



**Advancing Integrated Employment Outcomes
through
Home and Community-Based Waiver Services:
Briefing Document on Section 1915(c) Medicaid Waiver Service
Definitions**

by

State Employment Leadership Network

**National Association of State Directors of Developmental Disabilities Services
and the
Institute on Community Inclusion, University of Massachusetts/Boston**

for

**U.S. Department of Health and Human Services, Centers for Medicare and
Medicaid Services (CMS)**

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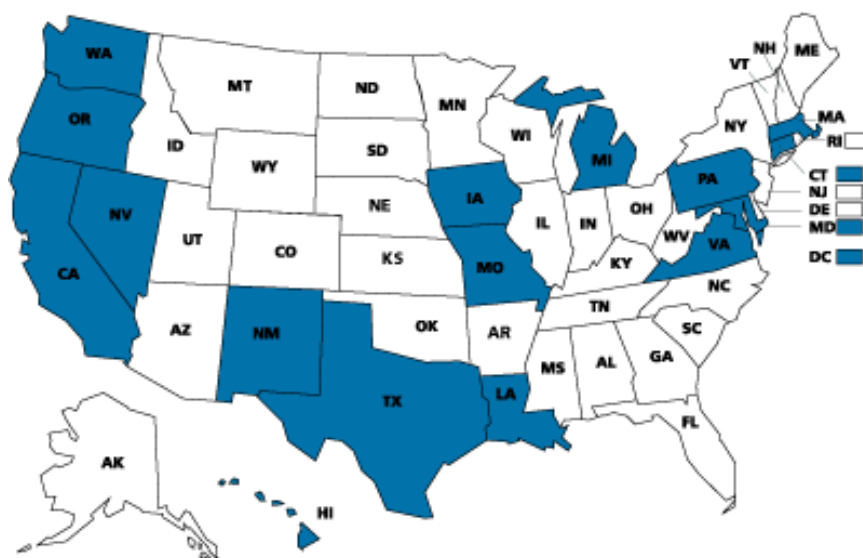
The State Employment Leadership Network, launched in 2006, is a joint program of the National Association of State Directors of Developmental Disabilities Services (NASDDDS) and the Institute for Community Inclusion (ICI) at the University of Massachusetts Boston

About SELN

The State Employment Leadership Network (SELN) is a multi-state technical assistance collaborative established to improve employment outcomes for adults receiving developmental disabilities services in the U.S. Working in partnership with the National Association of State Directors of Developmental Disabilities Services (NASDDDS) and the Institute for Community Inclusion (ICI) at the University of Massachusetts Boston as a community of practice, SELN assists states in developing effective employment systems by maximizing available state and federal resources through improved rate and payment systems, using data to guide daily program management and system performance, sharing resources of both time and knowledge, and providing ongoing technical assistance and training.

Currently, 17 member states participate in SELN.

SELN Membership 2009-2010



SELN states have determined to build capacity to employ individuals in the general workforce as a priority goal and have consequently developed “Employment First” strategies. The strategies include a clear set of guiding principles and practices that drive new state statutes, regulations, policies, and operational procedures. Employment First policies provide a framework to transform the service delivery system – focusing on funding, resource allocation, training, daily assistance, and even restructuring residential supports to enable real employment opportunities. New service definitions are key for communicating how these supports need to be changed.

States also consider implementing policies and training that result in:

- Increasing the number of individuals with disabilities who are paid at the state minimum wage rate, but preferably at a higher wage.
- Decreasing participation rates in non-integrated facility-based day services.

Background

SELN member states (the “Network”) met with Centers for Medicare and Medicaid (CMS) representatives in November 2008 to discuss barriers and challenges to achieving integrated employment outcomes as related to current CMS regulations and guidance. The Network agreed to perform a review and analysis of Section 1915(c) Medicaid waiver regulations, including the Home and Community-Based (HCBS) Waiver Instructions, Technical Guide, and Review Criteria (Version 3.5), and provide recommendations for improvements. Current Prevocational Services and Supported Employment services in particular were the focus of review.

The Network recognized that employment service definitions may facilitate or hinder states’ abilities to achieve employment outcomes among adults with intellectual/developmental disabilities receiving waiver services. Prescribed definitions often serve as the starting and ending points for how states reflect what is covered under approved waivers. In other words, what is reflected in the CMS regulations, Technical Guide (guidance and instruction), and regional assistance is often adopted verbatim by states. This is not always a good thing, because it can deter states from being innovative in shaping definitions to specific populations’ employment needs. By adopting prescribed definitions verbatim, states can actually narrow the scope of their ability and flexibility in helping people find work and develop careers.

This Briefing Document was compiled through information gleaned from numerous workgroup meetings, full Network membership discussions, presentations to SELN member states, and NASDDDS member states, and an online survey. This document

contains the Network's recommendations to CMS on service definitions and related issues that reflect current practice in reinforcing a strong focus on integrated employment.

Definitions in and of themselves do not necessarily improve an individual's chances of obtaining a real job, for real pay in the community among non-disabled peers. However, service definitions that focus on employment outcomes are an important component in communicating expectations and building system capacity to increase opportunities for people receiving home and community-based services to participate in the general workforce.

During the course of this work, it became apparent that additional review and revision to strengthen meaningful life activities in Day Habilitation services is warranted. While this document does not focus on this issue, still it is recommended that CMS consider a revision to support more inclusive community participation through Day Habilitation services.

The result of the Network's efforts is a recommendation to:

- Redefine Prevocational Services;
- Separate Supported Employment into two distinct services (Individual Employment Supports and Group Employment Supports); and
- Create a new service (Career Planning).

Timeline and Work Summary

November 2008

Initial discussion with CMS representatives at the SELN Annual Meeting

January 2009

SELN workgroup formed and work begun

March 2009

First update to CMS during SELN monthly meeting

June 2009

Conference call with SELN member states

September 2009

Webinar with SELN member states

October 2009

Webinar with NASDDDS member states

November 2009

Full proposal to CMS representatives

Parameters

Specific Parameters framed the task:

1. Craft service definitions to support integrated employment and community participation outcomes.
2. Assure proposed definitions support states' "Employment First" policies.
3. Consider further strategies that promote integrated employment services and outcomes, such as encouraging service systems to make use of community resources available in schools, institutions of higher education, employment networks, and federal and state work incentive programs already in place.
4. To further enable states to achieve integrated employment, recognize the value of increasing the federal match for integrated employment services and maintaining the existing federal match for non-integrated employment and day habilitation services.

All four recommended services are predicated on the belief that:

- **All individuals, regardless of disability, can work – and work optimally with opportunity, training, and support, that build on each person's strengths and interests.**
- **Individually tailored job development, training, and support should recognize each person's employability and potential contributions to the labor market.**
- **Each state employment service will provide the support needed for job seekers and job holders with developmental disabilities to experience equity in wages, hours, and job satisfaction.**

NEW DEFINITION: Proposed definition of Career Planning

Career Planning. *Career planning is a focused, time-limited service engaging a participant in identifying a career direction and developing a plan for achieving integrated employment at or above the state’s minimum wage. The outcome of this service is documentation of the participant’s stated career objective and career plan used to guide individual employment support.*

Summary of Recommendation:

- Distinct service definition identifies and outlines the work needed to assist individuals on the path to integrated employment and supports “Employment First” practices.
- Time-limited service with specific outcome.
- Recognizes states may not choose to use this service option (when it is already covered in other services).
- Maintains expectations related to the use of vocational rehabilitation (VR) and/or education resources.

Supported Employment. It is proposed that the current single definition under CMS regulations be replaced by two distinct service definitions: Individual Employment Support and Group Employment Support.

Individual Employment Support. *Individual Employment Support services are the ongoing supports needed by a participant to acquire and maintain an individual job in the general workforce at or above the state’s minimum wage. The outcome of this service is sustained paid employment in an integrated setting in the general workforce, and a job that meets personal and career goals.*

Summary of Recommendation:

- Clarifies expectation for wages at or above the state’s minimum wage.
- Much of the content remains unchanged with some simplification.
- Maintains expectations related to the use of VR and/or education resources.

Group Employment Support. *Group Supported Employment services are employment and training activities in regular business and industry settings for groups of no more than eight (8) workers with disabilities. Examples include enclaves, mobile crews, and other business-based workgroups employing small groups of workers with disabilities in integrated employment. The outcome of this service is sustained paid employment.*

Summary of Recommendation:



- Separate definition from Individual Employment Supports (no specific wage expectation).
- Identifies criteria based upon group size, typical work schedule, and opportunities for integration.
- Maintains expectations related to the use of VR and/or education resources.

Prevocational Services Redefined.

Prevocational Services. *Prevocational Services provide work experiences and training designed to assist individuals in developing skills needed for employment in the general workforce.*

General Summary of Recommendations

- This new definition above eliminates all traditional VR language distinguishing vocational and prevocational (e.g., percentage of productivity, level of wages)
- Focuses definition on work-related activities and recognizes some states will include “career planning” in this service
- Moves unpaid volunteer work out of supported employment and into Prevocational Services and/or community-based habilitation.

The Year of Community Living

In June 2009, President Barack Obama’s “The Year of Community Living” announcement was followed by Health and Human Services Secretary Sebelius’ announcement of new resources to help achieve the goal of enabling “individuals of all ages to live in the most integrated community setting suited to their medical needs, have meaningful choices about their living arrangements, and exercise more control over the services they receive.”

President Obama then directed HHS Secretary Kathleen Sebelius and Housing and Urban Development Secretary Shaun Donovan to work together to identify ways to improve access to housing, community supports, and independent living arrangements. In keeping with that direction and funding made available in the FY 2009 appropriation, HUD announced that it will allocate funding for up to 4,000 housing choice vouchers for non-elderly families with disabilities, including 1,000 vouchers specifically targeted to those transitioning out of nursing homes and other care facilities. The 1,000 vouchers are intended to fill a gap identified in an HHS initiative which is helping persons who reside in health care settings move to community-based living. (White House Press Release)

Work is a fundamental part of adult life. It gives us a sense of purpose, shaping who we are and how we fit into our community. Because it is so essential, people with disabilities must not be deprived the opportunity to work within the general workforce in their pursuit of health, wealth and happiness. Our public support system must re-engineer itself to fully support this essential part of community engagement especially for people with developmental disabilities.

SELN member states are interested in continuing the dialogue on “Employment First” and working with CMS to make changes in the Medicaid waiver program in ways that enable more individuals with disabilities, particularly individuals with significant disabilities to find jobs within the general workforce and fully engage in community activities alongside their nondisabled friends, co-workers, and family members.

We hope that in its role as advancing opportunities for people with disabilities to be participants in their communities, CMS will adopt and promote service definitions that signal a preference for employment and will continue to look for additional vehicles to communicate an Employment First principle at a national level.

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