

Employment Questions

DMH – DD Waiver Services

Question 1:

If a client is already employed and is in need of additional assistance with skills (time limited) to be successful, what service would you use?

Answer:

Community Employment (used to be supported employment) is defined as follows: Community employment services are delivered in the community at large when seeking employment **and** in integrated business work settings (including self-employment situations) where the individual with a developmental disability has chosen to become employed. Ongoing support consists of continuous or periodic job skill training as specified in the individual's service plan to enable the individual to perform the work.

Community Employment services may include:

- Individualized job development and placement;
- On-the-job training in work and work-related skills;
- Ongoing supervision and monitoring of the person's performance on the job; and
- Training in related skills needed to obtain and retain employment such as using community resources and public transportation.

Question 2:

Does the provider of Waiver Employment Services have to be CARF accredited to be a provider?

Answer:

In order to be a vocational rehabilitation provider, CARF accreditation is a requirement. At this time that is not a DMH provider requirement. CARF or DMH Certification meets the DD waiver provider qualification. Questions about CARF accreditation procedures should be directed to CARF.

Question 3:

Are job preparation services time limited? **(Added 3/5/2012)**

Answer:

Job preparation services are limited to two years. Exceptions may be approved by the regional center when the planning team can show that the individual is making steady progress and continues to have community employment as an outcome.

Question 4 (added 3/7/2012)

May Community Employment Group be funded during lunch break when individuals are working?

Answer:

Meal time is a part of the typical work day for an individual. If an individual's plan documents that the person needs on the job supports, then lunch and break times should not need a separate outcome in the plan.

Question 5 (added 3/7/2012): How are rates for employment services determined?

Answer:

Community employment group and individual rates are set at a fixed rate state wide. Job discovery and Job preparation are not set at a fixed rate. Providers should work with their local regional office provider relations lead regarding rates for these services. Each provider will be asked to submit a Cost Report, showing what the actual cost is for Job Discovery and Job Preparation. This report will be key in developing the provider's rates.

Question 6 (added 3/7/12): In group Community Employment is there a requirement that 1/4 of the individuals in the group must be individuals who do not have a disability?

Answer:

A mobile work crew or enclave may be comprised of only individuals with disabilities. It is expected however that these group services be provided in "regular business and industry settings" The employment must be in a work setting where, to the extent the employment typically involves interaction with others, the interaction is predominantly with co-workers or business associates who do not have disabilities or with the general public.

Question 7 (added 3/7/12): What is the wage requirement for group community employment?

Answer:

Under community employment, the Waiver does state that "When individuals are compensated they must be paid in accordance with the United States Fair Labor Standards Act (USFLSA) of 1985". However, the Division's Employment Policy include the following Belief Statements:

- People should earn prevailing wage in an integrated setting of their choice
- People should have the opportunity and support to realize economic self-sufficiency

If individuals are working under a 14C Certificate the goal should always be to move them to individualized employment at or above minimum wage. To make sure we are always pushing towards this goal a review of their status should occur on a regular basis. The ISP should reflect what barriers there are to the individual moving towards individual competitive employment and what supports are being considered to overcome those barriers.

Question 1:

An individual is receiving job coaching services funded by Vocational Rehabilitation. The individual has expended all VR services (either service has been provided for 9 months or the job coaching has been reduced to 25% below the total hours worked). What documentation is necessary for the DD system to begin to provide long term follow along services through the waiver?

Answer:

The following should occur:

- The VR counselor and CRP provider staff should have a case coordination meeting or telephone conference with the DD case manager.
- A consensus should be reached regarding VR discontinuing funding of job coaching services and DD waiver community employment services being needed and appropriate for the individual to continue in their job.
- Once consensus is reached, the DD system service coordinator and VR counselor must document this decision in the individual's case record.
- Once this documentation is in the case record and VR services have ceased, waiver services may begin.

The intent is to make the transition for funding supports as “seamless” as possible for the individual supported

Question 2 (added 12-27-11):

An individual needs/would like to receive community employment services (group/enclave) through a DD provider. This is not a service that is currently available in the VR system. Is it necessary to receive written denial of services from VR?

Answer:

This is not a service that is currently available in the VR system. The DD waiver states that waiver dollars may be used if

- a) VR services have been expended
- b) VR feels the individual is not appropriate for services at this time – or
- c) the service is not available under the VR services system.**

The service coordinator for the individual should document, in the case record, that group community employment services are necessary for successful employment. The case record should state that Group employment services are not available through Mo VR and therefore must be accessed through the DD waiver. The case note should also state that this has been confirmed through case consultation with DD and VR staff.

Question 3 (added 3/7/2012)

Is there a timeline set for how old a letter from VR which documents inappropriateness for service can be? (i.e. Some individuals were determined not eligible/ready 5 or more years ago. Is a new verification needed or will this be accepted?)

Answer:

If an individual is currently a Social Security disability recipient, he/she is automatically determined to have a significant disability and if interested in obtaining employment, are presumed eligible for vocational rehabilitation services. However, individuals receiving Social Security disability benefits are not automatically entitled to VR services. VR must expect that an individual has the skills to achieve an employment outcome as a result of receiving VR services. If these skills are not in place, VR may request that an individual increase skills prior to accessing VR. There is no timeline set for how old this “request” from VR can be, prior to accessing waiver services. However, common sense and good judgment should be used – remember that other assessments (e.g. waiver level of care and MOCABIs must be reviewed on an annual basis) – an assessment that was five years old would not be acceptable. The Division and Vocational Rehabilitation have a workgroup that is addressing case coordination issues and it recommends that the following process should be followed:

- Review the information from VR and make sure it documents what skills need to be improved. If it does not, call the local VR counselor and ask for additional information. Document the results of this call in the individual’s case file.
- Assess whether or not the individual has gained these skills since VR’s determination.
- If the person has made progress towards developing the skills in question, the individual should return to VR.
- If a determination has been made that the individual has not developed these skills, this should be documented in the individual’s plan, the support team should determine which supports would best meet the individual’s needs and waiver services may be considered.

Extended Employment and Other Day Service Provider Questions

The Q & A below are related to DD home and community based waiver services. Extended employment providers who have questions about DESE policy and procedures, should also check with the “Section of Extended Employment” under DESE-by contacting Fulvio Franzi at 573-751-3547.

Question 1:

Can a person who is workshop certified also receive community employment services out in the community? The workshop has some mobile crews that currently go out and do lawn mowing, recycling, etc. under the workshop; they want to authorize these under community employment and be able to do community employment and workshop. Community employment for part of the day; the workshop the other part of the day.

Answer:

- Individuals who are working in a workshop may receive waiver employment services as long as it is understood that individual, integrated, community employment is the highest priority for expansion of work and under the following circumstances:
- The ISP must contain transition strategies and timelines for moving the individual towards increasing hours of integrated, competitive employment while reducing hours in segregated employment.
- Employment services may not be billed during the same period of the day as when the individual receives services in a sheltered workshop.

Question 2:

May waiver employment services be provided by a sheltered workshop?

Answer:

No, Section 178.900 indicates that workshops serve individuals whose “limited capabilities make (the individual) non-employable in competitive business and industry and unsuited for vocational rehabilitation training” and that a workshop is an “occupation-oriented facility operated by a not-for-profit corporation, which, except for its staff, employs only handicapped persons”. Therefore in order to provide waiver services, a separate not-for-profit organization with a Separate Board of Directors must be created.

Question 3:

May pre-vocational services be provided in the same building as a sheltered workshop?

Answer:

CMS guidance issued on September 16, 2011, provides that Prevocational services (Job Preparation in Missouri) may be furnished in a variety of locations in the community and are not limited to fixed site facilities. (See attached CMS guidance)

For agencies/providers who own and operate multi-use or multi-purpose facilities where the sheltered workshop or extended employment program occupies only a portion of the space, the agency/provider may provide pre-vocational (Job Preparation or Career Preparation) in the multi-use facility. However:

- a. Pre-vocational services must provided by a corporation or LLC distinctly separate from the sheltered workshop corporation. The corporation or LLC must also have a separate Board of Directors.
- b. Individuals receiving prevocational services **MUST** have employment related goals in their person-centered services and supports plan.
- c. Prevocational services may not be used *primarily* for the production of goods or services, but may include short term work trials in a variety of settings that are limited to no more than 25% (in the aggregate) of a person’s prevocational training.

Prevocational services should enable each individual to attain the highest level of work in the most integrated setting and with the job matched to the individual’s

interests, strengths, priorities, abilities, and capabilities while following applicable federal wage guidelines.

- Competitive integrated employment is considered to be the optimal outcome for prevocational services.
- Prevocational services are associated with building skills necessary to perform work and, optimally, to perform competitive integrated employment.

Source document includes CMS Informational Bulletin dated September 16, 2011. (Attached)

Question 4:

A day program provider or a sheltered workshop would like to open a business onsite. They would like to hire individuals with and without disabilities. Is this considered community employment?

Answer:

Waiver employment services may not be provided by a Sheltered Workshop organizations. A separately formed not-for-profit organization, with a separate board of directors that is enrolled as both a MoHealthNet provider and Division of Developmental Disabilities provider, may provide waiver employment services. The business must be located outside of a facility or day program Please reference the distinction between Community Employment-Individual and Community employment –Group and the description of the difference between Integrated Community Employment and Supported Employment found in the EMPLOYMENT SUPPORTS AT-A-GLANCE document. In Community employment:

In order to utilize waiver services, the business must not be owned or operated by a sheltered workshop or day program. This can be accomplished by creating a separate not-for-profit organization with a Separate Board of Directors.

Additional information may also be found at the Employment Services – at – a Glance document (Attached).

Question 5.

If a Workshop decides to create a corporation or LLC distinctly separate from the sheltered workshop corporation with a separate board of directors, may there be an overlap in the membership of the two boards. If so, how much overlap is allowed?

Answer:

1/3 of the board members may overlap. For example, if the board of directors of the new LLC has 9 members, up to 3 of those members may also serve on the board of the sheltered workshop.