support needs, while another job coach checks in with the person separately. The job coach agency must have an employment specialist trained to meet all the person’s support needs for the job to be stable and transfer to ODDS to occur.

The job setting must meet requirements for Competitive Integrated Employment. The provider is not eligible for an ODDS retention payment if paid for VR job placement and retention.

If job coaching transfers upon job placement, VR will still leave the file open and remain available for the duration outlined in VR policies and guidance.

D. Other Questions

1. What if 2:1 supports are needed?

If two people are simultaneously needed to support the person on the job, then an ODDS-approved exception is required to fund a second person as “On the Job Attendant Care.”

A provider may not bill for multiple people to meet the same support need unless ODDS has approved an exception (typically when two or more qualified support staff are simultaneously required to meet the support need).

2. How are behavior support needs met?

ODDS-funded Professional Behavior Services may be used when a person is connected to VR. Professional Behavior Services can be used for time a behavior professional spends developing a new plan, amending an existing plan, or for training employment professionals on the plan.

Employment professionals, including job coaches, are trained on the plan, how to implement it, and meet the support need. During VR job development, ODDS may fund on the job attendant care to meet this support need (including, for example, if a PBSP outlines line of sight support needs). However, once transfer to ODDS job coaching, then the job coach provider is expected to meet these support needs.

3. Direct Nursing Supports, training, and delegation

ODDS and Medicaid HCBS may fund Direct Nursing Supports when a person is working with VR. This service not only includes direct nursing supports, but also training and delegating to the employment professional who will meet the support need long term. See the related Worker's Guide for more information: <https://www.oregon.gov/odhs/providers-partners/idd/workerguides/employment-dsa-ltccn-dns.pdf>

4. Do "On the Job Attendant Care" hours impact a person's service level?

No. On the job attendant care hours do not reduce a person's overall assessed need for attendant care hours. The "On the Job Attendant Care (OR 545 NA) hours do not come out of the assessed need.

Background/Authority

This guidance is intended to clarify who funds supports to meet attendant care or personal care support needs (for activities of daily living), to ensure no duplication of funding, because the same or a similar service appear to be available through both ODDS and VR (i.e. attendant care to meet activities of daily living through ODDS and personal care to meet daily living activities through VR).

Both ODDS and VR have similar "payor of last resort provisions" (i.e. ODDS/Medicaid cannot pay for anything available through VR; also VR requires a search for "comparable benefits" for all services other than job development or VR counseling services. Note also that a search for comparable benefits cannot delay employment services). The primary intent of these provisions is to ensure no duplication of federal funding.

When multiple agencies have authority to fund a service, and both agencies have similar "payor of last resort provisions", then, under federal guidance, states may assign agency responsibility for funding through MOU (memorandum of understanding), policy, regulation, etc. The intent of these provisions is to ensure people are served as quickly as possible, and to ensure no duplication of funding. Note also, under federal guidance, the agency that can serve the person most quickly should do so and then may claim reimbursement from the agency assigned responsibility under federal and state guidance. Service planning teams must ensure plans are written and coordinated to ensure no duplication of funding under multiple federal funding streams.

Form(s) that apply:

Reference(s):

- OAR 411-345
- OAR 411-450
- Expenditure guidelines
- PSW Collective Bargaining Agreement

Contact(s):

Regional Employment Specialist:

<https://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Documents/Map-ODDS-Regional-Employment-Specialists.pdf>