

Framework for Aligning Vocational Habilitation Service Delivery with State and Federal Requirements

Home and Community-Based Waiver Services 42 CFR 440.180 (c)(2)(i)			
What does it require?	How can we do it?	What system changes will help make this work?	What tools can we create to make this work?
<p>Prevocational services are for people not expected to join the general workforce within the next year or participate in a transitional sheltered workshop, except for supported employment.</p> <p>People who are paid are paid less than 50% of the minimum wage.</p> <p>The service is not used to teach a person a specific job but is used to help people learn the general skills needed to work in any job.</p> <p>Services are reflected in the persons service plan identifying the skills to be developed, the main objective</p>	<p>When people receiving Basic Employment Skills Training (BEST) are paid, the following guidelines will be used:</p> <ol style="list-style-type: none"> 1. Compensation will be reviewed at least every 12 months to determine if the person has achieved 50% of the minimum wage threshold. 2. "Minimum wage" is the Ohio minimum wage. 3. The calculation will be based off of the state minimum wage and the Bureau of Labor Statistics (BLS) data. BLS tracks how many hours per week the average American work and 	<p>Develop a guidance document on how to make the annual calculation. Include annual compensation amount.</p> <p>Amend DODD/OOD & DODD/Medicaid Interagency Agreements to reflect.</p> <p>Strengthen relationship with ODE to educate, train, and support local education authorities (BEST) service.</p> <p>Fully operationalize the Employment First Transition Framework.</p> <p>Build SSA capacity to review compensation standards, facilitate difficult conversations with families, understanding when to</p>	<p>Develop communication and outreach tools to individuals, families, providers, and CB's ongoing throughout the process.</p> <p>Develop Service flow chart that providers/SSA's can use to show the range of adult day and employment services that are available.</p> <p>Develop Employment decision tree that providers can share with families and people with disabilities</p>

<p>for the service cannot be for employment.</p> <p>DODD's current prevocational service is called <u>Vocational Habilitation</u>. The Vocational Habilitation Service will transition into the Basic Employment Skills Training Service (BEST), effective October 2021.</p>	<p>releases that information monthly.</p> <p>Annual wage earnings will be added to the required employment services progress report that is submitted to the SSA once every 12 months.</p> <p>This information will be used to plan for transitioning the person from BEST to other needed employment supports.</p>	<p>authorize BEST, and BEST rule requirements.</p>	
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Home and Community-Based Services (HCBS) Settings Rule 42 CFR 441.301 (4)

What does it require?	How can we do it?	What system changes will help make this work?	What tools can we create to make this work?
<p>Wherever a person receives Medicaid-funded waiver services has to be part of the community.</p> <p>The providers of HCBS Medicaid-funded waiver services must support people, as needed, with being involved in their community in ways that are meaningful to them.</p> <p>A person must be given the choice of receiving services in places that are not just for people with disabilities The SSA must document all the choices a person was offered.</p> <p>New CMS issued guidance indicates that all settings that have the effect of isolation do not have to be submitted to CMS for heightened scrutiny if the setting implements</p>	<p>Strengths, interests and abilities are identified through the person-centered planning process.</p> <p>People are given the opportunity to be involved in community activities with support, as needed, by providers of BEST services.</p> <p>SSAs make sure people are given choices of services available to meet their needs and in non-disability-specific settings where those services can be provided. These options are documented in the record.</p> <p>Monitor ongoing compliance with standards via monitoring by SSAs and Department level staff</p>	<p>Amend DODD/OOD and DODD/Medicaid Interagency Agreements to reflect the HCBS Settings Rule and reflect required partnership to support people towards community employment.</p> <p>Strengthen relationship with ODE to educate, train, and support local education authorities on the HCBS Settings Rule.</p> <p>Build SSA capacity to understand the HCBS settings rule, facilitate difficult conversations with families, understanding when to authorize BEST and BEST rule requirements based on the HCBS settings rule.</p> <p>Identify what funding would be available to provide</p>	<p>Increase communication and outreach tools for individuals, families, providers, and CB's ongoing throughout the process</p>

<p>remediation to the state's satisfaction by July 1, 2021.</p> <ul style="list-style-type: none"> States may submit to CMS those isolating settings that have not completed remediation by July 1, 2021 if a state determines that these settings can implement remediation prior to the expiration of the transition period (March 17, 2023). 	<p>using the process outlined for regulatory review of certified providers outlined in OAC 5123:2-2-04.</p> <p>HCBS Medicaid services rules are updated to reflect settings rule requirements, as needed.</p> <p>Build provider and SSA capacity to plan, authorize, and deliver services in settings that meet the HCBS Settings Rule.</p> <p>Set benchmarks in Ohio Transition plan to increase the number of people receiving community based prevocational services.</p> <p>Gather baseline data of current available community based prevocational services providers by 2019.</p> <ol style="list-style-type: none"> By 2020, increase community prevocational 	<p>training and technical assistance to support sheltered workshops to continue to employ individuals with I/DD without Medicaid funding. The funding would be temporary and would only fund technical assistance for strategic planning and implementation.</p>	
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	<p>services providers by 10%.</p> <p>b. By 2022, increase community prevocational service providers by 20%.</p> <p>Remediation plans may be required for settings the State determines to have the effect of isolating. Heightened scrutiny may also be requested from CMS.</p>		
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Centers for Medicare and Medicaid Services (CMS) Technical Guide (9/16/2011)

What does it require?	How can we do it?	What system changes will help make this work?	What tools can we create to make this work?
<p>Prevocational services occur over a defined period of time (not indefinite/forever).</p> <p>The service must be aimed at helping people enter the general workforce.</p> <p>The service must be tied to clear outcomes for the person.</p> <p>The service must be used to teach or develop general skills.</p> <p>The waiver application must say where the service can be provided.</p> <p>The service cannot be used to teach specific job skills needed to perform work in a facility-based job.</p> <p>The service must be reviewed at least annually.</p>	<p style="color: red;">Develop new HCBS waiver service to be effective in 2021. The new service is Basic Employment Skills Training (BEST). (Estimated Date: October 2021)</p> <p style="color: red;">The BEST service will include two tiered requirements for service delivery.</p> <p style="color: red;">Tier 1: Persons receiving the Vocational Habilitation service who are under 50 years of age at the time Basic Employment Skills Training service becomes effective. New entries into Basic Employment Skills Training, regardless of age.</p> <p style="color: red;">This tier of service will be required to meet all state and federal regulations related to compensation,</p>	<p>Develop new HCBS waiver service to be effective in 2021. Training and TA to occur.</p> <p>Strengthen relationship with ODE to educate, train, and support local education authorities on the BEST service and time limit. Increase Pre-employment transition services for youth.</p> <p>Develop new Basic Employment Skills Training Service OAC.</p> <p>Amend DODD/OOD and DODD/Medicaid Interagency Agreements to reflect time limit and reflect the required partnership to support people to obtain and maintain community employment.</p>	<p>Develop training and guidance materials for SSA's, providers, individuals and families regarding this service.</p> <p>Develop a decision tree on how individuals would transition from current vocational habilitation service into the newly identified service.</p> <p>Develop decision tree on service options and planning process for individuals 18+. Detailing what occurs if services are needed beyond the 24 month time limit.</p> <p style="color: red;">Outline the details for the County Board extension process and the DODD review process (required for any extensions beyond 3 years).</p> <p>Increase communication and outreach to individuals, families, providers, and CB's ongoing throughout the process</p>

	<p>time limit for prevocational services, etc.</p> <p>Employment First rule would still apply to these individuals but if they choose to remain in a facility-based setting, this would be approved. The plan must identify the person's outcomes, the general skills intended to be obtained through Basic Employment Skills Training Service, where those services will be delivered, and when they will be reviewed.</p> <p>Basic Employment Skills Training may only be authorized for people who express an interest in obtaining competitive, integrated employment.</p> <p>Basic Employment Skills Training Service can only be authorized for a total of 24 months for people. Effective Date: October 2021</p>	<p>Evaluation and revisions to Acuity Assessment Instrument (AAI)</p> <p>Evaluation and recommendations to align budget limitations for adult day and employment services.</p> <p>Evaluation and recommendations to align financing for adult day and employment services.</p> <p>Ongoing evaluation of non-medical transportation.</p> <p>Build SSA capacity.</p> <p>Build provider capacity to deliver prevocational services in alignment with federal requirements.</p>	<p>DODD will create resource document and training on how the Adult Day Support Service can be delivered for those individuals whose goals are targeted at retirement.</p>
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Yearly extensions to this service can be approved as needed. Extensions will only be granted for a one-year timespan. This will correspond with ISP.

County Boards of Developmental Disabilities will be able to authorize the one-year extension up to 3 times.

After the third extension, DODD will develop an authorization process and extensions beyond 3 times could only be authorized by DODD.

There will be no limit to the number of available extensions.

A person's place on the Path to Community Employment is identified in the plan.

Tier 2: Persons receiving the Vocational Habilitation

service and 50 years of age or older at the time the Basic Employment Skills Training service becomes available who are not interested in competitive, integrated employment.

The Employment First Rule, 5123-2-2-05 will be amended requiring County Boards of Developmental Disabilities to report yearly individuals' Place on the Path to Community Employment. Rule amended by March 2021. Required data collection will start in October 2020 and end in March 31, 2021.

Workforce Innovation and Opportunity Act (WIOA)

What does it require?	How can we do it?	What system changes will help make this work?	What tools can we create to make this work?
<p>Youth and adults with disabilities should be able to have the option and exposure to working in competitive, integrated employment.</p> <p>Places limits on the payment of subminimum wages to individuals with disabilities.</p> <p>Sets requirements for youth 24 and younger and adults.</p> <p>Sets requirements for VR and schools.</p>	<p>Youth 24 and younger, must:</p> <ol style="list-style-type: none"> 1. Be provided with PreETS 2. Apply for VR services and has been found ineligible or had their case closed without an employment outcome 3. Provided career counseling <p>Adults being paid subminimum wage must receive:</p> <ol style="list-style-type: none"> 1. Career counseling at least once a year 2. Provided with information on self-advocacy, self-determination, and peer mentoring opportunities 	<p>Employment First Taskforce Joint Guidance document created and distributed.</p> <p>Vocational Rehabilitation is the lead agency for parts of WIOA.</p> <ol style="list-style-type: none"> 1. Developed and administer career counseling. 2. Developed and authorizing PreETS <p>ODE has distributed guidance, forms, and reference materials. Added to Employment First Transition Vision Work Plan.</p> <p>Increase of Pre-Employment Transition Services.</p> <p>Ongoing joint training regarding IEP outcome of competitive, integrated employment.</p>	<p>Ongoing development of communication and outreach tools to individuals, families, providers, and CB's ongoing throughout the process.</p> <p>Multi-system case management training requirements regarding community employment.</p>

		<p>Target towards all school districts but initial outreach to current county board operated schools.</p> <p>Fully operationalizing the Employment First Transition Framework.</p> <p>Build SSA capacity.</p> <p>Build provider capacity.</p> <p>Multi-system required employment competencies for case managers in OOD, DODD, ODE, ODJFS, and ODM regarding employment resources for individuals with I/DD.</p> <p>Multi-system core competencies for employment providers across OOD, DODD, ODE, ODJFS, and ODM.</p> <p>Increase access for youth exiting school to multi career pathways, including post-secondary options</p>	
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Department of Labor (14c subminimum wage certificate)

A person must be paid for all hours worked.

A person must be paid minimum wage, in accordance with state and federal standards, unless:

- a. The person is doing work for an employer who has a 14c certificate from the Department of Labor; AND
- b. The person's disability impairs his ability to do earn and produce the work being performed at the same rate as non-disabled workers.

If paid below minimum wage, the person's wage is based on the worker's ability to produce work, as compared with non-disabled workers doing the same work, and must be reevaluated at least every 6 months.

Employers must keep track of daily and weekly hours worked and time spent not doing paid work, as defined by the Fair Labor Standards Act (FLSA).