

Office of Developmental Disability Services (ODDS)
Provider FAQ Employment Services

INTRODUCTION

This Frequently Asked Questions (FAQ) document is being distributed to help clarify and facilitate the services provided by the Office of Developmental Disability Services (ODDS) for adults with Intellectual and other Developmental Disabilities (I/DD) in Oregon.

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EMPLOYMENT SERVICE QUESTIONS:

1. How is the appropriate Employment Service determined?

The individual's employment and career goals determine the appropriate service. The employment and career goals must be identified in the individual's ISP/Career Development Plan (CDP). The Service Coordinator (SC) or Personal Agent (PA) authorizes the appropriate service based on what will most effectively support the individual in achieving individual integrated employment as well as the individual's employment and career goals.

To access the ODDS waiver-funded employment services outlined below (these services are also defined under Oregon Administrative Rule 411-345) the person must have a goal of exploring, obtaining, maintaining, or advancing in individual integrated employment. If the individual does not have, at minimum, a goal of exploring individual integrated employment, then another non-employment service may be more appropriate for the individual.

- Individual Supported Employment (IES) - Job Coaching	- Small Group Employment
- Employment Path Community	- Employment Path Facility
- Discovery	- Individual Supported Employment (IES) - Job Development

If questions remain about which service a provider is offering after reviewing the service descriptions, then a provider may complete the online assessment found here:

<http://www.surveygizmo.com/s3/1990286/ODDS-employment-and-day-service-provider-assessment>

Technical assistance regarding the appropriate service is also available through the ODDS. The ODDS employment team meets on a weekly basis to staff address these types of inquiries and other issues. Inquiries can be sent via email to: ODDSquestions@state.or.us.

ODDS currently is reviewing policies, as well as ongoing quality assurance and licensing processes that will ensure compliance and proper billing.

Billing for the incorrect service may be Medicaid Fraud.

FAQ Updated on March 1, 2016

2. Can a provider hire an individual receiving ODDS funded Employment Services within the provider’s own business and bill for the Individual Employment Support (IES) – Job Coaching service if the position is otherwise an individual and integrated position that pays a competitive wage?

ODDS is continuing to review whether jobs in provider-controlled settings are more appropriately supported by ODDS funded “Employment Path” services as opposed to Job Coaching. ODDS anticipates issuing further guidance on this. Job Coaching must be provided in an integrated setting. The **most** integrated setting possible includes one that is not owned, operated, or controlled by the provider and one in which a provider is not the employer of record.

An ODDS-funded job coach provider can certainly hire an individual receiving ODDS-funded employment services to work within the provider organization’s business, and also support the person through natural supports.

If it is an individualized hire at a provider site, where the person works with coworkers who do not have disabilities or use ODDS services (not including paid support), then the service is presumed to be employment path community. Any segregated / group based work at a provider site would be considered sheltered.

The provider would have to submit additional information to show that the provider setting meets the definition of “competitive integrated employment.” Meaning people who have disabilities interact with people who do not “**to the same extent**” that individuals who do not have a disability, who work in the same or similar type of settings, interact with other persons (the workforce should be reflective of the general population).

To overcome the presumption, information must be submitted regarding the total number of people who work in the setting, the number of people who work in the setting who use ODDS services, to show the individual is earning competitive wages and benefits, etc. And any other evidence to show that it is competitive integrated employment and the “to the same extent” integration standard is met. The job cannot be contingent upon the employer being the provider. The individual must always be free to choose an alternative provider. A provider will be prompted to answer these questions in the provider service assessment.

Additionally, the supported individual must have regular opportunities to make an informed choice about seeking work in settings that are not controlled by a provider, and also make a choice about who his or her provider is.

Again, keep in mind that there currently are policy conversations regarding whether an employment service at a provider site could ever be considered competitive integrated employment. RSA guidance states that competitive integrated employment occurs in a typical community setting and cannot occur in

a setting that is designed with the specific intent to hire people who have disabilities. One question is whether this also includes any setting designed to provide services for people who have disabilities.

The online assessment tool can be found here:

<http://www.surveygizmo.com/s3/1990286/ODDS-employment-and-day-service-provider-assessment>

FAQ Updated on March 1, 2016

3. What hours can we bill for Individual Employment Support (IES) – Job Coaching?

Job Coaching may be billed for each hour the supported individual has been paid for work performed on the job. This does not include benefits to the supported individual for paid time off (paid leave, sick time, paid holidays, family leave, jury duty, etc). This reimbursement methodology is only available for job coaching in an individual integrated job. This billing methodology is subject to all other limitations and requirements outlined under Oregon Administrative Rule 411-345 and the Expenditure Guidelines.

It is expected that the Job Coach will provide both the direct and the indirect support required for the individual to maintain individual integrated employment and advance in the individual's chosen career. This includes, at a minimum, providing the service as outlined in the individual's ISP/Career Development Plan. A provider that does not provide the minimum service requirements outlined in the ISP/CDP has violated the terms of the ISP and will not be eligible to be paid for the service. This job coaching rate methodology presumes a set percentage of direct support provided. See the rate models for additional information on this.

It is expected that the need for an individual's job coach will fade over time as the person becomes more accomplished in performing the job duties or other supports (natural, co-worker, etc.) are established.

The expectations and duties of a job coach when not face to face with the individual may include, but are not limited to:

- Contact with supervisors and coworkers in order to ensure the individual is able to maintain the position;
- Encouraging identification of natural supports;
- Coordination with a residential provider or transportation provider to ensure supports are in place to ensure the individual is successful on the job. This includes, for example, support to arrive at work on time, support to ensure proper hygiene, etc. Under Oregon's Employment First policy, achieving successful employment outcomes is everyone's job. This includes providers

of residential services, transportation, and clinical or behavior support services;

- Identifying opportunities for increased hours;
- Increasing the supported individual's independence in the workplace; and
- Fading services when appropriate. The job coach is expected to be available if support becomes necessary even after fading has occurred.

ODDS is working to establish a maintenance rate for Job Coaching.

This rate model will be under review, as needed, to ensure it effectively incentivizes the appropriate level of job coaching support. It will also be under review to ensure that the underlying presumptions regarding the amount of direct and indirect support provided are accurate.

FAQ Updated on March 1, 2016

4. What documentation is required to support the Job Coaching hours a provider has billed for the Individual Employment Support (IES) – Job Coaching service?

Providers must maintain documentation that supports the number of hours the supported individual works and the provider has billed for. These records are subject to review and oversight and must be made available upon request by ODDS, Licensing, Employment First Quality Assurance, Oregon Health Authority as Oregon's State Medicaid Agency, Centers for Medicare and Medicaid Services (CMS), as the federal agency that oversees Medicaid waiver programs, or the Service Coordinator or Personal Agent. Documentation to support the service that was provided must be maintained by the provider for a minimum of five years.

Documentation that supports the amount of hours the supported individual works might include, but is not limited to, the following:

- The supported individual's pay stub documenting the hours the supported individual worked and the dates of the pay period;
- The supported individual's time sheet (when available or accessible);
- When a pay stub or time sheet is not available, a document signed by the supported individual and the employment provider that verifies the dates and hours the individual worked. This may be used on an exception basis and must also include a statement regarding why the pay stub is not accessible; or
- Any regularly kept business records that support or verifies the number of hours the supported individual worked.

Note that Job Coaching for Self-Employment requires additional documentation outlined under OAR 411-345.

FAQ Amended on February 26, 2016

5. Is it allowable for a job developer being paid by VR or ODDS to make contact with employers while the individual is still utilizing ODDS-funded Small Group Supported Employment or Employment Path Services?

Yes. Payments for job development, whether funded through VR or ODDS, are made for an outcome rather than for a direct Medicaid service rendered and do not constitute an overpayment of federal dollars. Additionally, Job Development is a substantially different service than Job Coaching, Small Group Supported Employment, or Employment Path Services.

6. Can Employment Path services be used to support an individual working in a Sheltered Workshop?

ODDS Employment Path services, and other waiver funded services, cannot be used in settings where individuals are supervised and paid for the primary purpose of producing goods or performing services. The optimal and expected outcome of all ODDS-funded Employment Services is competitive integrated employment and continued career advancement. The primary purpose of Employment Path services is to develop general work skills that can be transferred to an individual integrated job. Producing goods and services may be incidental to this primary purpose.

In order to use ODDS-funded Employment Path services (previously pre-vocational services), an individual must have a goal in the ISP/Career Development Plan to develop specific employment related skills that can be used in a competitive integrated job. Individuals presently working in sheltered workshop settings must, at minimum, have an interest in exploring competitive integrated employment and continuing to develop skills that can be used in a more integrated employment setting.

If an individual ultimately makes the informed decision to no longer explore or pursue integrated employment, it may be more appropriate for the individual to explore other non-employment opportunities as part of his or her non-residential service plan.

Additionally, under federal regulations issued by Centers for Medicare and Medicaid Services (CMS), all Medicaid Home and Community Based Services (HCBS), including Employment Path and all other ODDS Employment Services, must be provided in settings that are integrated in and support full access to the greater community. This must include opportunities to seek employment and work in competitive integrated settings.

As outlined under [Oregon's Home and Community Based Settings Transition Plan](#) all non-residential settings (in addition to the residential settings) will be assessed to determine whether they are in compliance with these HCBS setting requirements. All settings must be in compliance with the setting requirements within the timeline outlined under the Transition

Plan. Additional information regarding how these regulations apply to employment settings can be found here:

<http://www.oregon.gov/DHS/SENIORS-DISABILITIES/HCBS/Pages/Resources-Oregon.aspx>

FAQ Amended on February 26, 2016

7. Are Employment Path Services time limited?

Employment Path services are time limited based on the individual's circumstances and as defined by the individual's ISP and CDP. Progress must be made towards developing general skills that will be used in a competitive integrated employment setting in the general workforce. If progress is not made toward the employment goals outlined in the individual's ISP/CDP, then the ISP process should include identifying whether another provider would be more effective or appropriate.

FAQ Updated on March 1, 2016

8. What about Career Development Planning for individuals who already work in an individual integrated job?

Once competitive integrated employment is achieved, annual Career Development Planning should include conversations with the service coordinator or personal agent regarding career advancement, increased hours, additional wages or benefits, or work that is more consistent with the individual's skills and interests.

FAQ Updated on March 1, 2016

Provider Requirements (Training and Qualifications)

9. Will there be more training or credentialing requirements for providers?

Under OAR 411-345 all Employment Professionals who provide an employment service, including all provider organization employees and independent providers, must complete a Department approved competency-based training within 90 days of providing the service. All Discovery providers must complete a Department-approved Discovery training *prior to* providing Discovery.

Additionally, on or before July 1, 2016, all Employment Service providers must have at least one employee who has the Department-approved credentialing to provide all ODDS-funded Employment Services. This includes the Association for Persons in Supported Employment's (APSE) designation for Certified

Employment Support Professionals (CESP) or a substantially equivalent Employment Service credentialing approved by the Department.

Starting July 1, 2016, ODDS and VR will only purchase employment services from credentialed providers. More information regarding this is forthcoming.

Effective July 1, 2016, Discovery providers must also be vendors of VR Job Development services. ODDS Job Development providers must also be vendors of VR Job Development services.

FAQ Updated on March 1, 2016

10. Where can we access information about providers who are qualified to provide ODDS-funded Employment Services?

Provider contact information can be found here:

<http://www.oregon.gov/DHS/EMPLOYMENT/EMPLOYMENT-FIRST/Pages/supported-employment-providers.aspx>

Information regarding providers who are properly trained and qualified to provide Discovery is available in Information Memorandum Transmittal APD-IM-14-047. This is located at:

<http://www.dhs.state.or.us/policy/spd/transmit/im/2014/im14047.pdf>

FAQ Updated on March 1, 2016

11. Where can a provider get information regarding trainings that are available around the state?

DHS has contracted with WISE (Washington Initiative for Supported Employment) to deliver several trainings. The WISE Oregon Employment First website includes information regarding training opportunities available through the Oregon Employment Learning Network (OELN). This site is at <http://employment-first.org>.

You can also explore other training sources listed in the policy transmittal APD-PT-14-024. This can be found at: <http://www.dhs.state.or.us/policy/spd/transmit/pt/2014/pt14024.pdf>.

TIER QUESTIONS:

12. Where can I get information about an individual's tier?

The CDDP or brokerage will have information regarding an individual's tier. Policy Transmittal APD-PT-14-023 regarding ReBAR rate model, tier assignment, and tier review also provides information regarding tiers. See policy transmittal APD-PT-14-023 via the following link:

<http://www.dhs.state.or.us/policy/spd/transmit/pt/2014/pt14023.pdf>

13. What if the tier does not provide the support an individual truly needs?

Information regarding review of interim tier assignment is available in policy transmittal APD-PT-14-023. Requests for tier reviews can be sent to the following email address: ODDS.FundingReview@state.or.us

14. My brokerage clients don't have a SIS tier. How do I get paid?

An interim tier has been assigned. This information may be obtained through the brokerage. See policy transmittal APD-PT-14-023 regarding ReBAR rate model, tier assignment, and tier review.

<http://www.dhs.state.or.us/policy/spd/transmit/pt/2014/pt14023.pdf>

15. Can 1:1 support be funded for someone working in a small crew?

Staffing needs should be reflected in the individual's assigned tier. Tier reviews can be requested if it appears that the assigned tier may not capture the needs of the individual. As outlined above, requests for tier reviews can be sent to the following email address: ODDS.FundingReview@state.or.us

RATE QUESTIONS:

16. What if my revenue as a provider is less than it was before the ReBAR rate model was in effect?

One goal of recent rate restructuring efforts has been to clarify that payment is being made for specific services and desired outcomes associated with those services.

Oregon is an Employment First State, and the rate model increases revenue for services that incentivize individual integrated employment. Many providers are

adjusting to the new rate model and adjusting their business models to provide better support to individuals who want to pursue individual integrated employment.

The new billing system requires hourly billing, so providers can only bill for the actual hours of service provided whereas they were previously able to bill for a full day of service even when a full day of service was not provided.

ODDS will continue to review the ReBAR rate model in order to ensure it properly supports Oregon's [Employment First policy](#) as well as other ODDS and Medicaid funded services.

17. Does ReBAR include Brokerage clients?

Yes. Oregon is working to align Employment Services for all ODDS clients.