

Employment and Meaningful Community Activities

*Supported Employment:
Documentation, Billing,
and Reporting
Guide*

September 2019



**Office for People With
Developmental Disabilities**

INTRODUCTION TO OPWDD'S:

Supported Employment: Documentation, Billing, Regulations and Reporting Guide

What is the purpose of this guide?

The purpose of the “Supported Employment: Documentation, Billing, Regulations and Reporting Guide” is to provide an overview of OPWDD’s requirements for program administration and compliance. Included in this guide are updated regulations, policies and procedures, billing guidelines, sample documentation, and reporting instructions.

Who is the audience for this guide?

Management, direct support professionals and quality assurance staff will benefit from the information in this guide.

How should this guide be used?

This guide is a valuable resource for management and quality assurance staff related to SEMP service provision, billing, and documentation requirements. Management and quality assurance staff need to fully understand the regulations and policies in order for guide staff, provide quality supervision, bill for services, ensure program sustainability and implement corporate compliance tasks. This guide may also be used by direct support staff as an introduction to supported employment regulations, job expectations and performance guidelines.

Where can I find more information about this topic?

Information on this topic may be found at www.opwdd.ny.gov and www.humanservicesed.org. Regulations and policies are subject to change. All changes and updates may be found at www.opwdd.ny.gov



Supported Employment: Documentation, Billing, Regulations and Reporting Guidebook

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Section 1



Vision, Mission, Values and Guiding Principles

The Vision Statement

People with developmental disabilities enjoy meaningful relationships with friends, family and others in their lives, experience personal health and growth and live in the home of their choice and fully participate in their communities.

The Mission Statement

We help people with developmental disabilities live richer lives.

Values

Values describe how we as employees of OPWDD interact with the individuals we serve, families, staff, the community and each other:

Compassion

The capacity to appreciate what others think and feel.

Dignity

The recognition of the worth of each person and the treatment of individual rights and preferences with respect, honor and fairness.

Diversity

The celebration, respect and embracing of the differences among us because these differences strengthen and define us.

Excellence

The continual emphasis on innovation, increasing knowledge, and delivering the highest quality supports and services.

Honesty

The foundation on which trust is built and truth is communicated.

Guiding Principles that frame how OPWDD conducts its business:

Put the person first - People with developmental disabilities are at the heart of everything we do, and this person-first ethic is embodied in the way we express ourselves, and in the way we conduct our business.

Maximize opportunities - OPWDD's vision of productive and fulfilling lives for people with developmental disabilities is achieved by creating opportunities and supporting people in ways that allow for as many as possible to access the supports and services they want and need.

Promote and reward excellence - Quality and excellence are highly valued aspects of our services. Competency is a baseline. We find ways to encourage quality, and create ways to recognize and incentivize excellence to improve outcomes throughout our system.

Provide equity of access - Access to supports and services is fair and equitable; a range of options is available in local communities to ensure this access, regardless of where in NYS one resides.

Nurture partnerships and collaborations - Meaningful participation by people with developmental disabilities strengthens us. OPWDD staff and stakeholders create mechanisms to foster this participation. The diverse needs of people with developmental disabilities are best met in collaboration with the many local and statewide entities who are partners in planning for and meeting these needs, such as people who have developmental disabilities, families, not for profit providers, communities, local government and social, health and educational systems.

Require accountability and responsibility - There is a shared accountability and responsibility among and by all stakeholders, including individuals with disabilities, their families, and the public and private sector. OPWDD and all its staff and providers are held to a high degree of accountability in how they carry out their responsibilities. We strive to earn and keep the individual trust of people with developmental disabilities and their families, as well as the public trust. Creating a system of supports that honors the individual's right to be responsible for their own life and accountable for their own decisions is of paramount importance.

OPWDD Transformation

OPWDD's initial goals outlined five specific areas of system reform:

1. *Making the system more person-centered*
2. *Restructuring to provide better integrated, holistic support*
3. *Establishing transparent and sustainable funding*
4. *Measuring the quality of the system based on the outcomes*
5. *Serving people in the most integrated settings possible*

CMS GUIDANCE

SEPTEMBER 16, 2011

CAREER PLANNING CORE SERVICE DEFINITION

Career planning is a person-centered, comprehensive employment planning and support service that provides assistance to obtain competitive employment. It is a focused, time limited service engaging a participant in identifying a career direction and developing a plan for competitive, integrated employment.

PREVOCATIONAL SERVICES – CORE SERVICE DEFINITION

Services that provide learning and work experiences, including volunteer work, where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment. Services are expected to occur over a defined period of time with specific outcomes.

SUPPORTED EMPLOYMENT (SEMP) CORE SERVICE DEFINITION

The outcome of this service is sustained paid employment at or above the minimum wage in an integrated setting in the GENERAL WORKFORCE in a job that meets personal and career goals.



OPWDD EMPLOYMENT **SERVICES VISION**

PATHWAY TO EMPLOYMENT – DISCOVERY/CAREER PLANNING

An opportunity for an individual to participate in vocational community experiences and career planning for ONE YEAR to help determine the individual's skills, abilities, and unique talents AND allow the individual to make informed decisions. This service was designed for individuals who need to have community experiences before competitive employment is considered.

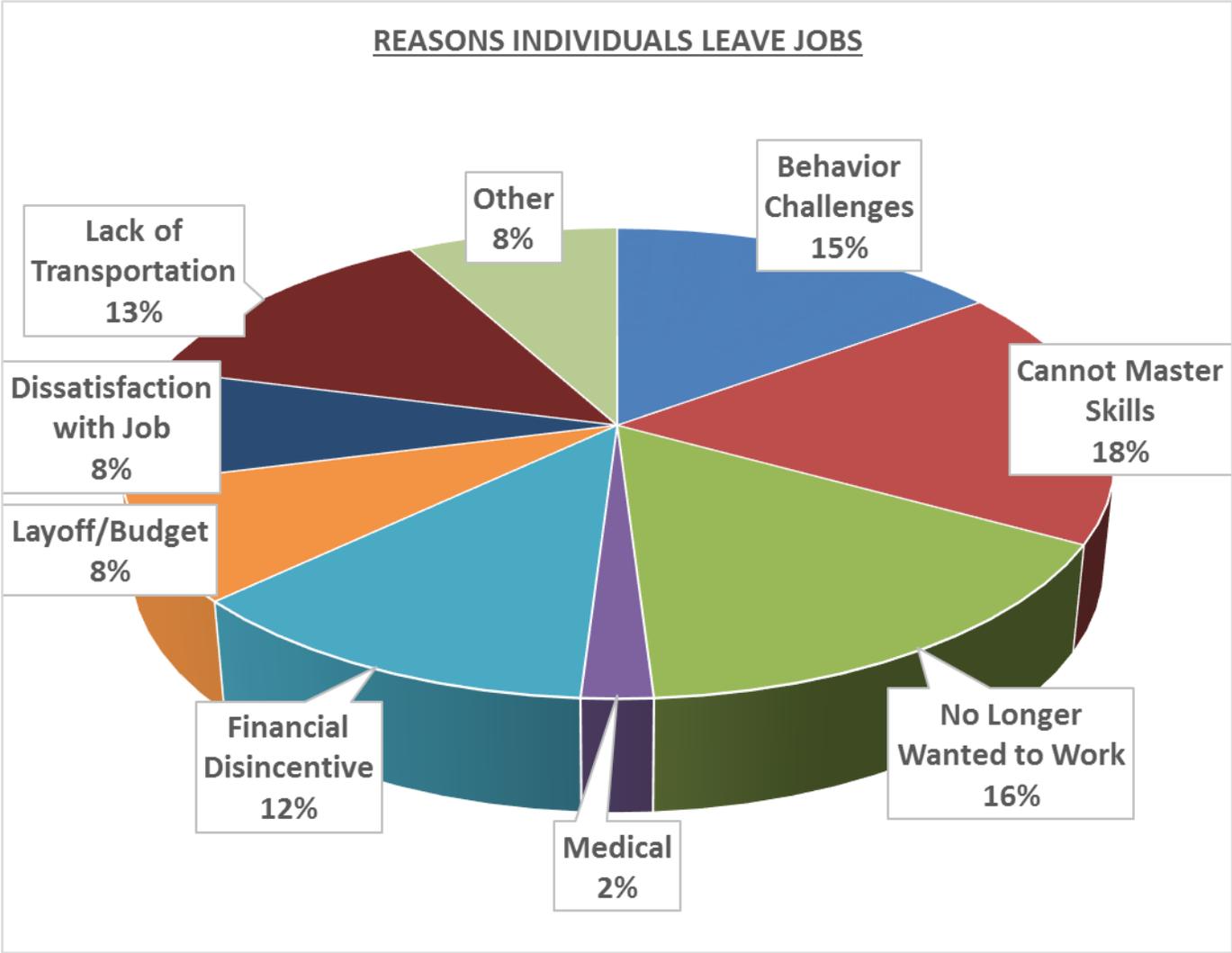
COMMUNITY PREVOCATIONAL SERVICES

An opportunity for an individual to participate in volunteer/vocational community experiences for an EXTENDED PERIOD OF TIME to help provide the individual with experiences that prepare them for jobs that pay minimum wage in an integrated setting.

SUPPORTED EMPLOYMENT (SEMP)

Services to support an individual in obtaining or maintaining competitive employment IN THE GENERAL WORKFORCE paying at least minimum wage.

HOW CAN WE INCREASE JOB RETENTION AND REDUCE THE FACTORS THAT CONTRIBUTE TO JOB LOSS?????



OPWDD Tools in the Toolbox

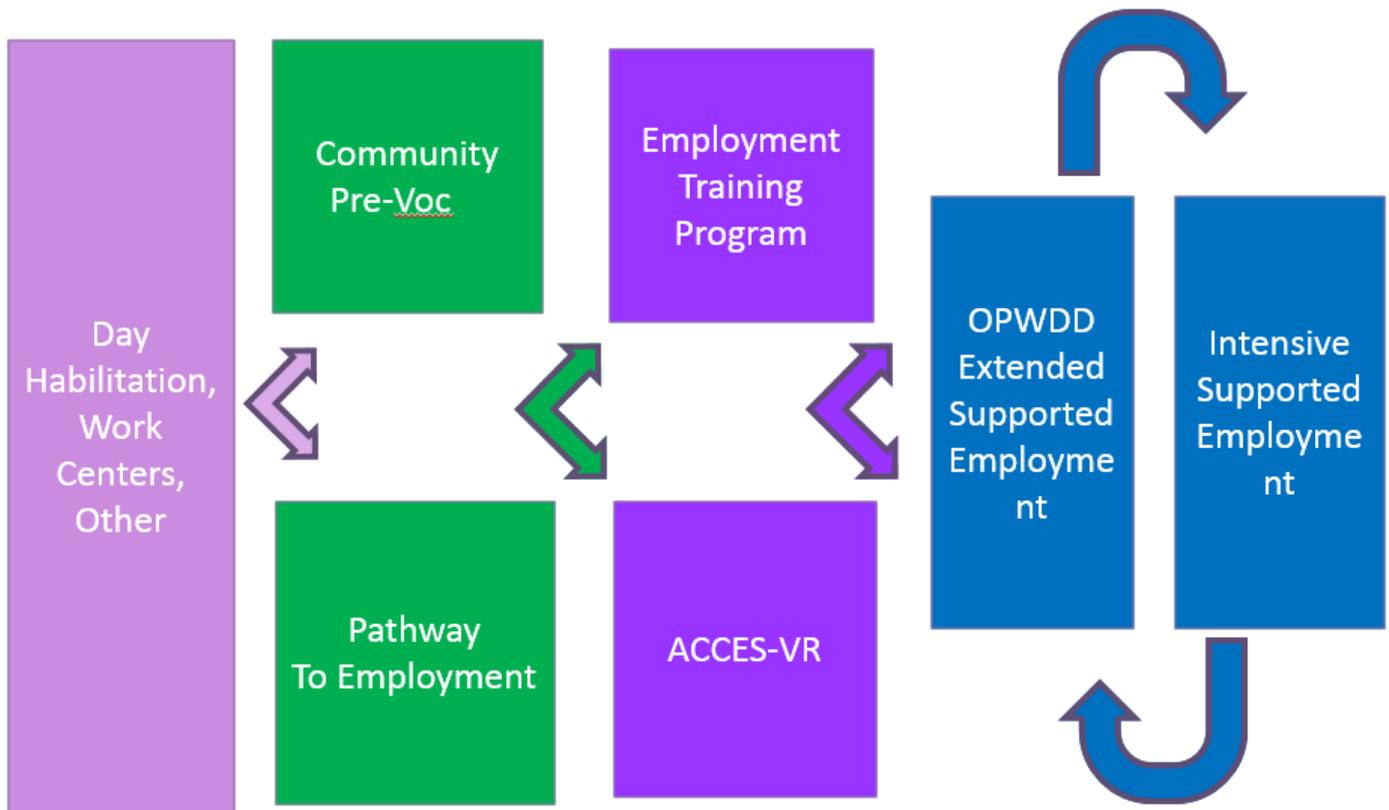
Prevocational	Pathway to Employment	Employment Training Program (ETP)	Supported Employment (SEMP)
Prepares people for paid community employment or more independent meaningful activities for 1 year or more (transition to Pathway or ETP/SEMP)	Creating a Career and Vocational Plan (278 hours in 1 year) to determine if job development is the right service (transition to ACCES-VR or ETP/SEMP)	Discovery, job development and Intensive SEMPS Services	Job Coaching, Job Development and Life-Long Supports on a Job
Discovery, community work experiences, volunteer opportunities and career planning	Discovery, community work experiences, and develop a vocational goal	Internship opportunity at a community business	Community based, competitive, integrated employment
Unpaid or Paid Work Experiences or Volunteer	Unpaid or Paid Work Experiences or Volunteer	Wages paid by OPWDD until business hires if successful	Paid by business at minimum wage or higher

Which Services Fit the Person's Skills, Experience and Support Needs?

OPWDD Career and Employment Services Options:

Person has no community or work experiences and no Discovery	Person has limited community or work experiences and no Discovery	Person has community and work experiences and has completed Discovery
		
<ul style="list-style-type: none">• Pathway to Employment• Community Prevocational Services	<ul style="list-style-type: none">• Pathway to Employment• Employment Training Program (ETP)	<ul style="list-style-type: none">• Employment Training Program (ETP)• ACCES-VR• SEMP

How Do OPWDD Employment Services Flow?



**Chart is designed for illustrative purposes only. An individual may apply for services in the order that makes sense based on individual circumstances.*



Section 2

Definition of Supported Employment

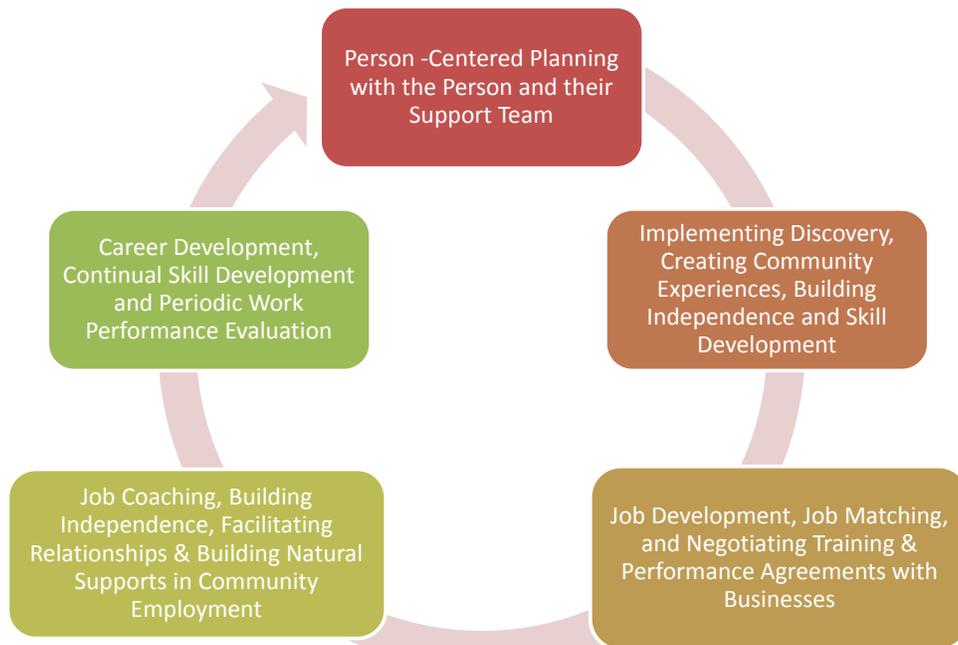
Supported employment is the *provision* of *on-going supports* to individuals to gain and maintain **integrated, community based employment** for which an individual is compensated at or above **minimum wage**, **working along side of workers without disabilities.**

What is Integrated Employment?

Work settings where workers with developmental disabilities **have opportunities to interact with,** and **work alongside,** co-workers who **do not have disabilities** are considered integrated.

If supervisors, job coaches and other staff are the only people without disabilities that workers interact with, then the setting does not meet the definition of integrated.

Supported Employment Process



Current and past OPWDD Regulations and Administrative Memos may be found at:

Regulations:

<https://opwdd.ny.gov> under Regulations & Guidance. Select Current and Proposed Regulations.

Administrative Memoranda:

<https://opwdd.ny.gov> under Regulations & Guidance. Scroll down to "All ADMs & INF's and select the Employment filter.

Minimum Wage Requirement

Individuals enrolled in SEMP who are earning a wage must be compensated at or above the minimum wage.

The SEMP service provider must obtain documentation when an individual is initially hired by an employer (and when the minimum wage is increased) that verifies that the salary earned is at least minimum wage. Verification may take the form of a pay stub, payroll record, hiring letter, other documentation from an employer that identifies an individual's wage, or documentation from the Department of Labor or New York Employment Services System identifying the individual's wage. This verification need not be updated once a service provider has it on file, unless the minimum wage increases. If an individual obtains a new job, the service provider is required to obtain verification that the salary for the new job is at least minimum wage.

INFORMATION ABOUT THE LIMITED EXCEPTION FOR SUPPORTED EMPLOYMENT FOR INDIVIDUALS ELIGIBLE TO BE GRANDFATHERED

As of July 1, 2015, anyone enrolling in supported employment (SEMP) services, whether or not they are receiving any other services, must pay for them or have the kind of Medicaid that pays for them. However, people who are already enrolled in SEMP and qualify for the limited exception on June 30, 2015 will remain eligible for the limited exception. To qualify for the limited exception on June 30, 2015, a person must:

- 1) Be enrolled in SEMP services, AND
- 2) Not live in a residence certified by OPWDD (These residences are intermediate care facilities for persons with developmental disabilities, individualized residential alternatives (IRA), community residences or family care homes.) AND
- 3) Not receive any of the following services OPWDD oversees: Medicaid Service Coordination (MSC), day treatment, community habilitation, day habilitation, prevocational services, or respite services AND
- 4) Not be enrolled in the OPWDD Home and Community Based Services (HCBS) Waiver and not have been enrolled in the HCBS Waiver at any time after March 14, 2010.

The limited exception means that a person can continue to receive SEMP services without applying for Medicaid and the HCBS Waiver and without being billed for the services. Individuals who are eligible for the limited exception on June 30, 2015 will be considered “grandfathered” under the limited exception for SEMP.

The limited exception will end if:

- 1) **the person receives other services.** The limited exception will end if the person moves into an ICF/DD, IRA, community residence or family care home, or if the person starts to receive MSC, day treatment, community habilitation, day habilitation, prevocational services, or respite services.

The limited exception will end on the date the other services begin.

- 2) **the person enrolls in Medicaid coverage that pays for SEMP services and also enrolls in the HCBS waiver.** However, in this case the person will not have to pay for SEMP services because Medicaid will pay for them.
- 3) **the person is no longer enrolled in SEMP services with the provider from which they were receiving SEMP on 6/30/2015 and is enrolled in SEMP services with another provider on 7/1/2015 or any time after.** This does not apply if the change is the result of provider actions: one provider assuming operation or control of the other provider’s operations and programs; a merger or consolidation of providers; or the original provider downsizing or eliminating the provision of the service for any reason.

If the limited exception ends, the person must have the kind of Medicaid that pays for the services or someone must pay for the services. If the limited exception ends because the person started to receive another service, the person can become eligible for another limited exception by dropping the other service. However, the person permanently loses his or her limited exception if he or she gets the kind of Medicaid that pays for SEMP services and enrolls in the HCBS Waiver or if he or she changes to another SEMP provider on or after 7/1/2015 because of provider actions.

Self-Directed Supported Employment Services

For individuals with Self-Direction budgets that include Supported Employment (SEMP) services, all Supported Employment regulations, administrative memoranda, and documentation requirements apply.

DDRO Review and Budget Approvals

For all individuals with Self-Direction budgets requesting SEMP services, DDRO Self-Direction Liaisons will review for the following prior to submission to Central Office for fiscal review.

If an individual is NOT employed:

- The individual has previously participated in pre-employment activities through Community Prevocational Services, Pathway to Employment, Employment Training Program (ETP), community volunteer, or high school internship experiences.
- If the individual requesting SEMP has not met the above criteria, he/she should be advised to pursue pre-employment activities which can be budgeted under Direct Provider Purchased (DPP) services.
- The Fiscal Intermediary/SEMP agency must have documentation that the individual was previously served by ACCES-VR or ETP. If not, the individual should apply for the appropriate service. If the individual previously participated in ACCES-VR or ETP, the Support Broker must submit a Request to Bill SEMP Intensive Services to OPWDD Central Office to regain employment.
- A Request to Bill SEMP Intensive Services has been approved by OPWDD Central Office and is submitted with the budget.

If an Individual is employed:

- The individual is employed in a community integrated job earning at least minimum wage.
- If the Total Cost of SEMP Services in the Self-Direction budget requires more than 200 hours annually x the regional SEMP fee, a Request to Bill SEMP Extended Services approved by OPWDD Central Office is submitted with the budget. If the Total Cost of SEMP services is less than 200 hours annually x the regional SEMP fee, no approval is required.

Staff Training

Self-Directed SEMP staff must attend Innovations in Employment Supports trainings as listed in the SEMP regulations.

Self-Hired SEMP Staff

Individuals who choose to self-direct with budget authority can self-hire SEMP staff and set staff wages. SEMP and Employment Training Program (ETP) services may be Self-Hired.

Agency Supported Self-Directed and Direct Provider Purchased SEMP

For individuals who receive Agency Supported SEMP or Direct Provider Purchased SEMP, current SEMP rules apply, even if the individual has a Self-Direction budget. SEMP and Employment Training Program (ETP) services may be Agency Supported or Direct Provider Purchased.

Only one agency (not multiple) may provide SEMP services to an individual. However, the FI/SEMP agency may budget for and bill multiple SEMP codes including; Self-Hired, Agency Supported or Direct Provider Purchased. This may be useful for for back up staff coverage.

Agreement Letter

OPWDD and ACCES-VR

For Pathway to Employment, Employment Training Program (ETP) and Prevocational Services

This letter establishes an agreement between the Office for People with Developmental Disabilities (OPWDD) and the New York State Education Department Office of Adult Career and Continuing Education Services (ACCES-VR), collectively the parties. The parties are in agreement that OPWDD eligible individuals participating in Pathway to Employment, Employment Training Program (ETP) or Prevocational Services are better served by OPWDD, at this time, rather than intensive ACCES-VR supported employment or other vocational rehabilitation services.

The parties understand that there are OPWDD individuals receiving Pathway to Employment, Employment Training Program or Prevocational Services who need extreme levels of support to engage in work activity. Most individuals participating in Pathway to Employment, Employment Training Program or Prevocational Services are OPWDD eligible individuals who have very limited employment and vocational experiences and are in need of exposure to community volunteer or work experiences, extensive career planning services, and work readiness classes. Traditionally, these individuals have been enrolled in other OPWDD programs such as day habilitation which have precluded individuals from participating in employment services.

Based on a review of specific program characteristics and the program needs of the individuals who will be participating in Pathway to Employment, Employment Training Program or Prevocational Services, ACCES-VR has determined, and the parties agree with the use of the following criteria in order to distinguish between individuals to be served by Pathway to Employment, Employment Training Program or Prevocational Services and those who will be served by ACCES-VR:

- Pathway to Employment, Employment Training Program or Prevocational Services will provide services to OPWDD eligible individuals who have expressed an interest in employment but who are limited to working for short periods of time.
- Pathway to Employment, Employment Training Program or Prevocational Services will provide services to individuals who, due to their support needs, will require a highly intensive set of program, behavioral, transportation and/or other supports that exceed what is suitable through ACCES-VR intensive supported employment.
- Pathway to Employment, Employment Training Program or Prevocational Services participants will require a longer period of program, behavioral and/or other supports to develop their work capacity before it can be determined that the individuals are able to achieve employment.

As determined by OPWDD, individuals meeting these descriptions may be considered for enrollment in Pathway to Employment, Employment Training Program or Prevocational Services without first utilizing services provided by ACCES-VR.

The parties agree that OPWDD will work with providers to assure that any individual participating in Pathway to Employment, Employment Training Program or Prevocational Services is encouraged and/or assisted to apply for ACCES-VR services when it is indicated that the individual's circumstances are no longer in alignment with the criteria set forth above. ACCES-VR services may be used to assist the individual achieve an integrated employment outcome.

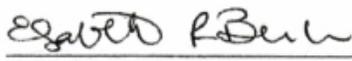
The parties agree that upon enrollment in Pathway to Employment and receipt of 200 hours of pre-employment service, the service provider will complete the appropriate sections of the ACCES-VR Review form and the OPWDD Discovery Report, including a preliminary vocational plan. ACCES-VR designated staff will review the OPWDD Discovery Report, including the preliminary vocational plan, and complete the response section on the ACCES-VR Review form. The completed review form and appropriate feedback will be returned to the provider. Such feedback may include comments on the preliminary vocational plan.

ACCES-VR will work closely with the OPWDD to assure that any individuals who participate in Pathway to Employment, Employment Training Program or Prevocational Services can apply for and participate in vocational rehabilitation services provided through ACCES-VR when it is intended that those vocational rehabilitation services will enable the individual to pursue an integrated employment outcome as defined in Title I of the Rehabilitation Act and by its implementing regulations.

To ensure that individuals with the most significant disabilities are offered supported employment services when appropriate, the parties will review this agreement annually.

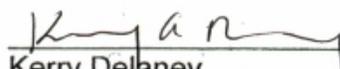
This agreement becomes effective immediately upon the signatures of the parties. This agreement does not replace other State agency agreements which are in effect. It simply clarifies and extends collaborative efforts between the agencies in regard to supported employment initiatives.

This agreement is subject to modification at the request of either party. Such modifications will be mutually agreed upon and become effective immediately upon the signatures of the parties.



Elizabeth Berlin
Executive Deputy Commissioner
State Education Department

11/26/14
Date



Kerry Delaney
Acting Commissioner
Office for People with Developmental Disabilities

12/8/14
Date

SEMP Staff Requirements

- Staff have at least a high school equivalency diploma or one year of work experience providing vocational or pre-vocational services to individuals with disabilities;



Section 3

What is the Supported Employment Process?



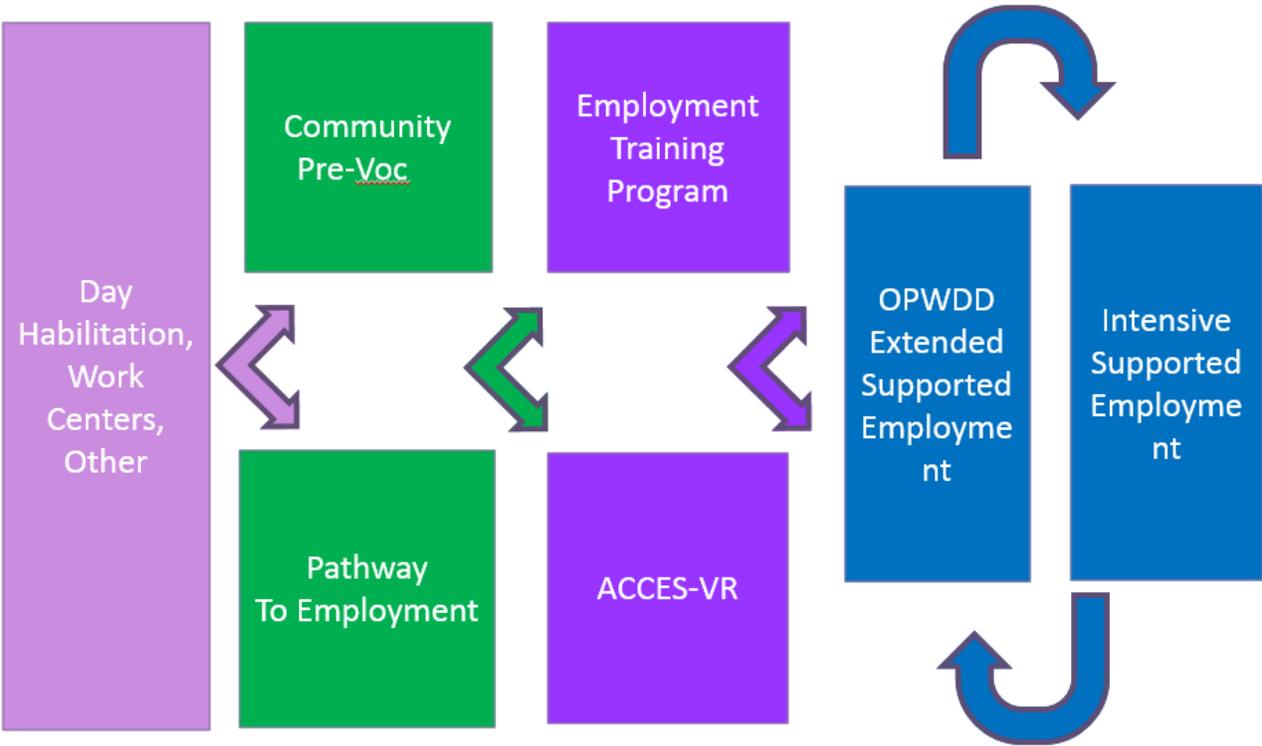
SUPPORTED EMPLOYMENT

Supported Employment (SEMP) offers on-going supports for individuals to gain and maintain integrated jobs in the community earning at least minimum wage and working alongside of workers without disabilities in the general workforce.

SEMP offers individuals an opportunity to participate in the following service:

- Job development (after ACCES-VR or ETP)
- Job coaching
- Employment skills training
- Job retention strategies
- Benefits planning
- Career planning

How Do OPWDD Employment Services Flow?



**Chart is designed for illustrative purposes only. An individual may apply for services in the order that makes sense based on individual circumstances.*

Tools in the Toolbox

Employment Training Program (ETP)	Supported Employment (SEMP)
Discovery, job development and Intensive SEM P Services	Job Coaching, Job Development and Life-Long Supports on a Job
Internship opportunity at a community business	Community based, competitive, integrated employment
Wages paid by OPWDD until business hires if successful	Paid by business at minimum wage or higher

ACCES-VR and OPWDD Letter of Agreement

ACCES-VR has agreed with the use of the following criteria in order to distinguish among individuals to be served by Pathway to Employment, Employment Training Program (ETP) or Prevocational Services and those who will be served by ACCES-VR:

- Individuals who have expressed an interest in employment but who are limited to working for short periods of time.
- Individuals who, due to their support needs, will require a highly intensive set of program, behavioral, transportation and/or other supports.
- Individual participants will require a longer period of program, behavioral, and/or other supports to develop their work capacity before it can be determined that the individuals are able to achieve employment.

What is ETP?

- A time limited program (depending on individual needs) that pays the wages while they are learning a job.
- Requires that the training/work site experience lead to permanent paid employment.
- Provides close and continual monitoring of the quality of services being provided to participants.
- Requires service providers to complete a Discovery process with individuals before job development.
- Authorizes Job Development services only after Discovery and a person-centered employment plan is created.
- Provides funding for the intensive services required by individuals.
- Assures that Job Coaching (through providers) is in place for as long as the individual needs it and at the proper level.



Employment Training Program *(ETP)*

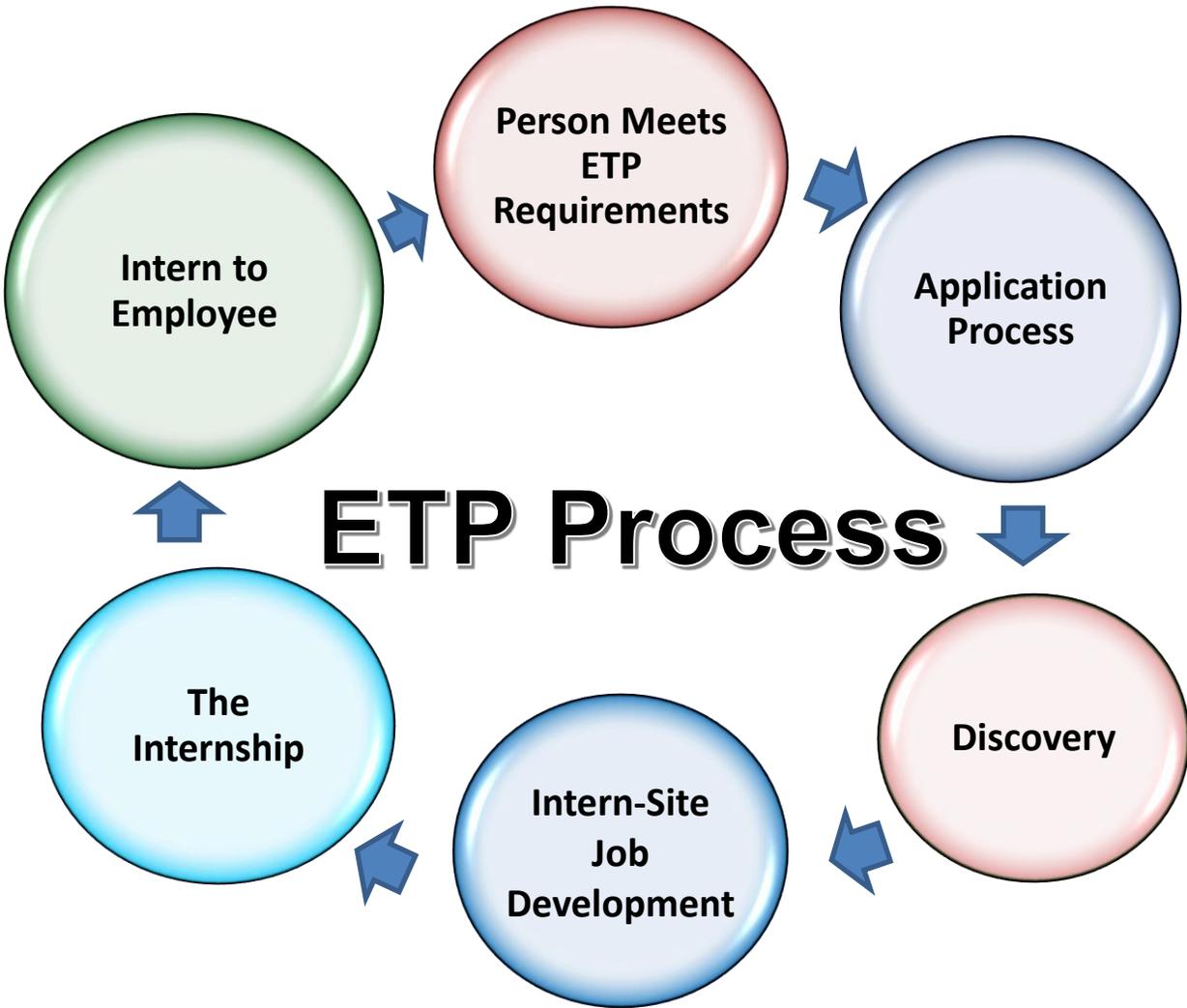
- Wages paid while a person is learning a job
- Funding for discovery, job development, and job coaching when wages are paid by either ETP or employer
- Job placement leads to permanent employment
- Alternative to ACCES-VR for individuals with higher support needs
- Funded by Intensive SEMP fees
- ETP programs are designed for Adults and high school student transition



Why is the Employment Training Program Successful?

- Application Process
- Discovery
- Job Readiness Training
- Job Placement Customized and Matched to Individual
- Intensive Job Coaching
- Agreement of Employer to Hire





ETP Process

Why Discovery?



Job Readiness Training is Designed to Improve Employment-Related Social and Interpersonal Skills

Training may be provided either individually or in a classroom.
Sample topics may include:

- | | |
|-----------------------------|---------------------------------|
| ➤ Personal hygiene | ➤ Coping with stress |
| ➤ Interviewing skills | ➤ Health and wellness |
| ➤ Dressing for success | ➤ Self-confidence at work |
| ➤ Positive communication | ➤ Professional behavior |
| ➤ Listening skills | ➤ Overcoming challenges at work |
| ➤ Teamwork | ➤ Safety at the workplace |
| ➤ Conflict in the workplace | ➤ Setting goals |
| ➤ Helping coworkers | ➤ Asking for help |



How Does Someone Apply for ETP?

- ❑ Applications are obtained from an ETP Supervisor located at the DDRO's.
- ❑ Individuals applying for an ETP internship should complete an application packet with a supported employment agency or support team member and submitted to an ETP Supervisor.
- ❑ The applicant must be Office for People with Developmental Disabilities (OPWDD) eligible.
- ❑ The ETP Program Supervisor will review the completed application packet and you will be contacted.
- ❑ Upon acceptance, the ETP Supervisor will work with you and an OPWDD Supported Employment Agency to develop career goals, supports and a paid internship.



Quality Indicators for Supported Employment Management

Program Managers designate caseloads based on individuals' support need hours and staff skills.

Program Managers assign people to caseloads based on individual support need hours and staff skills. For example, one staff may support a person at their job site while another staff may complete career assessments with the same person outside of work. Each person has trained back up staff in case of illness or staff vacancies.

Program Managers regularly schedule training opportunities for Employment Specialists.

Program Managers assure that Employment Specialists have completed the required supported employment trainings within the first year of employment and on-going required training thereafter (at a minimum).

Program Managers communicate work performance expectations, progress and outcomes.

Supervisors hold regular team and individual staff meetings to discuss progress, share leads, troubleshoot, schedule services, prioritize workload, develop creative solutions, share outcome data, enhance workplace camaraderie and collaboratively develop goals to improve program performance.

Program Managers track schedules, billing hours and documentation in order to maintain program sustainability.

Program Managers develop tracking systems to assure that scheduled hours equal billable services, which are documented in a timely and accurate manner. Program Managers work with staff to develop specific, billable contingency tasks for cancellations.

Program Managers build relationships with the local business community.

Program management are actively involved with the local business community through membership to business associations and/or business networking committees.

Program Managers hire qualified Job Developers/ Employment Specialists and develop creative back-up staffing resources.

Program Managers hire Job Developers/Employment Specialists with strong communication skills, instructional skills, analytical skills and business compatibility. Program Managers develop back up staffing resources utilizing creative strategies such as hiring part-time staff, cross-training other program staff (such as Pathway to Employment staff), relief staff, job sharing, interns, and other strategies to quickly fill staff vacancies and scheduling gaps, as needed.

Program Managers develop and implement job retention strategies.

Program Managers develop and implement job retention activities such as regular employee appraisals, mentor programs, employee recognition, employee gatherings, celebrating employee milestones, training opportunities, salary enhancements for extra responsibilities, team work, maximizing each person's strengths, team building, small teams to support each other, flexible schedules, etc.



Quality Indicators for Discovery

- Discovery is conducted prior to job development.**

 - The person, employment specialist and support team implement the discovery process and develop an employment plan PRIOR to starting job development.
- Discovery involves comprehensive inquiry.**

 - Discovery involves comprehensive information gathering, interviews, observations, work history review, interest assessments, etc.
- Discovery includes active, work-related experiences in community settings.**

 - The employment specialist works with the team to develop and support the person at various community-based, employment-related situational assessments. The experiences are varied and based on the person's interests and proposed job match criteria. The real life job experiences test the information gleaned from the inquiry process.
- Discovery information is carefully analyzed to create an employment plan.**

 - Discovery is completed using all methods available within a reasonable timeframe. The information gathered is carefully analyzed to create a job development/job match plan and recommendations for additional skills development.
- Discovery includes support team planning and decision making.**

 - The support team collaboratively implements discovery tasks and shares information learned on a regular basis. The person and their support team are involved in the final decision making and development of the employment plan.
- The support team engages in financial planning with the person.**

 - The support team engages in financial planning with the person including the effects of employment on SSI, SSA, medical benefits, housing subsidies, food stamps, retirement, etc.



Quality Indicators for Job Development

The person and their support team are involved in job development planning.

Business contacts and initial networking tasks are shared with the team.

Alternative job possibilities are identified.

Job development activities clearly match the person's career/vocational plan.

Job developers seek to understand business needs in order to develop successful job matches.

Job developers are familiar with various employment options and develop creative employment solutions.

The job development plan involves the person and their support team and is based on comprehensive discovery outcomes.

The job development plan includes business contacts familiar to the person and their support team, targeted businesses in the community, as well as specific timelines and communication agreements.

The job development plan also includes alternate job possibilities in case the initial job search is not fruitful.

Job development contacts are consistent with the job seekers' choices, strengths, skills, and other job match variables, not based solely on the local job market.

Job developers utilize various strategies and follow up activities to build relationships with businesses, understand business needs, and communicate regularly with businesses, which over time results in strong job matches.

Creative employment options or customized employment solutions such as job sharing, job restructuring, job carving, self-employment, etc. are explored for persons with significant challenges to employment.



Quality Indicators for Job Coaching

Employment Specialists are trained and evaluated in the provision of quality job coaching supports.

- Employment Specialists attend required trainings and perform competently in **job task and interpersonal skill instruction**. **Employment specialists** utilize various **instructional techniques based** on the supported **employee's learning style** and targeted job requirements.

Employment training plans have measureable outcomes and clear instructional strategies to meet job performance criteria.

- Based on the learning through Discovery, Employment Specialists **develop training plans, job performance criteria**, natural supports, **projected fading** timeframes and accommodations **collaboratively with the business' management**. Interpersonal skill training may be developed both on and off the job by the employment specialist or other appropriate services.

Job coaching is focused on building independence and natural supports.

- Employment Specialists **promote and facilitate worker independence**, natural supports, job accommodations and responsive communication between the person and their supervisor/coworkers.

Employment Specialists intentionally build positive relationships at work.

- Employment Specialists **facilitate strong coworker and supervisor relationships** including participation in the formal and informal work culture. Employment Specialists provide interpersonal skill training both on and off the job.

Employment Specialists meet regularly with work supervisors to evaluate the employee's performance and job coach services.

- Employment Specialists **regularly evaluate and adjust training** and supports based on worker performance and employer feedback. Employment Specialists work with the person to understand and perform to the supervisor's expectations. Periodic meetings are scheduled with the supervisor to carefully evaluate job coach supports and the person's performance (not just on the fly communication)

Employment Specialists communicate and plan regularly with the person and their support team.

- Employment Specialists **work collaboratively with the person and his/her support team to provide outside work supports** and to participate in person-centered planning activities.



Quality Indicators for Job Retention

Employment Specialists provide on-going, job-related supports, as agreed upon with the business.

- Employment Specialists **visit the jobsite regularly based on agreements with the business' management** after the person has met the job requirements at the highest level of independence possible.

Employment Specialists provide on-going support to assist the employee in participating in workplace culture.

- The Employment Specialist works collaboratively with the business' management to assist the person in **building relationships, participating in the work culture, learning new skills and meeting** the supervisor's expectations. The Employment Specialist assists the person in participating in the business' human resource process and benefits.

Employment Specialists periodically evaluate work performance with employer feedback.

- Employment Specialists **regularly evaluates and adjusts training** and supports based on worker performance and employer feedback. Periodic meetings are scheduled with the supervisor to carefully evaluate job coach supports and the person's performance (not just on the fly communication)

Employment Specialists regularly communicate with the person and their support team.

- The Employment Specialist regularly communicates with the person and their **support team** regarding progress and work challenges. External employment supports such as transportation, public benefits, health/safety, community participation, interpersonal skill development are addressed regularly as they may impact the person's work performance.

Employment Specialists assist the person with their evolving career goals.

- Employment Specialists continue to actively participate in the person's career planning and **career development**. Employment Specialists work with the person and their support team to pursue work-experiences, education and other pre-requisites related to career goals.



New York State OPWDD is pleased to offer the Innovations in Employment Supports training series at locations across the state. The series is designed to give staff an opportunity to enhance their skills to better support individuals with developmental disabilities through person-centered plans that focus on meaningful activities and employment opportunities.

- Introduction to Employment
- Discovery
- Pathway to Employment
- How to Deliver Work Readiness
- Beyond Discovery
- ETP 101
- Creating Connections (Job Development)
- Advanced Job Coaching Skills

Calendar and Registration Online at: www.Eleversity.org

For questions you can email: info@eleversity.org



How many staff will you need?

- What are each person's specific support needs (assess periodically)
- How many staff will I need to provide supports?
- How many people do I project serving each year?

<u>SEMP ENROLLED AND AUTHORIZED Name</u>	<u>Location</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thurs</u>	<u>Friday</u>	<u>Coaching Travel Time</u>	<u>Documentation/Phone</u>	<u>TOTAL</u>
John Smith	Green Street	0	4	4	4	0	3	2	<u>17</u>
Temesha Anderson	Albany Street	3	4	4	2	1	4	1	<u>19</u>
Mary Jones	Lark Street	6	3	4	2	6	6	3	<u>30</u>
Jonathan Jones	Central Avenue	2	2	0	2	1	2	1	<u>10</u>
Anne Gifford	Western Avenue	1	6	0	2	1	4	2	<u>16</u>
Maria Lopez	Lark Street	0	2	0	1	2	3	3	<u>11</u>
Allen Harding	Crossgates Mall	13	0	0	13	0	3	1	<u>30</u>
Linda Smith	Colonie Center	4	1	2	1	1	4	1	<u>14</u>
<u>TOTAL</u>		<u>29</u>	<u>22</u>	<u>14</u>	<u>27</u>	<u>12</u>	<u>29</u>	<u>14</u>	<u>147</u>

How to develop staffing structures?

- Can I hire part-time or full-time staff with **specialty skills** to supplement regular staff (job development, benefits planning, assessment, employment-related skills training)?
- How can I create caseloads based on geographical, support needs, time of day and other efficiencies?
- Who are the back up staff for each person served?
- Are staff cross trained in all Employment Services?
- How do I schedule for days off, training, staff leaving the job, etc.
- Is management able to bill for some services?





SAMPLE

Staff Schedule

Tamika's Schedule

Week of 7/1/17-7/8/17

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
9-10:30 Bob - Home Depot	9-12 Update Discovery - Rafael	9-11 Social Security office w Bob	9-9:30 Angela - Phoenix Insurance	9-10:30 Bob - Home Depot		
11-1 Carol - Stewarts	12-12:30 lunch	11-1 Carol - Stewarts	10 - 12 Review stress mngt with Carol	11-1 Carol - Stewarts		
1-1:30 lunch	12:30-2 Set up work experiences for Rafael	1-1:30 lunch	12-12:30 lunch	1-1:30 lunch		
2-4 Carol Stewarts	2-5 Documentation, phone calls and Monthly Summaries	2-4 Carol - Stewarts	1:30-3 Staff Meeting	1-2 Lester - Agway		4- 9 pm Bob Home Depot Staff Mtg
4-5 office - documentation		4-5 office - documentation	3-4 schedule/calls/documentation	2-3 Luanne - Cost Co		

Contingency Tasks - Discovery with Bob, Customer Satisfaction surveys with businesses, set up work experiences for Bob

Staff Schedules

Some providers schedule staff while others allow staff to create their own schedules. However, management should have access to all schedules.



Staff schedules are used for:

1. Planning tasks and activities in a coordinated, purposeful manner
2. Scheduling unexpected staff time off
3. Rescheduling activities when crisis or unexpected events arise
4. Measuring staff efficiency
5. Tracking scheduled services versus services provided
6. Staff supervision
7. Back up audit or quality assurance tools

SEMP Enrollment Process

- Does the person have established **OPWDD eligibility**? *If not, apply.*
- Does the person have **Medicaid**? *If not, apply.* (If the person is not eligible for Medicaid and SEMP is the only service they are requesting, are they eligible for limited exception?)
- Is the person in **OPWDD HCBS Wavier**? *If not, apply.*
- Assist the person in applying for SEMP services through **OPWDD's Front Door**.
- Identify a SEMP agency (Can begin to interview SEMP agencies early in the process if the person is likely to be approved).
- Assist the person in applying for ACCES-VR services (or identify a SEMP agency that may also be able to assist the person in applying).
- OR if the person needs additional work experience and ACCES-VR does not have an option, you may consider applying for the Employment Training Program (ETP).
- **SEMP providers CANNOT start to bill for OPWDD SEMP services until the 91st day after the ACCES-VR Stabilization Date.**

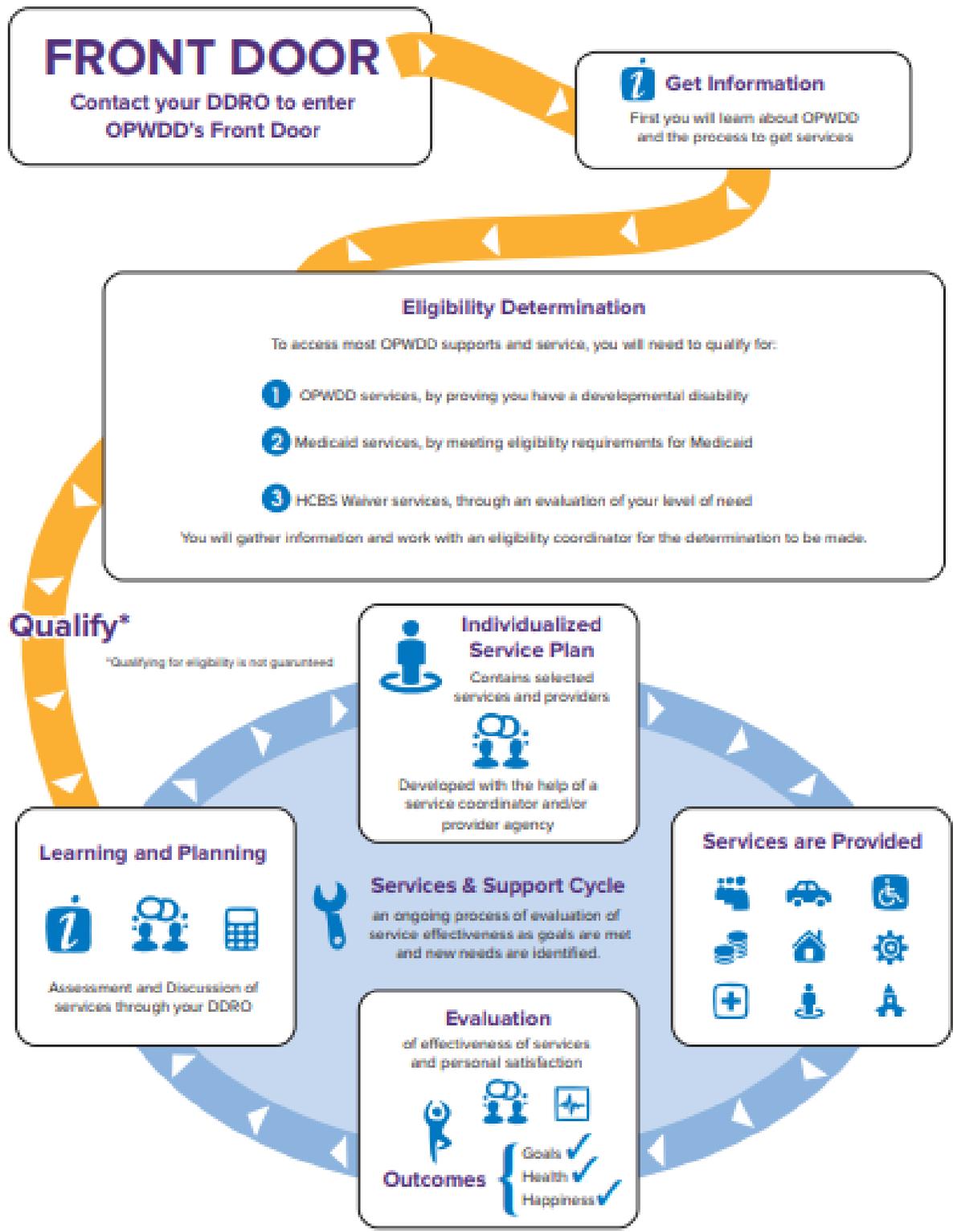
When Individual Has a Job through ACCES-VR and is Requesting SEMP Enrollment

The agency needs to determine when to start billing OPWDD SEMP services:

- What is the Stabilization date in ACCES-VR? (after job placement when person is stable in their job)
- Date that agency can bill Extended SEMP (ON DAY 91 AFTER STABLIZATION). The 91st date is often used as the enrollment date.
- If the person is enrolled prior to the ACCES-VR Stabilization date, they cannot bill until 91 days.

Example:

- Job obtained through ACCES-VR on April 28, 2021
- Date of ACCES-VR Stabilization: July 23, 2021
- Agency will qualify for the ACCES-VR Job Retention Payment on October 23, 2021
- Date agency can enroll and/or bill OPWDD SEMP services (91st day after ACCES-VR Stabilization): October 24, 2021.





Benefits Advisement

As individuals earn wages and begin employment, it is imperative that the person and his/her support team select a support person to assist with benefits management. Everyone who is working and receiving Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), food stamps, or other benefits must contact Social Security to report earnings.

Each person may be receiving benefits such as SSI, SSDI, Food Stamps, Medicaid or other benefits. **Contact your social security or benefits administrator** to report wages. The employee may be asked to copy pay stubs to submit. This document is not a substitute for Benefits Advisement.

For more information to begin the benefits planning process, please contact the New York (attached) to assist in calculating benefits. In addition, you can visit www.opwdd.ny.gov under Resources-Benefit Information.

It is recommended that each person and their support team review the effects of wages earned on the following:

1. Current Monthly Benefit Amounts received are as follows:

SSI	_____
SSDI	_____
Section 8	_____
Food Stamps	_____
Other:	_____

Current Total: _____

As of September 2017, individuals receiving Social Security Disability Insurance (SSDI) and their representative payees may use my Social Security to report wages online. We plan to make this functionality available to SSI recipients in a future release. In the meantime, SSI recipients can still use the automated toll-free SSI Telephone Wage Reporting system or the free SSI Mobile Wage Reporting smartphone app to report wages.

What's New in Social Security for 2018?

In 2018, the **Substantial Gainful Activity (SGA)** amount increased from **\$1,170 to \$1,180 for non-blind individuals and from \$1,950 to \$1,970 for blind individuals.**

The monthly earnings amount that we use to determine if a month counts for the Trial Work Period month increased from **\$840 to \$850 per month in 2018.**

In 2018, the Supplemental Security Income (SSI) Federal Benefit Rate (FBR) increased from \$735 to \$750 per month for an eligible individual and \$1,103 to \$1,125 per month for an eligible couple.

In 2018, the amount of earnings that will have no effect on eligibility or benefits for SSI beneficiaries who are students increased from \$7,200 to \$7,350 a year. The amount of earnings that we can exclude each month, until we have excluded the maximum for the year, increased from \$1,790 to \$1,820 a month.

For 2018, the monthly Medicare Part A Hospital Insurance Base Premium is \$422 and the 45 percent Reduced Premium is \$232. The Part B Supplemental Medical Insurance monthly base premium is \$134.00 (or higher depending on your income). However, most people who get Social Security benefits will pay less than this amount. This is because the Part B premium is more than the cost-of-living increase for 2018 Social Security benefits. If you pay your Part B premium through your Social Security benefit, you'll pay less (\$130 on average). Social Security will tell you the exact amount you will pay for Part B in 2018. For more information, see link for **"How much does Part B cost?": www.medicare.gov/your-medicare-costs/part-b-costs/part-b-costs.html.**

As of September 2017, individuals receiving Social Security Disability Insurance (SSDI) and their representative payees may use my Social Security to report wages online. We plan to make this functionality available to SSI recipients in a future release. In the meantime, SSI recipients can still use the automated toll-free SSI Telephone Wage Reporting system or the free SSI Mobile Wage Reporting smartphone app to report wages.

NEW YORK STATE PUBLIC BENEFITS & EMPLOYMENT RESOURCES

Cornell University

<http://www.yti.cornell.edu/projects/promise>

NY Makes Work Pay

<http://www.nymakesworkpay.org>

<http://nymakesworkpay.org/r-webinars.cfm#OPWDD>

http://www.nymakesworkpay.org/docs/Guide_1619B.pdf

http://www.nymakesworkpay.org/docs/Guide_FAQ.pdf

http://www.nymakesworkpay.org/docs/Guide_SSI.pdf

http://www.nymakesworkpay.org/docs/Guide_SSA.pdf

Work Incentives Planning & Assistance (WIPA)

WIPA Provider	Phone	Address	Service Area(s)
Abilities Inc.	(516) 465-1400	201 I.U. Willets Road, Albertson, NY 11507, web: https://www.viscardicenter.org/services/ssi-ssdi-benefits-planning	Queens and Long Island (Nassau, Suffolk), and Westchester County, New York
Goodwill of Greater NY and Northern NJ	(718) 728-5400	4-21 27th Ave. Ste. 1, Astoria, NY 11102, web: https://www.goodwillnynj.org/what-we-do/services-people-disabilities	Richmond (Staten Island) and Kings counties, New York
Hostos Community College-RF	(718) 518-4444	500 Grand Concourse, P-102N, Bronx, NY 10451, web: http://www.hostos.cuny.edu/Hostos/media/Continuing-Education-Workforce-Division/WIPA-Brochure-English-2016.pdf	New York (Manhattan) and the Bronx
Neighborhood Legal Services Inc.	(716) 847-0650	237 Main St. Ste. 400, Buffalo, NY 14203, web: http://nls.org/AboutUs/Services	Western New York, including the cities of Buffalo, Rochester, Ithaca, and Niagara Falls
Resource Center for Independent Living Inc.	(315) 797-4642	PO Box 210, Utica, NY 13501 https://www.rcil.com/employment-services/wipa-brochure	Eastern counties of Upstate New York, including the cities of Kingston, Albany, Schenectady, Oneida, and Lake Placid

Social Security Resources:

<https://www.ssa.gov/ny/win-liaisons.htm>

<https://www.ssa.gov/pubs/EN-05-10095.pdf>

<https://www.ssa.gov/work/WIPA.html>



The Work Incentives Technical Assistance Line

1-888-224-3272

The Work Incentives Technical Assistance (TA) Line provides information on Supplemental Security Income (SSI) and Social Security Disability (SSDI) rules and how work affects benefits. Anyone can call our line for general information, whether you are a person with a disability, a parent, a friend, a service provider, a teacher or a counselor of a person with a disability.

The line is staffed by trained benefits advisors that are very familiar with SSI, SSDI, SSI-related Medicaid and Medicare rules, and what affect work can and cannot have on those benefits. Our staff can answer many of your questions and send written information to you on a variety of issues. We strongly suggest you call for more information if you have questions about:

- How SSI budgets wages for a person who is working
- How and when parents' income and resources no longer affect SSI benefits for a child
- How SSI budgets wages for a full-time student
- What happens to SSI-related Medicaid when a person is working
- How and when work affects other benefits including Disabled Adult Child (DAC), Medicare, Medicaid, subsidized housing and food stamps (SNAP or NYSNIP benefits)
- What is a Plan for Achieving Self Support (PASS) and when should a person on SSI and/or SSDI consider making such a plan?
- Special rules (including participation in PROMISE) that can continue benefits for a period of time after medical improvement is found to have taken place.

The Technical Assistance Line is designed as a short-term service to provide information and technical assistance to individuals with disabilities and provider agency personnel, including individuals who provide some form of benefits and work incentives planning services. The Assistance Line should not be viewed as a substitute for the comprehensive services available through benefits and work incentives practitioners and Community Work Incentives Coordinators available from agencies funded through the Social Security Administration or other sources. Our staff will be able to provide referral information to an agency in your region of the state that can provide that service.

If you have questions on these or other benefit issues, feel free to call us at 1-888-224-3272. Specific questions or problems may require additional benefit advisor services. There is no fee for these services. Information is also available at

<https://www.ssa.gov/redbook/documents/TheRedBook2017.pdf>



Section 4



**Office for People With
Developmental Disabilities**

ADMINISTRATIVE DIRECTIVE

Transmittal:	2018-ADM-06R
To:	Executive Directors of Voluntary Provider Agencies Developmental Disabilities Regional Offices and State Operations Offices Care Managers and Care Coordination Organizations (CCO) CEOs
Issuing OPWDD Office:	Division of Person-Centered Supports
Date:	May 9 th , 2019
Subject:	Transition to People First Care Coordination
Suggested Distribution:	OPWDD Providers
Contact:	Division of Person-Centered Supports care.coordination@opwdd.ny.gov
Attachments:	None

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
2018-09R, 2017-03, 2017-02, 2017-01, 2016-03, 2016-01, 2015-07, 2015-06, 2015-05, 2015-04, 2015-02, 2015-01, 2014-04, 2014-02, 2014-01, 2013-03, 2012-04, 2012-02, 2012-01, 2011-01, 2010-02, 2009-03, 2006-04, 2006-01, and 2002-01	2018-06	14 NYCRR 633.12	MHL §§ 13.01, 13.07	Six (6) years

PURPOSE:

Effective July 1, 2018, OPWDD issued Administrative Memorandum #2018-06, entitled “Transition to People First Care,” to update existing regulations, policies, administrative memoranda (ADMs) and Memoranda of Understanding (MOUs) as the Office for People With Developmental Disabilities (OPWDD) transitions its care management service to the Care Coordination service. This ADM, ADM #2018-06R replaces ADM #2018-06 to make certain clarifying revisions. Those revisions are underlined below and are effective retroactive to July 1, 2018.

DISCUSSION:

A. Transition to Health Home Care Management and Basic Home and Community-Based Services (HCBS) Plan Support Services

★ There will be a one-and-a-half-year transition period from July 1, 2018 through December 31, 2019 (“transition period”). During this transition period, both Individualized Service Plans (ISPs) and/or Life Plans may be in effect throughout the OPWDD service system.

Effective July 1, 2018, the person coordinating an individual’s services and supports and developing his/her Life Plan will be called a Care Manager. All references to a Medicaid Service Coordinator “MSC” in existing policy, regulation, or ADM are replaced by/intended to mean Care Manager. The term “Life Plan” replaces any references to an ISP in any ADM, policy or regulation, except with respect to specific billing requirements for ISP documentation for any claims for services provided during the time period an ISP was in effect.

B. Life Plans & Staff Action Plans

1. Creating a Life Plan

CCOs are responsible for creating, updating, and maintaining Life Plans. An individual’s ISP, created prior to July 1, 2018, will remain in effect until a Life Plan is developed and finalized. An individual’s ISP must be converted into a Life Plan by a Care Manager pursuant to the requirements in the *Care Coordination Organization/Health Home (CCO/HH) Provider Policy Guidance and Manual* (“CCO/HH Manual”). **No later than December 31, 2019 all ISPs, including those for Tier 4 individuals, must be transitioned to finalized Life Plans.** After an individual’s ISP is replaced with a Life Plan, ISP

documentation is not acceptable to support service claims. Instead, service claims must be supported by a copy of the individual's Life Plan for the time period of the claim.

As of July 1, 2018, individuals new to the OPWDD system (i.e., on or after July 1, 2018), will have Life Plans developed and finalized in accordance with the *CCO/HH Manual*. Finalized Life Plans for newly enrolled CCO members (i.e., members enrolled after 10/1/2018) are due no later than 90 days after CCO enrollment or HCBS waiver enrollment, whichever comes first.

Additional information available at:

https://opwdd.ny.gov/sites/default/files/documents/FINAL_CCO_Policy_%20U pdate_%20Memorandum_%20and_%20Attachments_%209_%2026_18.pdf

Once an individual's Life Plan has been developed and finalized per the *CCO/HH Manual*, the Life Plan becomes the active plan of care document.

2. Finalizing a Life Plan

A Life Plan is finalized when it is signed by the Care Manager and the individual receiving services and/or his/her representative. Providers responsible for delivering services documented in Sections II III and IV of the Life Plan must acknowledge and agree to provide the provider-assigned goals, supports, and safeguards associated with those services, per the finalized plan. The service provider's acknowledgement and agreement may be done via signature, email, or other method agreed upon between the Care Manager and the service provider.

★ Service providers are responsible for reviewing the finalized, acknowledged and agreed to Life Plan. Providers may occasionally find inaccuracies in the finalized, acknowledged and agreed to Life Plan. Providers should demonstrate due diligence in working with the Care Manager, CCOs, OPWDD and/or others to correct the Life Plan as soon as possible. Service providers should document their timely efforts to correct any errors in the Life Plan. Examples of this documentation may include notes in the individual's monthly summary, e-mails, phone calls, etc.

When an individual's ISP transitions to a finalized Life Plan, his/her goals/valued outcomes and safeguards will be integrated into the Life Plan. Habilitation Plans are not attached to the Life Plan, as the goals/valued outcomes and safeguard needs components are in the Life Plan itself.

Section IV [four] of the Life Plan is required to identify all HCBS and State Plan services that have been authorized for the individual.

3. New Services Prior to Life Plan Finalization

★ When HCBS waiver services are needed prior to the finalization of a Life Plan, there must be sufficient documentation to support service authorization for provider service billing. Sufficient documentation prior to Life Plan finalization includes: (1) the OPWDD Developmental Disabilities Regional Office (DDRO) approved Request for Service Authorization (RSA); and (2) the acceptable supporting information justifying the need for services as outlined in the January 7, 2019 Memorandum titled *Care Coordination Organizations Policy Update: Service Authorizations Post July 1, 2018*. (Available at: <https://opwdd.ny.gov/sites/default/files/documents/Care%20Coordination%20Organization%20Policy%20Update%20Service%20Authorizations%20Post%20July%201%202018.pdf>).

4. Life Plan Section IV: Specification of Duration, Effective Date, and Frequency for HCBS Waiver Services

★ A Life Plan identifies a “from-to” date range. For the initial Life Plan, the effective dates for each HCBS waiver service is the same as the “from-to” dates of the initial Life Plan and is identified in the effective date field of Section IV [four]. The Life Plan, and the services described in the Life Plan, remains in effect until a new Life Plan is finalized. If a new Life Plan is not finalized in the expected timeframe, the services do not expire (i.e., the service remains authorized by the DDRO for the individual). A failure to finalize or review a Life Plan within the required timeframes may result in billing disallowances in a fiscal audit.

For individuals who currently have ISPs and are transitioning to the Life Plan, the effective dates of the HCBS Waiver services should be listed as the first effective date of the Life Plan (i.e., the “from” date which is the date of the Life Plan meeting), not the date previously outlined in the individual’s ISP. For example, if an individual’s ISP lists Community Habilitation as an HCBS Waiver service with an effective date of 9/13/17 and the individual’s Life Plan meeting is on 2/15/19, then the effective date for Community Habilitation in the Life Plan should read 2/15/19.

When services are newly added to the individual's Life Plan after the initial Life Plan is finalized, the effective date of each new service should correspond to the Life Plan review date on which the new service was added to the Life Plan. For example, The Life Plan was finalized on 2/1/19. The individual requests a new service, and a Life Plan review meeting is held on 5/15/19 to discuss this request. Day Habilitation is added to the individual's Life Plan during the Life Plan review meeting. The effective date for Day Habilitation is 5/15/19.



The duration of the HCBS Waiver service is identified in the Life Plan in Section IV [four] in either the effective date column or comments column (and either “ongoing” or “ongoing as authorized” is acceptable where applicable). The frequency of the HCBS Waiver service is identified in the Life Plan through the unit column in Section IV [four]. Information on the required billing documentation standards, including frequency and duration of HCBS waiver services, for Section IV [four] of the Life Plan can be found in the ADM for that specific service (i.e., Supported Employment, Community Habilitation, etc.).

Additionally, New York State regulations require each Medicaid provider to prepare records to demonstrate the provider's right to receive Medicaid payment for a service. These records must be prepared “contemporaneously.” 18 NYCRR 504.3(a).

5. Staff Action Plans

Under an ISP, individuals' goals were carried out via a Habilitation Plan, which was created by the Habilitation provider. Under a Life Plan, the identified goals/valued outcomes are identified within the individual's Life Plan and are carried out via a Staff Action Plan created by the Habilitation provider. Staff Action Plan requirements are contained in ADM #2018-09R (available at: https://opwdd.ny.gov/opwdd_regulations_guidance/adm_memoranda).

Effective July 1, 2018, the term “Staff Action Plan” is implied to replace any reference to a Habilitation Plan in any existing policy, regulation or ADM, except with respect to specific billing requirements for Habilitation Plan documentation for any service claims for services provided during the time-period a Habilitation Plan was in effect.

6. Dispute Resolution During The Life Planning Process

All parties are encouraged to work collaboratively and well in advance of the required time-period for Life Plan finalization. If the individual, service provider(s), and/or the individual's care planning team disagree about the details of the Life Plan, the Care Manager must work throughout the life planning process to facilitate resolution by implementing the dispute resolution process developed by the CCO, as required in the CCO/HH Manual, as well as the person-centered planning process. Care Managers should employ their training and use of their own clinical resources to facilitate consensus and appropriate resolution of any disagreements between the parties. As needed, the Care Manager may also reach out to the OPWDD Regional Office for technical assistance.

In the unlikely event that the dispute resolution process has been exhausted by the Care Manager and a resolution still has not been reached regarding elements of a Life Plan within the required time-period for finalization, the following should occur:

- i. At the Life Plan Meeting(s):
 - a. If the disputed element represents a **change** to a previously approved goal in a prior finalized ISP or Life Plan, the Care Manager makes a note in the "Summary of IDT Meeting" section of the Life Plan that there is a dispute regarding that specific goal, including a narrative description of the nature of the dispute; or
 - b. If the disputed element represents a **new** goal, as opposed to a change to a previously existing one, the Care Manager removes the disputed element from the body of the Life Plan altogether, moving it into the "Summary of IDT Meeting" section, including a narrative regarding the nature of the dispute.

Example A: During the life planning process, the individual or her advocate requests the ability to participate in a certain type of community inclusion activity but the provider who would be supporting that service asserts that the request is not clinically appropriate. In the event the Care Manager is unable to facilitate a resolution of this dispute, he would move the community inclusion goal altogether out of the Life Plan and into the "Summary of IDT Meeting" Section.

Example B: During the life planning process, the individual or her advocate requests that additional staffing be included for a pre-existing community inclusion activity but the provider who would be supporting this service asserts that the request is not clinically appropriate. In the event the Care Manager is unable to facilitate a resolution of this dispute, he would leave the prior existing community inclusion goal in the Life Plan unchanged and include a narrative in the “Summary of IDT Meeting” Section regarding the nature of the staffing dispute.

- ii. Within 45-days of the Life Plan meeting, the Care Manager and the individual and/or his/her representative sign the Life Plan. With these signatures, the Life Plan is considered final. Any disputed elements remain in the “Summary of IDT Meeting” section and the remainder of the Life Plan is ready for implementation.
- iii. The providers acknowledge the plan and agree to deliver the Provider-assigned goals, supports, and safeguards associated with their services, per the undisputed goals in the finalized plan (including the prior version of currently disputed goals). The service provider’s acknowledgement and agreement may be done via signature, email, or other method agreed upon between the Care Manager and the service provider. A Life Plan must be acknowledged, even with element(s) in dispute but disagreements will be noted.
- iv. Staff action plans are developed and signed by the habilitation staff and forwarded to the Care Manager via the CCO’s portal or another agreed upon mechanism for prompt communication. In addition to Care Managers, the Staff Action Plans should also be provided to: the individual and his/her representative and any other parties agreed to by the person and his/her representative.
- v. Once the Life Plan and corresponding Staff Action Plans are finalized, if an element remains in dispute and no agreement has been facilitated by the Care Manager, then the individual, his or her representative, or a provider may initiate due process proceedings pursuant to 14 NYCRR 633.12 as an objection to a plan of services.

During the pending due process proceeding, all other elements in the finalized Life Plan and Staff Action Plans shall be implemented.

C. Suspension of Certain Billing Standards During the Transition Period

Notwithstanding the adjusted or suspended standards below, CCOs and providers must arrange for necessary services and care for all enrolled individuals.

1. Suspended Life Plan and Service Billing Standards

For Life Plans finalized on or before December 31, 2019 (i.e., the transition period), OPWDD is suspending service documentation requirements for documenting the Waiver service name, frequency, duration, and effective date in the Life Plan. Instead, only the name of the service provider and the service name must be identified in the Life Plan. Additionally, for Support Brokerage services, the name of the Fiscal Intermediary (FI) must be identified, but the name of the Support Broker/Agency that is paid by the FI does not need to be included in the Life Plan.

If the service provider or service being provided is not listed in the pre-populated choices embedded in the Life Plan development system, the most relevant choice available should be selected (e.g., “IRA” is acceptable in place of Residential Habilitation, “Supported Work” is acceptable in place of Supported Employment, etc.). However, Care Managers should identify the correct service provider name and service name in the comments section of the Life Plan to support provider billing claims.

All Life Plans created or amended after the transition period must comply with all regulatory and policy standards.

2. Suspended Staff Action Plan Billing Standards

During the transition period, certain Staff Action Plan billing standards in ADM #2018-09R are **ONLY** waived for individuals who have ISPs transitioning to Life Plans. All non-waived billing standards remain effective for all Staff Action Plans. Waived billing standards in ADM #2018-09R only include:

- “The initial Staff Action Plan must be in place no later than 60 days of the start of the individual’s habilitation service, or the Life Plan review date, whichever comes first;” and
- “Evidence demonstrating the Staff Action Plan was distributed no later than 60 days after: the start of the habilitation services; the life plan review date; or the development of a revised/updated Staff Action Plan, whichever comes first (which may include, but is not limited to: a monthly



narrative note; a HITS upload; or e-mail).”

Records Retention

All documentation specified above must be retained for a period of at least six years from the date the service was delivered or when the service was billed, whichever is later.

Technical Assistance

For questions regarding this memorandum, please contact the Division of Person-Centered Supports at: care.coordination@opwdd.ny.gov.

cc: Tamika Black, DMPM
Kate Marlay, DPCS
Abiba Kindo, DSD
Jill Pettinger, DSD



ADMINISTRATIVE DIRECTIVE

Transmittal:	18-ADM-09R
To:	Executive Directors of Voluntary Provider Agencies Executive Directors of Care Coordination Organizations Developmental Disabilities State Operations Offices (DDSOO) Directors Developmental Disabilities Regional Office (DDRO) Directors
Issuing OPWDD Office:	Division of Person-Centered Supports
Date:	May 9 th , 2019
Subject:	Staff Action Plan Program and Billing Requirements
Suggested Distribution:	Habilitation Program/Service Staff Quality/Compliance Staff Billing Department Staff Health Home and Basic HCBS Plan Support Care Managers and Care Manager Supervisors
Contact:	peoplefirstwaiver@opwdd.ny.gov
Attachments:	Staff Action Plan Template

Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
2002-01 2006-01 2006-04 2012-01 2014-01 2014-04 2015-01 2016-01 2017-03 2018-06R	18-ADM-09	14 NYCRR Parts 635, 636, and 686	MHL §§ 13.01, 13.07	18 NYCRR §504.3(a) 18 NYCRR §517.3 14 NYCRR §635-4.5

PURPOSE:

Effective September 4, 2018, OPWDD issued Administrative Memorandum #2018-09, entitled “Staff Action Plan Program and Billing Requirements,” describing Staff Action Plan requirements as they relate to the Life Plan as the Office for People With Developmental Disabilities (OPWDD) transitions its care management service to the Care Coordination service. This ADM, ADM #2018-09R, replaces ADM #2018-09 to make certain clarifying revisions. Those revisions are underlined below and are effective retroactive to September 4, 2018.

When an individual’s ISP is replaced by a Life Plan, the habilitative goals/valued outcomes, habilitation service provider assigned goals, and individual safeguards/Individual Plan of Protection (IPOP) is integrated into the Life Plan. The Life Plan is the active document defining the person-centered habilitative goals/valued outcomes and required individual safeguards/IPOP needs.

Habilitation providers delivering services reflected in the Life Plan must identify how:

- habilitation staff will assist the individual to achieve his/her defined habilitative goals/valued outcomes; and
- individual safeguards/IPOP needs identified in the Life Plan will be met.

Habilitation providers accomplish this by creating, developing and implementing a Staff Action Plan. Individuals must have a Staff Action Plan for each habilitation service they receive. The overarching protections listed in the individual safeguards/IPOP section identified in the Life Plan may be further detailed in a Staff Action Plan or internal guidance document created by the habilitation provider. The Staff Action Plan and/or internal guidance document further details the individual’s needed safeguards, staff supports, and/or specific/detailed protective oversight measures to ensure the health and safety of the individual receiving the habilitation service(s). The Life Plan and/or the Staff Action Plan must specifically reference where the additional detail is located (e.g., see “Plan of Nursing Services”, see “Behavior Support Plan”, see “Community Supervision Safeguarding Protocol”).



APPLICABILITY:

During a transition period, July 1, 2018 through December 31, 2019 (“transition period”), both Individualized Service Plans (ISPs), Life Plans, Habilitation Plans, and Staff Action Plans may be in effect throughout the Office for People With Developmental Disabilities (OPWDD) service system. Staff Action Plans are required whether the individual receives care management from a Managed Care Organization (MCO) or a Care Coordination Organization (CCO) providing Health Home Care Management/Basic Home and Community-Based Services (HCBS) Plan Support. At the time of transition to the Life Plan, Habilitation Plans must transition to Staff Action Plans.

Creating and Distributing Staff Action Plans for Individuals New to the OPWDD System

Individuals new to the OPWDD system (i.e., on or after July 1, 2018) do not have ISPs or habilitation plans in place. Therefore, Staff Action Plans for these individuals must be created and distributed per the requirements in the “Creating the Staff Action Plan” subsection on page 8. The billing standards requirements apply wholly to these new individuals.

Creating and Distributing Staff Action Plans for Individuals in the OPWDD System

These individuals will have their ISPs transition to a Life Plan during the transition period. For individuals who have an ISP as their controlling active plan of care, habilitation providers must continue using a Habilitation Plan for the individual. Habilitation Plans must follow the *Habilitation Plan Requirements* in Administrative Memorandum (ADM) #2012-01 until the individual's initial Life Plan review date. Once the individual has his/her initial Life Plan review, the Staff Action Plan should be created and distributed per the requirements in the "Creating the Staff Action Plan" and subsection on page 8. However, all individuals transitioning from an ISP to a Life Plan who receive habilitation services must have a Staff Action Plan no later than March 1, 2020.

DEFINITIONS:

Habilitation Services

Habilitation services are designed to assist individuals in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings. Habilitation services involve habilitation staff teaching skills, providing supports, and exploring new experiences. Habilitation services include:

- Residential Habilitation in certified sites (Individualized Residential Alternatives (IRA), Community Residences (CR), and Family Care Homes);
- Day Habilitation;
- Community Habilitation;
- Pathway to Employment;
- Prevocational Services; and
- Supported Employment (SEMP).

Staff Action Plans

Staff Action Plans describe, in detail, what habilitation staff will do to help the individual reach the habilitation goals/valued outcomes through the habilitation provider assigned goal(s) identified in the individual's Life Plan. Habilitation staff are responsible for implementing needed safeguards for the individual. The Life Plan and Staff Action Plan are important tools to ensure that the habilitative goals/valued outcomes and the safeguards/IPOP needs of individuals are met by the planning team and service providers.

Health Information Technology System (HITS)

The Health Information Technology System (HITS) is an electronic information sharing system. HITS ensures consistent, timely, and comprehensive information sharing between providers and Care Managers, and must be used if available and accessible.

HITS access is available to the individual, the individual's family member(s) and/or advocate(s) as permitted by the individual, and any other parties requested and approved by the individual. If the individual or family requests access to the Staff Action Plan in a different format, it is the responsibility of the habilitation provider to provide the document as requested.

If the CCO HITS is not available or accessible, another mechanism for prompt communication agreed upon by the Care Manager and habilitation provider may be utilized so that the person being contacted can update the HITS. For the purposes of this ADM, reference to HITS includes both HITS and any other communication system, if HITS is not available or accessible. For

Basic HCBS service, HITS may be used but it is not required.

DISCUSSION:

A. Coordinating the Life Plan and Staff Action Plan

The individual’s Life Plan drives the development of the Staff Action Plan. Sections II and III of the Life Plan contain critical information that must be used by the habilitation provider to develop the Staff Action Plan.

1. Life Plan Section II: Outcomes and Support Strategies



Section II of the Life Plan identifies the *goals/valued outcomes* of the individual receiving services and the associated provider. The associated habilitation provider is assigned goals, supports, and/or tasks, which are identified in the Life Plan as Goals (G), Supports (S), or Tasks (T).

Below are examples of Goals/Valued Outcomes and Provider Assigned Goals within Section II of the Life Plan and the corresponding Staff Action Plan(s) that must be developed based upon the details identified in the individual’s Life Plan (Section II):

CQL POMs Goal/Valued Outcome	My Goal/Valued Outcome¹	Provider Assigned (Habilitative) Goal	Service Type	Staff Action Plan (Provider Developed Document)
People live in integrated environments	I want to live more independently in the community	(G) Teach person to identify and respond to safety issues (environmental safety concerns, etc.)	Residential Habilitation	The Residential Habilitation <i>Staff Action Plan</i> identifies staff activities needed to achieve the goal. The Residential <i>Staff Action Plan</i> focuses on skill development related to learning safety skills.
People live in integrated environments	I want to live more independently in the community	(G) Teach person to take public transportation	Community Habilitation	The Community Habilitation <i>Staff Action Plan</i> identifies staff activities needed to achieve the goal. The Community Habilitative <i>Staff Action Plan</i> focuses on teaching skills for taking public transportation.

¹ May appear as PHP/CCO Goal/Valued Outcome in early versions of Life Plans.

CQL POMs Goal/Valued Outcome	My Goal/ Valued Outcome	Provider Assigned (Habilitation) Goal	Service Type	Staff Action Plan (Provider Developed Document)
People have intimate relationships	Improve the quality of my current relationships	(G) Teach positive communication skills	Community Habilitation	The Community Habilitation <i>Staff Action Plan</i> identifies staff activities needed to achieve the <i>goal</i> . The Community Habilitation <i>Staff Action Plan</i> focuses on teaching communication skills.
People have intimate relationships	Improve the quality of my current relationships	(G) Teach social skills	Day Habilitation	The Day Habilitation <i>Staff Action Plan</i> identifies staff activities needed to achieve the <i>goal</i> . The Day Habilitation <i>Staff Action Plan</i> focuses on social skill development.

2. Life Plan Section III: Individual Safeguards/Individual Plan of Protection (IPOP)

Section III of the Life Plan is a compilation of all supports and services needed for the individual to remain safe, healthy, and comfortable across all settings (including Part 686 regulatory requirements for IPOP). Section III of the Life Plan may include valued outcomes, goals, or supports. Habilitation providers must include these goals and supports in the individual's Staff Action Plan and/or internal guidance document.



Below are examples of Goals/Valued Outcomes and Provider Assigned Goals in Section III of the Life Plan and the corresponding Staff Action Plan(s) or internal guidance document(s) that must be developed based upon the details identified in the individual's Life Plan (Section III):

Goal/Valued Outcome	Provider Assigned (Safeguard) Goal	Service	Staff Action Plan or Internal Guidance Document (Provider Developed Document)

I need help to take my medications	(S) Provide total assistance See: <i>Plan of Nursing Services (PONS)</i>	Day Habilitation	The <i>Plan of Nursing Services (PONS)</i> defines the supports needed for the individual's ongoing medication management needs. A <i>PONS</i> is developed, jointly or separately, by the Day Habilitation and Residential Habilitation service providers. The <i>PONS</i> is guidance for the staff providing support.
I need help to take my medications	(S) Provide total assistance See: <i>Plan of Nursing Services (PONS)</i>	Residential Habilitation	

Goal/Valued Outcome	Provider Assigned (Safeguard) Goal	Service	Staff Action Plan or Internal Guidance Document (Provider Developed Document)
In general, I need this level of support for my personal hygiene	(S) Just do it for me, thanks	Day Habilitation	The detailed staff actions to provide support for personal hygiene must be identified in the Day Habilitation and Residential Habilitation <i>Staff Action Plans or internal guidance documents</i> for the service related goals, consistent with the defined safeguards in the Life Plan (i.e., Just do it for me, thanks). The Day Habilitation and Residential Habilitation <i>Staff Action Plans</i> must identify staff activities needed to achieve the goal (i.e., <i>hand washing skills</i>).
In general, I need this level of support for my personal hygiene	(S) Just do it for me, thanks	Residential Habilitation	
However, there are some areas where I need specific support or want to be more independent	(G) Teach hand washing skills, provide extensive assistance	Day Habilitation	
However, there are some areas where I need specific support or want to be more independent	(G) Teach hand washing skills, provide extensive assistance	Residential Habilitation	

Goal/Valued Outcome	Provider Assigned (Safeguard) Goal	Service	Staff Action Plan or Internal Guidance Document (Provider Developed Document)
I want to feel better (regarding my behavior)	Provide/Implement Behavior Support Plan (BSP) with Documentation of Replacement Behavior See: Behavior Support Plan	Residential Habilitation	The <i>Behavior Support Plan (BSP)</i> must be developed, jointly or separately, by the Residential and Day Habilitation providers. The BSP must be: consistent with the specific needs of the individual; based on
I want to feel better (regarding my behavior)	Provide/Implement Behavior Support Plan (BSP) with Documentation of Replacement Behavior See: Behavior Support Plan	Day Habilitation	appropriate assessment(s); and developed with input from the planning team. The <i>BSP</i> defines the staff actions according to the specific behavioral support needs of the individual, including expectations for person-centered replacement behaviors.

Goal/Valued Outcome	Provider Assigned (Safeguard) Goal	Service	Staff Action Plan or Internal Guidance Document (Provider Developed Document)
People have the best possible health, I want to feel differently	(S) Provide exercise program	Community Habilitation	The <i>Community Habilitation Staff Action Plan</i> details the supports needed to help the individual achieve his/her goals. The <i>Community Habilitation Staff Action Plan</i> directs support staff by further detailing the safeguards in the Life Plan.
People have the best possible health, I want to feel differently	(S) Provide diet counseling	Community Habilitation	

3. Staff Action Plan Program Standards:

The Staff Action Plan Program Standards are designed to provide guidance to habilitation service providers about the expected level of quality habilitation services. These program standards are reviewed by OPWDD's Division of Quality Improvement (DQI) and may be subject to corrective actions. These program standards are not considered to be a specific requirement to justify billing. Billing standards are identified in the Staff Action Plan Billing Standards section below.

Staff Action Plans will be incorporated into DQIPM's review for the survey cycle following the transition period.

B. General Guidance for Developing the Staff Action Plan

1. Staff Action Plan and the Life Plan

When developing the Staff Action Plan, Habilitation staff must follow the person-centered planning guidance as described in 14 NYCRR Part 636-1.

Staff Action Plans must be developed based on the habilitation provider assigned goals and supports as outlined in the individual's Life Plan. Habilitation provider assigned goals and supports are established by the individual receiving services and his/her planning team during the Life Plan development process. Staff Action Plans detail how staff will provide supports and services to help the individual achieve his/her defined habilitative goals/valued outcomes.

★ Habilitation provider assigned goals and supports identified in Sections II and III of the Life Plan meet the requirements for habilitative goals described in the habilitative provider's Staff Action Plan. Tasks are a one-time activity assigned in the Life Plan and are not habilitative in nature. Therefore, tasks do not meet the billing requirements to be a habilitation goal.

2. Creating the Staff Action Plan

Staff Action Plans must be written by the habilitation provider and must be developed in collaboration with the individual, his/her advocate, Care Manager, and any other parties requested and approved by the individual. Additionally, agencies providing Residential Habilitation must continue to demonstrate the involvement of a Qualified Intellectual Disabilities Professional (QIDP) in the delivery, management or supervision of residential habilitation services.

★ The initial Staff Action Plan must be in place no later than 60 days of the start of the individual's habilitation service, or the Life Plan review date, whichever comes first. Therefore, services that are provided within the first 60 days of the start of the habilitation service might not have a Staff Action Plan in place. The habilitation provider must forward the initial Staff Action Plan to the Care Manager via the CCOs Health Information Technology System (HITS). Staff Action Plans must be provided to the Care Manager no more than 60 days after the Life Plan review date.

3. Reviewing and Revising the Staff Action Plan

The Staff Action Plan must be reviewed at least twice annually and revised as frequently as necessary based upon the individual's needs. It is recommended that Staff Action Plan reviews occur at six-month intervals coordinated with the Life Plan review. At least annually, one of the Staff Action Plan reviews must be conducted at the time of the Life Plan meeting. The Life Plan meeting is arranged by the individual's Care Manager and is required to include the following parties: the individual, family member(s) and/or advocate(s) (if permitted by the individual), and all other major service providers. This review allows the agencies providing services and the individuals receiving services to reassess the effectiveness of the Staff Action Plan(s) and services.



When reviewing a Staff Action Plan, the habilitation provider must consider the individual's progress, including his/her accomplishments and the prevention of regression since the last review. The review must include discussion about:

- the services and supports that have been provided since the last review;
- what challenges have been experienced;
- what new strategies or methodologies that may need to be implemented; and
- the individual's satisfaction with the plan.

Those reviewing the Staff Action Plan should establish objectives to be met before the next periodic review and establish agreement on those objectives.

Revised Staff Action Plans, written by the habilitation service provider, must be provided to the Care Manager via the CCOs HITS. Staff Action Plans must be provided to the Care Manager no more than 60 days after either: (a) a Life Plan review date; or (b) the date on which the habilitation service provider makes a change to the Staff Action Plan.

4. Required Sections of the Staff Action Plan

Every Staff Action Plan must include the following three sections:



I. Identifying information. This must include:

- the individual's name;
- the individual's Medicaid ID number;
- the name of the habilitation provider;
- the Care Coordination Organization providing care management to the individual;
- identification of the habilitation service; and
- the date of the Life Plan meeting, or Staff Action Plan review, in which the Staff Action Plan was developed/reviewed.

II. Individual Habilitative Goals/Valued Outcomes and Provider Assigned

Goals. The individual's habilitative goals/valued outcomes and habilitation provider assigned goals are derived from the individual's Life Plan. The habilitation service must relate to the individual's habilitative goals/valued outcomes. Using the habilitative goals/valued outcomes as the starting point, the details of the Staff Action Plan must describe the actions that will enable the individual to reach his/her specific habilitative goals/valued outcomes.



The habilitation service provider must use person-centered planning practices, and

in consultation with the individual and his/her Care Manager, decide which strategies are to be addressed in the Staff Action Plan. The Staff Action Plan and/or internal guidance document(s) must be specific enough that new habilitation service staff know:

- what they must do;
- how to assist the individual to achieve his/her habilitative goals/valued outcomes; and/or
- how to address the individual's safeguard/IPOP needs.

The Staff Action Plan must address one or more of the following strategies for service delivery: skill acquisition/retention; staff support; or exploration of new experiences.

- i. **Skill Acquisition/Retention** describes the strategies staff will use to help an individual become more independent in some aspect of life. Staff assess the individual's current skill level, identify a method by which the skill will be taught, and then measure progress periodically. The assessment and progress may be measured via observation, interviews of staff and/or others who know the individual well, and/or by data collection.

Skill acquisition/retention activities should be considered in developing the Staff Action Plan. Further advancement of some skills may not be reasonably expected for certain individuals due to various medical conditions, advancing age, or the determination that the skill has been maximized due to substantial past efforts. In these instances, based on an appropriate assessment by members of the habilitation service delivery team, activities specified in the Staff Action Plan can be changed to skill retention.

- ii. **Staff Supports** are those actions that are provided by the habilitation staff when: a) the individual is not expected to independently perform a task without supervision; and b) are essential to preserve the individual's health or welfare, or to reach a goal/valued outcome. For example, a staff person may assist the individual with personal hygiene, as opposed to teaching or helping the individual develop that skill.

Staff oversight of the individual's health and welfare is also a part of the habilitation service (e.g., when staff accompanies individuals in the community or provides first aid). The needed staff supports typically relate to the provision of defined safeguards and can be found within the habilitation provider's internal guidance documents, such as the Plan of Nursing Services, Dining Plan, Behavior Support Plan or other general support plans. Supports may also be defined directly within the Staff Action Plan for the habilitative service.

- iii. **Exploration of new experiences** may be part of the Staff Action Plan when based on an appropriate review by the habilitation service provider. Learning about the community and forming relationships often requires an individual to try new experiences to determine life directions and support greater independence. This trial and error process

eventually allows the individual to make informed choices and identify new goals/valued outcomes that become part of the individual's Life Plan and Staff Action Plan.

- III. **Individual Safeguards/IPOP.** The individual safeguards/IPOP needs described in Section III of the Life Plan are used as the starting point for the habilitation service provider to develop the Staff Action Plan safeguard detail, and any internal guidance documents that outline the individual-specific protective oversight measures staff need to implement or ensure for the individual. Safeguards are necessary to provide for the individual's health and safety while participating in the habilitation service. All habilitation staff supporting the individual must have knowledge of the individual's safeguard needs.

The individual's safeguard needs must be immediately identified, and appropriate supports and services to address the individual's safeguard needs must be immediately implemented. Safeguards must be updated based on the individual's identified or changed needs. If the individual's support needs change such that a change is required in Section III Individual Safeguards/IPOP of the Life Plan, the service provider must communicate this change to the Care Manager using the CCOs HITS. This communication ensures Life Plan updates and timely communication of changes to other support givers/providers. Additionally, it is critical to ensure timely notice of significant support need changes to ensure health and safety.

- i. For individuals receiving **IRA Residential Habilitation**, the Residential Habilitation Staff Action Plan or other internal guidance documents that outline the implementation of specific protective oversight measures must meet the requirements of the Plan for Protective Oversight in accordance with 14 NYCRR Section 686.16 and align with Section III Individual Safeguards/IPOP identified in the Life Plan.
- ii. For **all other habilitation services**, individual safeguards/IPOP needs from the Life Plan must be identified and addressed in the Staff Action Plan(s) or references other internal guidance document(s) that outline the detailed implementation of protective oversight measures. This guidance on protective oversight measures must align with the overarching Section III Individual Safeguards/IPOP articulated in the Life Plan.

Information on the individual safeguards/IPOP needs must be readily available to the habilitation service provider staff. Any change in an individual's safeguard/IPOP needs must be addressed immediately and communicated to the Care Manager and all service providers.

- iii. As required in 14 NYCRR Part 633, the medication records are distinct and separate from the Staff Action Plan. The Staff Action Plan references the medication records as containing important health related information when applicable. If the habilitation service provider is teaching the individual to self-administer medication, this must be listed in the Life Plan. The activity of self-administering medication and related staff actions required to teach this skill must appear in the Staff Action Plan.
- iv. Providers of Residential Habilitation must have written procedures for

providing back-up supports to individuals when the absence of the provider's regularly scheduled staff would pose a threat to the individual's health or safety. For IRAs, this information must be included in site-specific Plans for Protective Oversight and Staff Action Plans, as appropriate.

5. Staff Action Plan Format



An optional Staff Action Plan Format has been issued with this memorandum. Providers may use this format or create their own, so long as the Staff Action Plan includes the minimum information as described in this ADM. Habilitation providers must write plans that not only include the information required by this memorandum, but also clearly communicate information to the habilitation staff and illustrate the steps staff are to take to address the individual's needs.

6. Staff Action Plans with Multiple Services

Staff Action Plans may include multiple habilitation services, if all included services are provided by the same agency.

For Staff Action Plans that incorporate multiple habilitation services, the Staff Action Plan must have a separate section that describes the supports and services associated with each service. When the same support/service is delivered in multiple habilitation services, the service/staff action must be identified in each supports and services section of the Staff Action Plan.

For each habilitation service described in the Staff Action Plan, one staff from each habilitation service must assist with writing the plan and include his/her name, title, signature, and signature date on the Staff Action Plan. Evidence of a Staff Action Plan review must include a staff signature from each habilitation service.

C. STAFF ACTION PLAN BILLING STANDARDS:

The following standards define the documentation which must be retained to support service claims by the habilitation provider. Additionally, habilitation providers are responsible for the documentation standards outlined in the specific service related Administrative Memoranda.

For every habilitation service, an individual must have a Staff Action Plan that contains the:



- 1) Individual's name;
- 2) Individual's Medicaid Client Identification Number (CIN) (if the individual is enrolled in the OPWDD HCBS Waiver);
- 3) Habilitation service provider's agency name;
- 4) Name of habilitation service(s) provided (e.g., Residential Habilitation or Day Habilitation);
- 5) Date (day, month, and year) of the Life Plan meeting, or Staff Action Plan review, from which the Staff Action Plan was developed/revised;
- 6) Identification of the goals/valued outcomes (My Goal) from the individual's Life Plan;
- 7) Identification of the provider assigned (habilitative/safeguard) goal(s) and/or support(s)

- from the individual's Life Plan;
- 8) Description of the service(s) and support(s) and identification of the frequency from Section II or III of the Life Plan (e.g., teaching laundry skills weekly) the habilitation staff will provide to the individual;
 - 9) Safeguards (i.e., compilation of all supports and services needed for an individual to remain safe, healthy and comfortable across all settings) that will be provided by the habilitation service provider, which may be a reference to internal guidance documents that further define the safeguards;
 - 10) Printed name(s), signature(s) and title(s) of the staff who wrote the Staff Action Plan;
 - 11) Date (day, month, and year) that staff signed the Staff Action Plan; and
 - 12) Evidence demonstrating the Staff Action Plan was distributed no later than 60 days after: the start of the habilitation services; the life plan review date; or the development of a revised/updated Staff Action Plan, whichever comes first (which may include, but is not limited to: a monthly narrative note; a HITS upload; or e- mail).

There must be evidence that the Staff Action Plan was reviewed at least twice annually. Evidence of a review may include, but is not limited to a:

- 1) Review sign-in sheet;
- 2) Service note indicating a review took place; and/or
- 3) Revised/updated Staff Action Plan.



Evidence of reviews must include the:

- 1) Individual's name;
- 2) Habilitation service(s) under review;
- 3) Staff signature(s) from the habilitation service(s);
- 4) Date of the staff signature(s); and
- 5) Date of the review.

The initial Staff Action Plan must be in place no later than 60 days of the start of the habilitation service, or the Life Plan review date, whichever comes first. Therefore, services that are provided no later than the first 60 days of the start of the habilitation service might not have a Staff Action Plan in place.

D. RECORDS RETENTION:

New York State regulations require each Medicaid provider to prepare records to demonstrate its right to receive Medicaid payment for a service. These records must be "contemporaneous" and retained for six years from the date the service was provided.

All documentation specified above, including the ISP/Life Plan, Habilitation Plan/Staff Action Plan, and service documentation must be retained for a period of at least six years from the date the service was delivered or when the service was billed, whichever is later.

E. TECHNICAL ASSISTANCE:

For questions regarding this memorandum, please contact the Division of Person-Centered Supports, Waiver Unit at: peoplefirstwaiver@opwdd.ny.gov.

cc: Leslie Fuld, DQI
Kate Marlay, DPCS
Abiba Kindo, DSD
Jill Pettinger, DSD
Mike Feeney, DSD
Jacquelyn Best, DSD

Insert Agency Name

Insert service(s) name(s) Staff Action Plan

Name of Individual: _____ Medicaid Number (CIN#): _____

Staff Action Plan Review Date: _____

Name of Care Coordination Organization: _____

Individual Habilitative Goals/Valued Outcomes (My Goal – Section II of Life Plan)

This section contains the individual's habilitative goals/valued outcomes derived from the individual's Life Plan. The habilitation service must relate to the individual's habilitative goals/valued outcomes. To support person-centered practices, each of the goals/valued outcomes identified must relate to a Council on Quality and Leadership (CQL) Personal Outcome Measure (POM) category.

Example: I want to live more independently in the community.

Provider Assigned Habilitative Goals (Section II of Life Plan)

This section contains the habilitation provider assigned (habilitative) goals derived from the individual's Life Plan which will be assigned as Goals (G), Supports (S), or Tasks (T). Tasks assigned in the Life Plan are not habilitative in nature and therefore do NOT meet the billing requirements to be a habilitation goal. Using the habilitative goals/valued outcomes identified above as the starting point, the details in this section describe the habilitation staff actions that will enable the individual to reach his/her goals/valued outcomes.

Example:

Provider Assigned (Habilitative) Goal: (G) Teach person to identify and respond to safety issues (environmental safety concerns, etc.)

Staff Action: Staff will teach me how to plan a trip, access transportation routes, and the means of paying for each leg of the trip. Staff will help me learn these skills at least 3x a week. (Provider must outline the detailed steps as to how this is achieved.)

Individual Safeguards/Individual Plan of Protection (IPOP) (Section III of Life Plan)

This section contains the habilitation provider assigned (safeguard) goals derived from the individual's Life Plan which will be assigned as Goals (G), Supports (S), or Tasks (T). Tasks assigned in the Life Plan are not habilitative in nature and therefore do NOT meet the billing requirements to be a habilitation goal. Using the individual safeguards/IPOP from Section III of the Life Plan as the starting point, this section must include detail and any internal guidance documents that outline the individual-specific protective oversight measures staff need to implement or ensure for the individual. For individuals receiving Individualized Residential Alternative (IRA) Residential Habilitation, the Residential Habilitation Staff Action Plan must meet the requirements of the Plan for Protective Oversight in accordance with 14 NYCRR Section 686.16.

Example:

Provider Assigned (Safeguard) Goal: (S) Provide the following supervision: Provide supervision in unfamiliar places I need the following accommodation to feel comfortable and safe: remember my communication system

Staff Action: Staff will provide supervision by maintaining [person] in visual field while teaching travel skills. Staff will ensure that [person's] communication system is available during activities while outside of home and will prompt [person] to use communication system during travel training activities. **Detailed expectations can be described within the staff action plan or internal guidance documents such as a Travel Plan or Communication Plan**

Signatures:

Staff Action Plan Author's Name: _____ Title: _____

Staff Action Plan Author's Signature: _____ Date: _____

Individual (optional): _____ Date: _____

Advocate (optional): _____ Date: _____

Supervisor/Reviewer (optional): _____ Date: _____

Life Plan and Staff Action Plan training is available at:

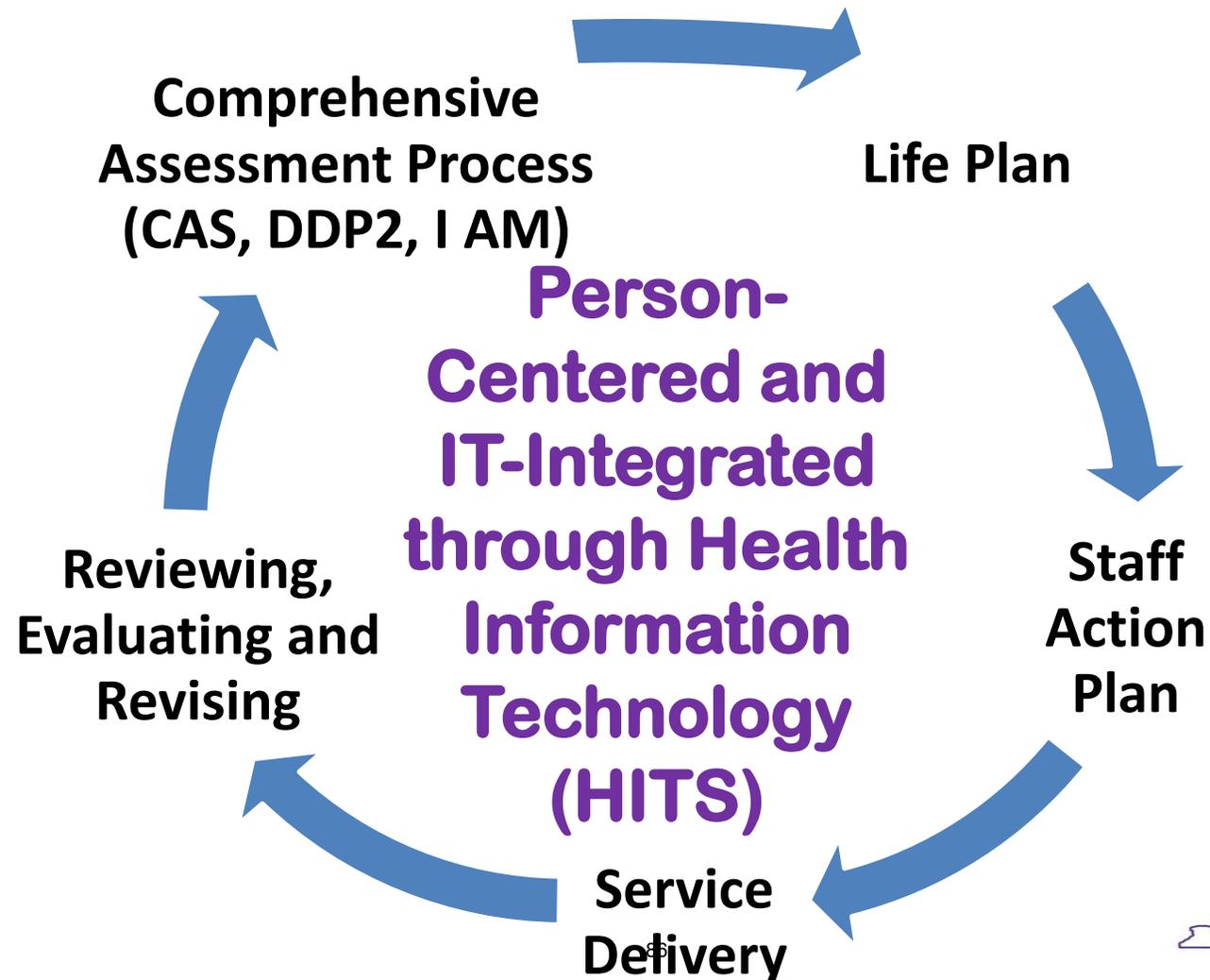
**“OPWDD Care Management Life Planning and Service
Delivery Process: Connecting the Dots”**

View the Webinar: <https://youtu.be/d0uzboNE5U4>

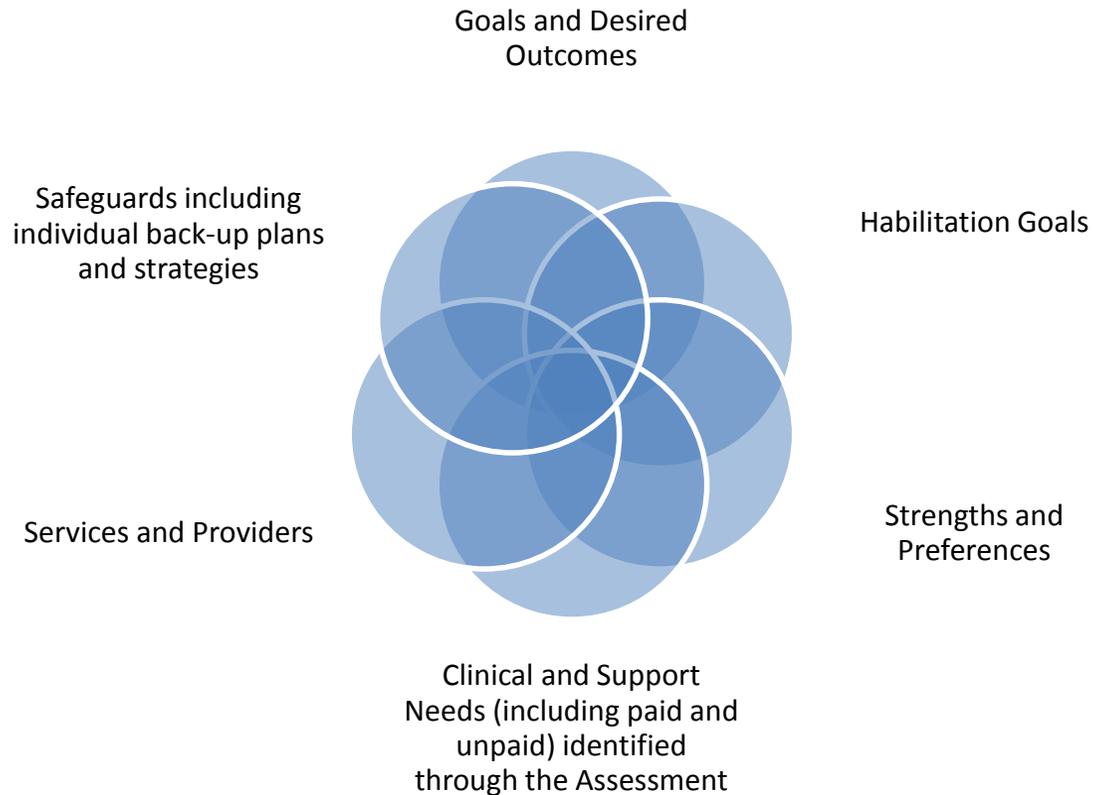
PowerPoint: [People First Care Coordination Informational](#)

[Session 20](#)

The Life Planning Process Cycle - Essential Components



Person-Centered Life Plan Development:



- ✓ Collaborative and recurring process driven by the person
- ✓ Describes who the person is and what he/she wants to accomplish and who/what will help the individual accomplish their goals/valued outcomes
- ✓ Integrates all services and natural supports
- ✓ Understandable to the person
- ✓ Must be finalized and agreed to with the person's informed consent

The Life Plan is person-driven and a living document subject to continuous updating and monitoring by the Care Manager

Individual Safeguards and Plan of Protective Oversight (IPOP)—Across All Settings

Includes the person’s desired actions for health and safety and risk prevention



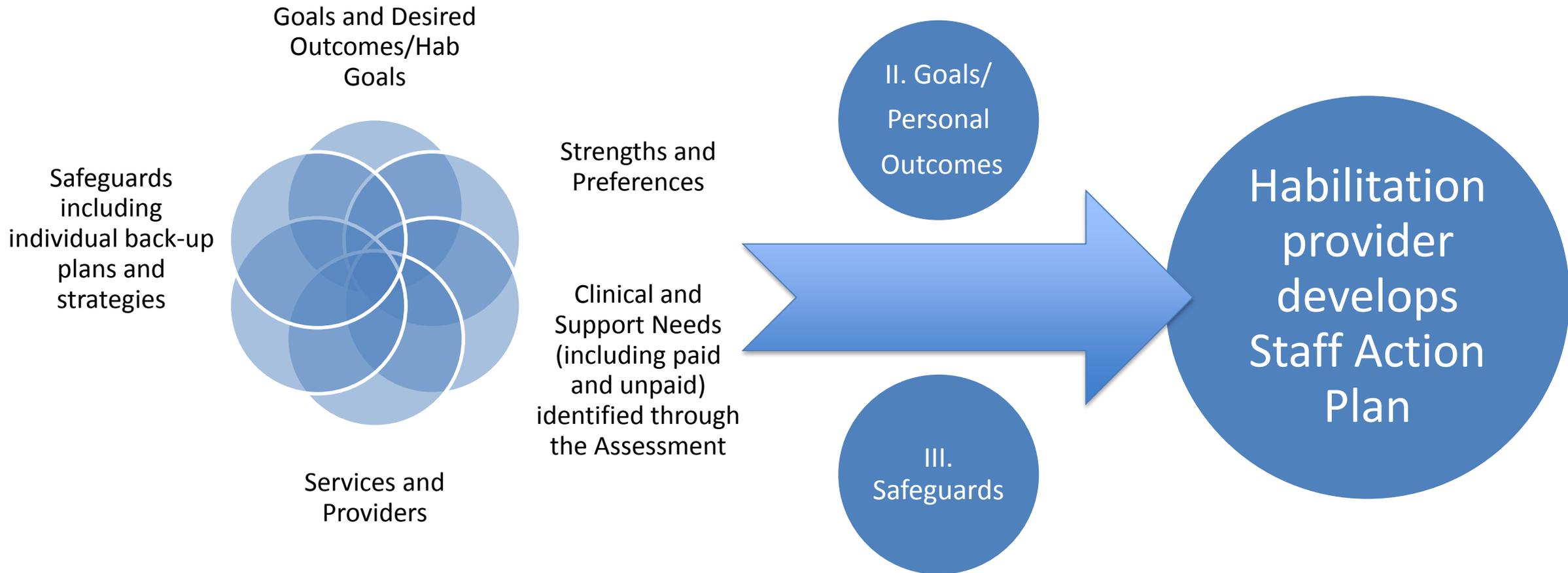
Includes detailed back-up plans for various situations

Dignity of Risk

Life Plan Section III – Individual Safeguards

- Compilation of all supports and services needed for the person to remain safe
- Defines the overarching need areas for the person in consistent terminology
- Are person focused, not unique to a program
- Habilitative service providers must ensure that Staff Action Plans and internal guidance such as Behavior Support Plans or Travel Plans are consistent with the Life Plan Safeguards
- Must be updated in real time for use across service providers

Care Managers Assign Life Plan Goals to Providers



Providers Develop Staff Action Plans

- The Staff Action Plan details how the individual's needed safeguards (from the Life Plan) will be met; the staff supports; and/or specific details on protective oversight measures to ensure the health and safety of the person
- If additional detail on safeguards is located in another document, the Staff Action Plan must reference the location of the additional detail
- The Life Plan will assign valued outcomes/goals to the provider with the following labels
 - (G) = Goal
 - (S) = Support
 - (T) = Task

Goals Assigned to Providers are Translated to Staff Action Plans e.g., Valued Outcome - To Live More Independently in the Community

Goal (G)

- “Teach”
- e.g., “Teach the person to take public transportation”

Support (S)

- “Provide”
- e.g., “Provide diet counseling for healthy food selections”

Task (T)

- A one-time activity (does not meet definition of habilitation and is not billable)
- e.g., “Take the person to view different types of apartments”

Assign Life Plan Goals to a Provider – Example

Life Plan

- **Goal/Valued Outcome:** People have the best possible health
- **My Goal:** I want to lose some weight so I can feel better

Goals Assigned to Providers

- (S) Provide exercise Program

Staff Action Plans Developed

- Community habilitation staff will work with the individual to determine what kind of exercise program the individual is interested in and will help the person engage in this activity three times per week for at least 30 minutes (put in Staff Action Plan)

Staff Action Plan Required Sections

1. Identifying Information

- Name
- Medicaid ID
- Habilitation Provider
- CCO
- Habilitation Service
- Date of Life Plan and/or Staff Action Plan review meeting

2. Individual Habilitation Goals/Valued Outcomes and Provider Assigned Goals

- Skill Acquisition/Retention
- Staff Supports
- Exploration of New Experiences

3. Individual Safeguards

- Staff Action Plan detail
- Individual specific protective oversight measures that staff must implement

Staff Action Plan Program Standards

- Staff Action Plans are developed using person-centered planning processes and are person-centered
- Staff Action Plans are in place within 60 days of the start of the Habilitation service or the Life Plan review date, whichever comes first
- Staff Action Plans are provided to the Care Manager no more than 60 days after the Life Plan review date
- Staff Action Plans must be reviewed at least twice annually and revised as necessary. Recommended occurrence is every six months and coordinated with the Life Plan review

Supported Employment (SEMP) Service Documentation

Medicaid rules require that service documentation is contemporaneous with the service provision.

Required service documentation elements for this service are:

- ✓ **Individual’s name and Medicaid number (CIN).**
- ✓ **Name of the agency providing the Supported Employment service.**
- ✓ **Identification of the category of waiver service provided.** (Supported Employment service).
- ✓ **Documentation of start and stop times** (for each continuous period of service provision)
- ✓ **The ratio of individual(s) to staff.** (e.g., 1:1 or 1:group).
- ✓ **Description of services.** Each session must list **at least one allowable service** in the SEMP Hab Plan.
- ✓ **The date the service was provided.**
- ✓ **Verification of service provision by the staff person delivering the service.** Initials are permitted if a “key”.
- ✓ **The individual’s response to the service and/or the purpose of the service.**
- ✓ **Signature of the Supported Employment staff person documenting the service** (or initials in item #9).

SAMPLE - SUPPORTED EMPLOYMENT (SEMP) SERVICE DOCUMENTATION - CHECKLIST

Agency Name : _____

Month/Year: _____

Individual's Name: _____

Medicaid ID: _____

SEMP Billing Code(s): _____

Description of Services:

Date:	Staff Initials	Services were provided to I-individual or G-group	Time Start	Time Stop	Total Duration per Session	Total Number of Services Provided (At least 1 service from SEMP Habilitation Plan must be provided)	vocational assessment	person-centered employment planning	job-related discovery	job development, analysis, customization, and carving	training and systematic instruction prior to employment	job placement	job coaching, training, and planning within the work environment	development and review of a business plan (self employment)	transportation	travel training	development of soft skills and job retention strategies	benefits support and asset development	career advancement services	other workplace support services	negotiating potential jobs	communication with an existing employer	communication with family or other members of the individual's circle of support and communications	with staff providing other OPWDD services	documentation of the delivery of SEMP services	other activities previously approved by OPWDD (Innovations trainings)

Purpose and/or Response to Services Provided (optional):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Purpose and/or Response to Services Provided (optional):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Purpose and/or Response to Services Provided (optional):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Purpose and/or Response to Services Provided (optional):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Purpose and/or Response to Services Provided (optional):

Signature			
Signature	Print Name	Initials	Title
_____	_____	_____	_____
_____	_____	_____	_____



Supported Employment (SEMP) Monthly Summary

A narrative monthly summary note is also required and must summarize:

- Implementation of the individual's Supported Employment Service Delivery Plan for the month
- Description of the individual's vocational progress
- Description of some of the actions of staff to address vocational challenges
- Description of the individual's response
- Any issues or concerns
- Must be completed within 30 days after the month of service.**

S A M P L E

SUPPORTED EMPLOYMENT (SEMP) MONTHLY SUMMARY NOTE

AGENCY NAME: _____ MONTH / YR OF SERV. DELIVERY : _____

INDIVIDUAL'S NAME: _____ TABS ID : _____ MEDICAID # : _____

<i>Summarize the Supported Employment (SEMP) Services provided this month.</i>	
Summarize the implementation of the individual's Supported Employment (SEMP) Habilitation Plan for the month	
Description of the individual's vocational progress	
Description of some of the actions of staff to address vocational challenges	
Description of the individual's response to services provided	
Describe any issues or concerns	

The narrative monthly summary note must be completed, signed, and dated no later than the 30th day after the month of service.

SIGNATURE OF STAFF PERSON WRITING THE NOTE
(required)

TITLE

DATE (mth/dy/yr)

SIGNATURE OF STAFF PERSON REVIEWING THE NOTE

TITLE

DATE (mth/dy/yr)

VERIFICATION THAT JOB MEETS OPWDD SEMP CRITERIA

On July 1, 2015, billing for OPWDD SEMP, when a person has a job is contingent on the criteria listed below. OPWDD recommends the use of this form to document that the job meets the required SEMP criteria:

1. The employee is **paid minimum wage** or higher. (or meets labor laws)
2. The job is **integrated** in the community.
3. Funding for Intensive SEMP was sought **before Medicaid** OPWDD Intensive SEMP funds were used OR services provided were covered in the OPWDD/ACCES-VR Letter of Agreement OR Intensive SEMP was NOT required as the individual had a job.
4. The supports/services at this job site are determined to be either **individual or group** (no more than 8 individuals) services.

Agency _____ Name: _____

Agency _____ Address: _____

Name of Individual Employed: _____ TABS ID # _____

Address: _____

Telephone Number: _____

Date Enrolled in SEMP: _____

Name of Business Where Individual is Employed: _____

Phone Number: _____ Date Starting this Job: _____

Business Address: _____

Title of Job Position: _____

1. WAGE VERIFICATION

Hourly Wage: _____ Does this meet minimum wage standards? Yes No

If no, what is the explanation (e.g. tipped wait staff) _____

Verification Document (should be attached):

Pay Stub Appointment Letter Other (List): _____

2. WORKSITE INTEGRATION

SEMP regulations require that each individual supported in employment, work at a job/employment experience that is integrated in the community, working alongside of workers without disabilities in the same manner that employees without OPWDD services would in the same/similar job. Every job/employment experience is different and may meet integration standards in different ways.

To meet community/integration standards, the individual will have some of the following opportunities: interact and take direction from a supervisor (not paid by Medicaid); interact with coworkers; meet/greet/serve customers and/or the broader community; attend trainings; have access to break/lunch rooms as other employees; access to public/community transportation; access to the greater community; staff meetings; and being hired for a position that is open to the general public.

Is this job integrated in the community? Yes No

Explain why this job is considered integrated using SPECIFIC examples as it relates to the job.

3. INITIAL INTENSIVE SERVICES FUNDING

Did the employee receive ACCES-VR funding for this job? Yes No

Did the employee receive ACCES-VR for a previous job and was still enrolled in SEMP Extended services when they lost the most recent job? Yes No

ACCES-VR Closure Date: _____

If the person did not receive ACCES-VR services, which of the following applies:

- The agency determined and documented that based on the person's higher level of support needs and/or limited job experience the OPWDD ACCES-VR Letter of Agreement allowed participation in OPWDD Employment Training Program (ETP).
- The agency has written documentation from ACCES-VR which states that the supported employment services required by this person would be best provided by OPWDD at this time.
- The person SECURED a job and does not require Intensive Supported Employment services from ACCES-VR, and Extended Services will be provided by OPWDD.

4. TYPE OF PLACEMENT

The supported employment provider agency designates whether this is a group or individual job placement. Generally, a group placement means that the supported employment services are provided to between two and eight individuals during the same/similar time periods and the individuals are working together as a group.

SEMP services for this employee, while at this job site will be billed as: Individual Group

There will be 8 or less individuals funded by OPWDD SEMP at this work placement?

Yes No

Are the employees allowed to work without the job coach present? Yes No

PERSON COMPLETING FORM:

Name: _____ Title: _____

Signature: _____ Date: _____

Email Address: _____

Medicaid Timeframes for Service Documentation

- Contemporaneous Records
- Maintain records that support claims for six years

Quick Reference Guide to Completing SEMP Requests to Bill Intensive and Extended SEMP Services

October 1, 2018

This guidance document is supplemental and does not supersede the current Supported Employment (SEMP) regulations and Administrative Memorandum (ADM). All staff and administration providing SEMP services are required to fully comply with OPWDD regulations.

Consider the following prior to requesting SEMP services for a person who is not employed:

- The person previously participated in a **Discovery process** which includes comprehensive employment planning, community volunteer and community work experiences, and identifying employment supports, job preferences and personalized job match criteria. These activities are typically completed through community based prevocational services (CBPV), Pathway to Employment, Employment Training Program (ETP), community volunteering, high school/college internships, etc.
- If the person requesting SEMP has **not met the above criteria or has not yet addressed barriers to employment**, he/she may be advised to pursue activities to prepare the person for employment success through various services such as prevocational, ETP, Pathway to Employment, day habilitation, clinical services, etc.
- The person previously completed ACCES-VR supported employment services or OPWDD's Employment Training Program (ETP). Medicaid requires that all persons in SEMP receive intensive job development and job coaching services through either ACCES-VR or ETP, whichever is appropriate for the person.
- If the person has not yet received ACCES-VR or ETP, the next step is to apply for the appropriate service. Please reference the OPWDD and ACCES-VR Agreement Letter.
- If the person participated in ACCES-VR or ETP, then become unemployed in the future, the SEMP agency/FI may request OPWDD SEMP Intensive services to regain employment. Documentation of participation in either ACCES-VR or ETP is retained in the person's SEMP file by the SEMP agency/FI for audit purposes.

Determine if the person **meets the criteria** for SEMP, as listed above.

If yes, submit the Request to Bill SEMP Intensive Services to OPWDD.

If no, refer the person to the appropriate service (community based prevocational, Pathway to Employment or ETP).

OPWDD Intensive SEMP Services (Person is NOT Employed)

The Person is NOT Employed and NOT Enrolled in SEMP:

- 1) If the Request to Bill Intensive SEMP Services is approved, enroll the person in SEMP through TABS/CHOICES. Contact the DDRO staff for your region's SEMP enrollment process.
- 2) **For Self-Direction, Self-Hire services ONLY**, to determine **how many SEMP hours** are needed to fund the SEMP services in the Self-Direction budget (for the year), divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. For example, if the person's job development/coaching staff and related expenses are projected to cost \$19,657 for the year, you would divide this amount by the regional SEMP fee (\$78.63 Region 2) = 250 Intensive SEMP hours needed to fund the budget. A Request to Bill Intensive SEMP Services is submitted to OPWDD. OPWDD will review and may approve the whole amount or a portion to get started then review the progress before more hours are approved.

The Person is NOT Employed and Enrolled in SEMP:

- 1) Address any barriers to employment through support team planning, additional supports, new resources, revised job match strategies, new job coaching techniques, clinical supports, increased skill training, and/or additional community work experiences. Services and supports to address significant barriers to employment may be provided through ETP, community based prevocational services (CBPV), Pathway to Employment, day habilitation, clinical, medical, or other resources in the community, as appropriate.
- 2) When barriers to employment have been addressed, submit the Request to Bill SEMP Intensive Services.
- 3) **For Self-Direction, Self-Hire services ONLY**, to determine **how many SEMP hours** are needed to fund the SEMP services in the Self-Direction budget divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. See example listed above.

Consider the following for a person who IS Employed requesting Extended SEMP services:

- The person must be employed in the general workforce community, earning minimum wage or more, in an integrated setting. The SEMP Agency/Fiscal Intermediary maintains documentation verifying that the job meets SEMP criteria.
- The job tasks match the person's skill level and interests. SEMP staff are assisting the person to build competency and independence on the job.

OPWDD Extended SEMP Services (Person IS Employed)

The Person is Employed and NOT Enrolled in SEMP:

- 1) If the person's job(s) meets the SEMP criteria, enroll the person in SEMP through TABS/CHOICES. Contact the DDRO staff for your region's SEMP enrollment process.

- 2) When the person is employed, SEMP agencies/FI's may bill up to 200 SEMP Extended hours with no request form required each year based on the person's SEMP enrollment year. If the person requires more than 200 Extended SEMP hours within the SEMP enrollment year, submit the Request to Bill Additional SEMP Extended Services to OPWDD.
- 3) If the person has a job and only needs Extended SEMP services, ACCES-VR does not provide Extended SEMP services to anyone who is OPWDD eligible. Please note in the file that the person has a job, if the person is familiar with the tasks and therefore does not need ACCES-VR or ETP Intensive SEMP services.
- 4) **For Self-Direction, Self-Hire services ONLY**, to determine **how many SEMP hours** are needed to fund the SEMP services in the Self-Direction budget divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. If the SEMP hours are over 200, submit the Request to Bill Additional SEMP Extended Services. For Example, if a person is employed and the Total Cost of SEMP Services in the Self-Directed Budget is \$19,658 divided by \$78.63 (Region 2 SEMP Fee) equals =250 SEMP Extended hours, the Support Broker would submit a Request to Bill Additional SEMP Extended Services form for 50 hours because the first 200 do not require an approved request when employed.

The Person is Employed and Enrolled in SEMP:

- 1) If the person is employed, SEMP agencies/FI's may bill up to 200 SEMP Extended hours with no request form required each year based on the person's SEMP enrollment year. If the person requires more than 200 Extended SEMP hours within the SEMP enrollment year, submit the Request to Bill Additional SEMP Extended Services to OPWDD.
- 2) **For Self-Direction, Self-Hire services ONLY**, to determine how many SEMP hours are needed to fund the SEMP services in the Self-Direction budget divide the "Total Cost of SEMP Services" listed in budget by the regional hourly SEMP fee. See example above. If the SEMP hours are over 200, submit the Request to Bill Additional SEMP Extended Services.

The Person BECOMES UNEMPLOYED while Billing Extended SEMP Services:

1. If the person BECOMES UNEMPLOYED while the SEMP agency/FI is billing Extended SEMP, submit a Request to Bill SEMP Intensive Services within 45 days after job loss. During the 45 days, address barriers to employment and meet with the person and the support team to determine if job replacement is appropriate at this time.
2. If the person is seeking job replacement, submit a Request to Bill SEMP Intensive Services. List any barriers to employment addressed through support team planning, additional supports, new resources, revised job match strategies, new job coaching techniques, clinical supports, increased skill training, and/or additional community experiences. Services and supports to address barriers to employment may be provided by SEMP, other OPWDD services (Community Prevocational, Day Habilitation, etc.), clinical, medical, or other resources in the community.
3. The SEMP agency must have documentation on file that the person was previously served by ETP or ACCES-VR. If not, apply for the appropriate services.

SEMP Enrollment Year and Service Start/Expiration Dates:

- The SEMP enrollment year is based on the person's SEMP enrollment date in TABS/CHOICES. All SEMP Extended and Intensive hours expire on the last date of the SEMP enrollment year. For example, if the person was enrolled in SEMP on 6/1/18, their SEMP enrollment year will be 6/1 to 5/31 and all hours will expire on 5/31 annually. If the person was **enrolled in SEMP prior to 7/1/15**, the SEMP enrollment year will be 7/1 to 6/30. All SEMP hours expire on the last day of the SEMP enrollment year or 6/30.
- If the person is employed, the SEMP agency/FI can bill up to 200 SEMP Extended hours without a request form approved each SEMP enrollment year. The SEMP agency/FI may request additional Extended SEMP hours, if needed. All approved Extended SEMP hours expire on the last date of the SEMP enrollment year.
- All approved Intensive SEMP hours expire on the last date of the SEMP enrollment year. The SEMP agency/FI must request any remaining or new hours needed each year.
- If a person dis-enrolls from SEMP and re-enrolls at a later date or with a different agency, the new enrollment date is used to determine the enrollment year.

Submitting Request to Bill SEMP Services:

- The forms are located at www.humanservicesed.org under Resource Materials/Innovations.
- The SEMP agency or Self-Direction Support Broker submits the Request to Bill for SEMP Services forms to semp.pe.billing.requests@opwdd.ny.gov via secure email. Requests may be submitted by replying to a message from OPWDD which has SECURE: in the subject line and attaching the request to maintain a secure Zix email exchange. Or submit the request via OPWDD secure Zix email.
- Request forms must be attached to an email and **NOT scanned**. OPWDD enters additional information and signs the request forms electronically.
- For Self-Directed, Self-Hire services, the Fiscal Intermediary (FI) is listed as the SEMP Agency on the form.
- If a person is actively participating in ETP, the regional ETP Supervisor will process the Request to Bill SEMP Intensive Services.
- OPWDD will review all forms submitted and respond within 3 approximately weeks with an approval or not approved, number of hours approved and the timeframes.
- The SEMP agency/FI must retain a copy of all approvals in their records.

Up-to-date Regional SEMP fees may be found at:

[*http://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene](http://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene)

OPWDD Regulations and Administrative Memos may be found at:

https://opwdd.ny.gov/regulations_guidance/opwdd_regulations

https://opwdd.ny.gov/opwdd_regulations_guidance/adm_memoranda

Questions:

https://opwdd.ny.gov/opwdd_services_supports/employment_for_people_with_disabilities/contact-us-employment-services-questions

Entry to Intensive SEMP



Entry to Extended SEMP



6/12/15

Note: Individuals that are enrolled in Pathway, the agency may not bill for Intensive SEMP services.

(ii) If an individual is in the Intensive phase of SEMP, the individual is not eligible to receive the Pathway to Employment service because allowable activities in Intensive SEMP and the Pathway to Employment service are the same.

3/1/16

Agreement Letter

OPWDD and ACCES-VR

For Pathway to Employment, Employment Training Program (ETP) and Prevocational Services

This letter establishes an agreement between the Office for People with Developmental Disabilities (OPWDD) and the New York State Education Department Office of Adult Career and Continuing Education Services (ACCES-VR), collectively the parties. The parties are in agreement that OPWDD eligible individuals participating in Pathway to Employment, Employment Training Program (ETP) or Prevocational Services are better served by OPWDD, at this time, rather than intensive ACCES-VR supported employment or other vocational rehabilitation services.

The parties understand that there are OPWDD individuals receiving Pathway to Employment, Employment Training Program or Prevocational Services who need extreme levels of support to engage in work activity. Most individuals participating in Pathway to Employment, Employment Training Program or Prevocational Services are OPWDD eligible individuals who have very limited employment and vocational experiences and are in need of exposure to community volunteer or work experiences, extensive career planning services, and work readiness classes. Traditionally, these individuals have been enrolled in other OPWDD programs such as day habilitation which have precluded individuals from participating in employment services.

Based on a review of specific program characteristics and the program needs of the individuals who will be participating in Pathway to Employment, Employment Training Program or Prevocational Services, ACCES-VR has determined, and the parties agree with the use of the following criteria in order to distinguish between individuals to be served by Pathway to Employment, Employment Training Program or Prevocational Services and those who will be served by ACCES-VR:

- Pathway to Employment, Employment Training Program or Prevocational Services will provide services to OPWDD eligible individuals who have expressed an interest in employment but who are limited to working for short periods of time.
- Pathway to Employment, Employment Training Program or Prevocational Services will provide services to individuals who, due to their support needs, will require a highly intensive set of program, behavioral, transportation and/or other supports that exceed what is suitable through ACCES-VR intensive supported employment.
- Pathway to Employment, Employment Training Program or Prevocational Services participants will require a longer period of program, behavioral and/or other supports to develop their work capacity before it can be determined that the individuals are able to achieve employment.

As determined by OPWDD, individuals meeting these descriptions may be considered for enrollment in Pathway to Employment, Employment Training Program or Prevocational Services without first utilizing services provided by ACCES-VR.

The parties agree that OPWDD will work with providers to assure that any individual participating in Pathway to Employment, Employment Training Program or Prevocational Services is encouraged and/or assisted to apply for ACCES-VR services when it is indicated that the individual's circumstances are no longer in alignment with the criteria set forth above. ACCES-VR services may be used to assist the individual achieve an integrated employment outcome.

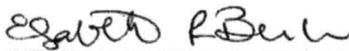
The parties agree that upon enrollment in Pathway to Employment and receipt of 200 hours of pre-employment service, the service provider will complete the appropriate sections of the ACCES-VR Review form and the OPWDD Discovery Report, including a preliminary vocational plan. ACCES-VR designated staff will review the OPWDD Discovery Report, including the preliminary vocational plan, and complete the response section on the ACCES-VR Review form. The completed review form and appropriate feedback will be returned to the provider. Such feedback may include comments on the preliminary vocational plan.

ACCES-VR will work closely with the OPWDD to assure that any individuals who participate in Pathway to Employment, Employment Training Program or Prevocational Services can apply for and participate in vocational rehabilitation services provided through ACCES-VR when it is intended that those vocational rehabilitation services will enable the individual to pursue an integrated employment outcome as defined in Title I of the Rehabilitation Act and by its implementing regulations.

To ensure that individuals with the most significant disabilities are offered supported employment services when appropriate, the parties will review this agreement annually.

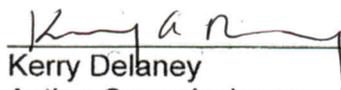
This agreement becomes effective immediately upon the signatures of the parties. This agreement does not replace other State agency agreements which are in effect. It simply clarifies and extends collaborative efforts between the agencies in regard to supported employment initiatives.

This agreement is subject to modification at the request of either party. Such modifications will be mutually agreed upon and become effective immediately upon the signatures of the parties.



Elizabeth Berlin
Executive Deputy Commissioner
State Education Department

11/26/14
Date



Kerry Delaney
Acting Commissioner
Office for People with Developmental Disabilities

12/8/14
Date

OPWDD Supported Employment Audit Protocols

https://opwdd.ny.gov/opwdd_regulations_guidance/audit_protocols/home

Audit protocols assist the Medicaid provider community in developing programs to evaluate compliance with Medicaid requirements under federal and state statutory and regulatory law, and administrative procedures issued by New York State Office For People With Developmental Disabilities (OPWDD). The protocols listed are intended solely as guidance in this effort. This guidance does not constitute rulemaking by OPWDD and may not be relied on to create a substantive or procedural right or benefit enforceable, at law or in equity, by any person. Furthermore, nothing in the protocols alters any statutory, regulatory or administrative requirement. In the event of a conflict between statements in the protocols and statutory, regulatory or administrative requirements, the requirements of the statutes, regulations and administrative procedures govern.

The audit protocols do not encompass all the current requirements for payment of Medicaid claims for a particular category of service or provider type and therefore are not a substitute for a review of the statutory and regulatory law or administrative procedures. A Medicaid provider's legal obligations are determined by the applicable federal and state statutory and regulatory law.

Audit protocols are applied to a specific provider or category of service(s) in the course of an audit and involve OPWDD's application of articulated Medicaid agency policy and the exercise of agency discretion.

Protocols are amended as necessary. Reasons for amending protocols include, but are not limited to, responding to a hearing decision, litigation decision, or statutory or regulatory change.

OPWDD strives for consistency with the audit practices of the New York State Office of the Medicaid Inspector General (OMIG). As such, OPWDD will apply [OMIG audit protocols](#) in evaluating those services in which the OMIG has established protocols (Residential Habilitation, Day Habilitation, Supported Employment Services and Prevocational). When necessary, OPWDD has developed audit protocols to incorporate regulatory and administrative requirements that postdate OMIG protocols (i.e., Daily Residential Habilitation, Hourly Supported Employment Services, and Site/Community Based Prevocational Services). The appropriate protocol will be used depending on the criteria in effect for the date of service being reviewed.



Section 5

SEMP Billing

7/1/15

7/6/15



SEMP Enrollment

- There will be no changes to existing SEMP program codes.
- Individuals who are already enrolled in your SEMP program codes will continue with the current enrollment.
- New individuals will be enrolled via the DDP-1 process through CHOICES or paper submission and OPWDD Service Authorization/Amendment forms.



Billing eMedNY

- SEMP provider agencies will utilize the “multi service” provider ID to bill eMedNY as of 7/1/15 - You will no longer be utilizing the “SEMP” specific provider ID that you currently use.
- Adjudicated claims will be included on remittance statements associated with the “multi service” provider ID.
- If your agency is obtaining a new provider ID to utilize for SEMP, the provider ID will need to be linked to your agency’s ETIN/TSN –

<https://www.emedny.org/info/ProviderEnrollment/allforms.aspx>

- Select link for “Certification Statement/Instructions for Existing ETINs.
- If you do not have a multi service provider ID, you should have been contacted and instructed to submit one.



SEMP Billing Guidance

- SEMP Individual billing codes are used to bill for SEMP services provided in a 1 to 1 staff to individual ratio setting.
- SEMP Group billing codes are used to bill for SEMP services provided in a 1 to 2-8 staff to individual ratio setting.
- The unit of service is an hour, but service is billed for each 15 minute time segment of service provided **with no rounding up.**
- Individual or Group rate codes can be billed only once per day to Medicaid. However, If multiple, individual or group service time segments are provided during the day, the total duration for each rate code may be added together, the total is rounded down to the nearest 15 minute increment then each corresponding rate code is billed to Medicaid.
- Fee Regions correspond to the county of TABS SEMP program code.
- Documentation must clearly substantiate each billing to Medicaid for services provided.



SEMP Fees

Updated SEMP Fees may be found at

https://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene/2018-04-01_semp.htm

EFFECTIVE APRIL 1, 2018

OPWDD REGION	UNIT OF SERVICE	INDIVIDUAL SESSION (SERVING 1)	GROUP SESSION (SERVING 2+)
1	Hourly	\$75.06	\$29.30
2	Hourly	\$78.63	\$26.83
3	Hourly	\$83.31	\$23.63

CONVERTED TO QUARTER HOUR

OPWDD REGION	UNIT OF SERVICE	INDIVIDUAL SESSION (SERVING 1)	GROUP SESSION (SERVING 2+)
1	1/4 Hour	\$18.77	\$7.33
2	1/4 Hour	\$19.66	\$6.71
3	1/4 Hour	\$20.83	\$5.91

SEMP Intensive, Self-Directed-Agency Supported Rate and Locator Codes

Rate Codes:

Individual	4759
Group	4760

Locator Codes:

- Locator code = 036 (Fee Region 1 – New York City)
- Locator code = 037 (Fee Region 2 – Nassau, Suffolk, Rockland, Westchester and Putnam counties)
- Locator code = 038 (Fee Region 3 – Rest of State)



SEMP Intensive, Self-Directed-Self-Hire Rate and Locator Codes

Rate Codes:

Individual	4769
Group	4770

Locator Codes:

- Locator code = 043 (Fee Region 1 – New York City)
- Locator code = 044 (Fee Region 2 – Nassau, Suffolk, Rockland, Westchester and Putnam counties)
- Locator code = 045 (Fee Region 3 – Rest of State)



SEMP Extended, Agency Provided Rate and Locator Codes

Rate Codes:

Individual	4792
Group	4793

Locator Codes:

- Locator code = 057 (Fee Region 1 – New York City)
- Locator code = 058 (Fee Region 2 – Nassau, Suffolk, Rockland, Westchester and Putnam counties)
- Locator code = 059 (Fee Region 3 – Rest of State)



SEMP Extended, Self-Directed-Agency Supported Rate and Locator Codes

Rate Codes:

Individual	4761
Group	4762

Locator Codes:

- Locator code = 036 (Fee Region 1 – New York City)
- Locator code = 037 (Fee Region 2 – Nassau, Suffolk, Rockland, Westchester and Putnam counties)
- Locator code = 038 (Fee Region 3 – Rest of State)



SEMP Extended, Self-Directed-Self-Hire Rate and Locator Codes

Rate Codes:

Individual	4771
Group	4772

Locator Codes:

- Locator code = 043 (Fee Region 1 – New York City)
- Locator code = 044 (Fee Region 2 – Nassau, Suffolk, Rockland, Westchester and Putnam counties)
- Locator code = 045 (Fee Region 3 – Rest of State)

New SEMP Provider

Questions about loading of fees should be
directed to DOH at the email below:

mhrs@health.ny.gov

Primary Billing Fields

- Medicaid CIN
- eMedNY Provider ID
- Rate Code
- Locator Code
- Date of Service
- Unit



Ordering/Referring bypass

Please relay this information to your billing staff:

- New Requirements from the Affordable Care Act mandate that services billed to Medicaid identify the practitioner who ordered/referred the service
- Most OPWDD services are exempt from this requirement, including SEMP – However, in order to appropriately bypass the requirement, your provider ID used for billing must be included in another component of the claim submission
- When submitting the 837 Institutional (837I) claim submission to Medicaid, the provider ID used to bill for services will need to be input in the following loop/segment of your claim submission:
- Loop 2310F / Segment REF02
- If your agency utilizes ePACES for billing, the provider ID will be input on the Physician Information Tab – under the Attending/ Servicing Physician section
- There is a prompt for a provider number and the provider ID should be entered here.
- Computer Sciences Corporation (CSC) can provide assistance – (800) 343-9000



Billing Limits

- Intensive SEMP Services are limited to up to 250 hours approved per request, must be authorized by the Office of Employment and Meaningful Community Activities and approvals kept on file.
- 200 hours of Extended SEMP Services are automatically available with no prior approval by the Office of Employment and Meaningful Community Activities when the person has gained a job and the agency has used the approved Intensive SEMP hours (if approved), or the person transitioned to or enrolled in SEMP with a job.
- SEMP Service hour extensions (both Intensive and Extended) must be granted by the Office of Employment and Meaningful Community Activities. Intensive SEMP hours extensions are limited to up to 250 per request and Extended SEMP hours extensions are limited to up to 200 per request.



Medicaid Timely Billing

- Providers must comply with DOH timely billing rules (claim submission within 90 days from date of service).
- If claims submitted beyond 90 days, provider must determine appropriate delay reason code and retain documentation to support the delayed claim submission.



Billing Overview for State-Funded SEMP (Grandfathered)

When the unit of service changes for SEMP on 7/1/15, as the result of rate rationalization:

For STATE-FUNDED INDIVIDUALS:

There will be a new web application called the SEMP Fee System that will accommodate billing under the hourly unit of service for individuals currently billed under state-funded SEMP. A User Guide will be available to assist providers with billing services for state payment. The existing SEMP web application will remain available to record services for service months prior to July 2014 per the established timeframes for billing. Current users of the SEMP web application will automatically have access to the new SEMP Fee System.



Web Service Recording for State-Funded SEMP

- The new SEMP Fee System will show a roster of all individuals enrolled in your SEMP program code, including HCBS enrolled individuals
- You will not be required to record services for HCBS Waiver enrolled individuals – you can bill these services directly to Medicaid for reimbursement
- Services recorded for HCBS Waiver enrolled individuals will show as exceptions, but the system will allow you to record services for everyone enrolled
- OPWDD has created a new SEMP Fee System that will be utilized to bill under the new unit of service for non-HCBS enrolled individuals
- Providers that have access to current system will automatically be able to access the new SEMP Fee System
- A detailed User Guide will be available to assist with service recording for the 7/1/15 changeover date
- Central Operations will also be available to assist if questions arise





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Office for People With Developmental Disabilities

Secure Site Applications:

- [Fire Safety Portal](#)
- [Incident Report and Management Application](#)
- [Job Bank System](#)
- [Medical Appointment Tracking System](#)
- [Message Application Maintenance System](#)
- [Services Recording](#)
- [Supported Employment System](#) ←
- [SEMP Fee System](#)
- [The Basic Security for the Web](#)
- [Secured Applications Frequently Asked Questions](#)
- [SQL Access](#)
- [Manage My Account](#)
- [File Transfer Direct](#)



Click to verify

NYS Office for People With Developmental Disabilities
 44 Holland Avenue
 Albany, NY 12229-0001



NYS Office For People With Developmental Disabilities

[Agencies List](#) | [Logout](#) | [Help](#)

Supported Employment System

TRAINING AGY 3/92003
JEFFERER

Service Recording
Post Processing
Reports
Run Dates
Contact Us
FAQ

Preliminary Run Date: 05/26/2015
 Final Run Date: 05/29/2015

Service Month: MAY - 2015 Initial Service Deadline Date: 07/09/2015

Program Name/Id: ----- Select Program Name/Id ----- Program Enrolled Information

Program Information

Individual Name: ----- Select Individual Name/Id ----- Individual Information

Was individual employed, as defined by OPWDD, for the service month?

Yes No

Monthly Calendar						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Emp Type -- Individual -- Group --	2 Emp Type -- Individual -- Group --
3 Emp Type -- Individual -- Group --	4 Emp Type -- Individual -- Group --	5 Emp Type -- Individual -- Group --	6 Emp Type -- Individual -- Group --	7 Emp Type -- Individual -- Group --	8 Emp Type -- Individual -- Group --	9 Emp Type -- Individual -- Group --
10 Emp Type -- Individual -- Group --	11 Emp Type -- Individual -- Group --	12 Emp Type -- Individual -- Group --	13 Emp Type -- Individual -- Group --	14 Emp Type -- Individual -- Group --	15 Emp Type -- Individual -- Group --	16 Emp Type -- Individual -- Group --

Central Operations Contacts

- Central.operations@opwdd.ny.gov
- Andrea Bush – andrea.m.bush@opwdd.ny.gov
- Matt Breslin – matthew.breslin@opwdd.ny.gov
- Earl Jefferson – earl.jefferson@opwdd.ny.gov
- Shaun Scanlon – shaun.scanlon@opwdd.ny.gov

All staff can be reached at (518) 402-4333



Section 6



**Office for People With
Developmental Disabilities**

OPWDD Quarterly Provider Supported Employment Reporting Instruction Guide

Fiscal Year 2018/2019

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 - Data Definitions
 - Data Entry and Submission Process
 - Sample Reports
 - Avoiding Common Errors
 - Helpful Hints
3. Quarterly ACCES-VR Projection Report
 - Data Definitions
 - Sample Report
 - Data Entry and Submission Process
4. Contact Information

OPWDD Quarterly SEMP Reporting Overview

Meet Reporting Requirements for Stakeholders:

- ◀ CMS – Centers for Medicaid Services
- ◀ NYS Governor's Office
- ◀ Statewide and National Research Centers (data outcomes only)
- ◀ OPWDD Training and Transformation Initiatives

Analysis for Quality Service Improvements:

- ◀ Increase employment outcomes for individuals funded by OPWDD
- ◀ Identify factors that contribute to job retention
- ◀ Identify other factors that contribute to successful employment outcomes

OPWDD Quarterly SEMP Reporting Process Updates

- OPWDD is working with the New York State Employment Services System (NYESS) to coordinate data collection.
- OPWDD recommends that all employment service providers participate in the NYESS System.
- Staff at OPWDD and NYESS are working with providers to make sure that both systems are uniformly coordinated.
- NYESS offers many benefits including potential Ticket to Work payments and links to career assessment tools (<https://www.careerzone.ny.gov>), job matching, resume building, etc.

Quarterly Reports Overview

- OPWDD requires that SEMP providers submit quarterly reports. The quarterly reports are **based on that status of each person enrolled (or dis-enrolled between 4/18 to 3/19) in SEMP on the last date of each quarter.**
- The quarterly report forms provide OPWDD the status of individuals who are enrolled in SEMP between April 2018 to March 2019. OPWDD will send new report forms every year.
- There are 2 report forms submitted each quarter:
 - OPWDD Quarterly SEMP Report 2018/2019
 - ACCES-VR Quarterly Projection Report 2018/2019 (if ACCES-VR services are provided)
- Agencies update and submit the quarterly reports in a secure manner to supported.employment.data@opwdd.ny.gov.

Both quarterly reports will be due as follows:

Quarter 1: April 2018-June 2018 will be **due by July 20, 2018**

Quarter 2: July 2018 – September 2018 will be **due by October 15, 2018**

Quarter 3: October 2018 – December 2018 will be **due by January 15, 2019**

Quarter 4: January 2019 – March 2019 will be **due by April 15, 2019**

Compare Current SEMP Program Enrollments to Quarterly SEMP Report

- If the person is not enrolled in SEMP but listed on the Quarterly SEMP Report, list the person as “inactive” on report.
- If the person is enrolled in SEMP but not listed on the Quarterly SEMP Report, add the person to the Quarterly SEMP Report.
- If the person is enrolled in SEMP but not receiving services and listed on the Quarterly SEMP Report as “inactive”, submit a DDP1 in CHOICES to dis-enroll the person and continue to report the person as “inactive” on the Quarterly SEMP Report.

**An updated ISP addendum is not required to dis-enroll. ISP may be updated by next meeting.*

** Please do not dis-enroll a person who has State-funded SEMP if there is a possibility of the person becoming employed in the future.*

Checking the Program Roster in CHOICES

Step 1: Under Workplace, scroll to Program Codes (fake data)

The screenshot shows the Microsoft Dynamics CRM interface for the 'Individuals' entity. The 'Workplace' tab is active, and the 'Program Codes' menu item is highlighted. Below the navigation pane, a table of individuals is displayed with columns for Full Name, TABS ID, Date Of Birth, Medicalid Num..., Address Line 1, Address Line 2, Address City, Address State, and Address Zipcode...

Full Name	TABS ID	Date Of Birth	Medicalid Num...	Address Line 1	Address Line 2	Address City	Address State	Address Zipcode...
ABEL, MARIA	363310	1/19/1928	TH4133A	25 ITHACA STRE...		WAVERLY	NEW YORK	14892
ABITTAN, HALI	114273	2/27/1990	B214273S	1725 PROMENA...		BINGHAMTON	NEW YORK	11961
ADAMS, JACOB	363309	7/8/1980	TH23133A	86745 River Road		Barker	NEW YORK	32903
ADEV, ROBIN	363311	1/28/1957	TH23733A	2522 TIBBLES C...		Barker	NEW YORK	12475
AFFONSO, PAT	363312	3/19/1956	TH23633A	3480 HAMPWO...		Barker	NEW YORK	07030
AGNEW, THOMAS	363313	3/13/1975	TH23533A	44 Lake Road		Barker	NEW YORK	13744
AHLSCHLAGER, ALEKS	292424	2/3/1999	DQ92424Y	8580 BIRLINGH...	1752 LAMOREE...	CANASTOTA	NEW YORK	28754
AMBROSETTI, CHAIMDON...	192297	6/24/1986	CQ92297T	8019 FRESH DAL...		KIRKVILLE	NEW YORK	10914
ANTONUCCLEDY	22629	4/8/1950	AT22629Z	4205 STATE HEG...		OXFORD	NEW YORK	13830
BALLON, CARDEN	121397	10/30/1983	BC21397P	216 SHEFFIELD...		ITHACA	NEW YORK	14850
BANKS, BERRY B	363801	1/5/1997		555 State Rd.		State	NEW YORK	54343
BARNAS, GEARLINE	20536	1/17/1945	AS20536Q	249 GLENWOOD...		BINGHAMTON	NEW YORK	13905
BATTEASE, AGON	344014	12/8/2003	EF44014M	558 KIERSTED Y...		MAINE	NEW YORK	11432
BEACH, SANDY	363302	5/20/1978	S851426J	42 EATON AVEN...		NORWICH	NEW YORK	13815
BEDFORD, RONELLE	325225	7/12/1999	DD25225V	4227 NORTHWE...		BINGHAMTON	NEW YORK	11867
BERGH, BECHER	145004	12/30/1948	DH45004H	6451 DURANGO...	9859 LAUREN C...	CAZENOVIA	NEW YORK	14458
BERGSTEN, MITA	208986	2/11/1988	E808986S	4392 CITY SCIOTA		SOMEPLACE TO...	NEW YORK	10963
BERNHARD, JESSICA	72386	6/12/1968	BY72386K	1200 EASTVIEW...		CAZENOVIA	NEW YORK	13035
BERRY, BILL	363180	3/16/1984	BB12456M	19801 EMANON...		Binghampton	NEW YORK	1071
BERRY, DARRYL	363220	3/2/1994	RR23451R	134 Main St		Broomeville	NEW YORK	
BOGACKI, KADARIE	224449	10/5/1992	CX24449V	6322 ARCHBAL...		ENDICOTT	NEW YORK	14834
BONET, MALI HA	17685	6/20/1941	AP17685X	145 Fleece Ave		Dixsonland	NEW YORK	17346

1 - 50 of 204 (0 selected)

Full Name TABS ID Date Of Birth Medicalid Num... Address Line 1 Address Line 2 Address City Address State Address Zipcode...

ANNOUNCEMENTS DASHBOARDS REPORTS INDIVIDUALS PORTAL USERS STAFF AGENCIES PROGRAM CODES DDSOS CCO-CCO

7 TRAIN1 ChoicesUAT

Program Codes

100%

Checking the Program Roster in CHOICES

Step 2: Double click on the *Program* to open that program's record

Microsoft Dynamics CRM | WORKPLACE | Program Codes

EMAIL A LINK | RUN REPORT | EXPORT TO EXCEL | ADVANCED FIND | HELP ON THIS PAGE | CHART PANE

Active Program Codes

✓	TABS Program Code	Program Name ↑	Program Class	Program Type
	77190940	AT HOME RES HAB-AM	UNCERTIFIED	COMMUNITY HABIL...
✓	83464545	BDS VOL MSC	SERVICE COORDINAT...	MEDICAID SERVICE C...
	77190421	BOUCKVILLE DAY HAB	HCBS WAIVER SERVI...	DAY HABILITATION
	77190910	HERITAGE FAM RECREATI...	FAMILY SUPPORT SE...	DAY/EVENING RECRE...
	77190912	HERITAGE FARM INC_GDH...	UNCERTIFIED	DAY HABILITATION
	77190913	HERITAGE FARM INC_GDH...	UNCERTIFIED	DAY HABILITATION
	77190590	HERITAGE FARM, INC-MSC	SERVICE COORDINAT...	MEDICAID SERVICE C...
	77190820	HERITAGE FARMS	FAMILY SUPPORT SE...	CASE MANAGEMENT
	77190420	HERITAGE FARMS SUPP W...	DAY SERVICE INITIATI...	SUPPORTED WORK
	77190591	HERITAGE FARMS, INC	SERVICE COORDINAT...	MEDICAID SERVICE C...

Checking the Program Roster in CHOICES

Step 3: Use the down arrow to view the subsection of the Program record to locate *Program Enrollments*

The screenshot displays the Microsoft Dynamics CRM interface for program code 83464545. The browser address bar shows the URL: <https://choicesuat.opwdd.ny.gov/main.aspx#59478508>. The page title is "Program Code: 83464545 -- BDS VOL MSC".

The navigation pane on the left includes the following options:

- TABS INQUIRIES
- ACTIVITIES
- CLOSED ACTIVITIES
- PROGRAM ENROLLMENTS** (highlighted)
- BACKGROUND PROCESSES

The main content area shows the "General" section with the following details:

Program Code *	83464545 -- BDS VOL MSC	Program Name	BDS VOL MSC
TABS Program Code	83464545	Program Type	MEDICAID SERVICE COORDINATION
Program Class	SERVICE COORDINATION	Agency	HERITAGE FARM, INC.
DDSO	BROOME DDSO	Locator Code	03
Corporation Code	21180	Close Date	--
Open Date	1/1/2000	Certification Expiration Date	--
Certification Date	1/1/2000	Medicaid Provider ID	--
Sector	VOLUNTARY	24 Hour Care	--
Residential?	No		

The "Address" section includes:

County	DELAWARE	Telephone Number	--
Street 1	8346 SW 45TH STREET	Mailing Street 1	--
Street 2	--	Mailing Street 2	--
City	MIAMI	Mailing City	--
State	NEW YORK	Mailing State	--
Zip	83464	Mailing Zip	--

The "Administration" section shows the Owner as [svc QAESB-04](#).

The "Notes" section is currently empty.

The Status is **Active**.

Checking the Program Roster in CHOICES

Step 4: Click on Program Enrollments to view the list.

The screenshot displays the Microsoft Dynamics CRM interface. At the top, the navigation bar includes 'Microsoft Dynamics CRM', a home icon, 'WORKPLACE', 'Program Codes', and a dropdown menu for '83464545 -- BDS V...'. The main content area shows 'PROGRAM CODE : INFORMATION' for '83464545 -- BDS VOL MSC'. Below this, there is a dropdown menu for 'Program Enrollment Associated V...' and three action buttons: 'CHART PANE', 'RUN REPORT', and 'EXPORT PROGRAM ENRO...'. A table below lists enrollment details for various individuals.

Program Code ↑	Individual	Enrollment Start Dat...	Enrollment End Date...
83464545 -- BDS VOL...	SHARPS,MSC7	1/1/2013	7/5/2013
83464545 -- BDS VOL...	SHARPS,MSC9	1/1/2013	
83464545 -- BDS VOL...	SHARPS,MSC1	1/1/2013	
83464545 -- BDS VOL...	SHARPS,MSC10	1/1/2013	
83464545 -- BDS VOL...	SHARPS,MSC2	1/1/2013	6/1/2013
83464545 -- BDS VOL...	SHARPS,MSC3	1/1/2013	
83464545 -- BDS VOL...	SHARPS,MSC6	1/1/2013	7/5/2013
83464545 -- BDS VOL...	SHARPS,MSC8	1/1/2013	
83464545 -- BDS VOL...	SHARPS,MSC5	1/1/2013	
83464545 -- BDS VOL...	SHARPS,MSC4	1/1/2013	6/20/2013

Data Definitions

Last Name	First Name	TABS ID	DDRO Region Number	DDRO	Social Security Number	Year or Anticipated Year Left High School (use drop down list)	Employment Service Enrollment Date
Last Name (as it appears in Choices or SEMP Roster)	First Name (as it appears in Choices or SEMP Roster)	Must have TABS ID for data processing. <u>Will be orange until the number is entered.</u>	<u>No data entry necessary</u> The number will auto populate when the DDRO is selected. This cell cannot be accessed.	Choose from the drop down list the DDRO where the person lives, <u>not</u> where they work.	The social security number will allow for NYESS match.	Choose one: <ul style="list-style-type: none"> • Prior to 2012 • 2012 • 2013 • 2014 • 2015 • 2017 • 2017 • 2018 • 2019 • 2020 <i>(If still attending school choose the year you anticipate the person will leave high school.)</i>	List the date that the person was enrolled in their current employment service.

Data Definitions

ON THE LAST DAY OF THE QUARTER

Is the person actively receiving services or inactive?
(use drop down list)

Complete this section **every quarter**

Choose one:

- **Active** (currently receiving billable services whether employed or not)
- **Inactive** (not receiving billable services or terminated from program)

Please do not delete anyone who becomes inactive in SEMP between 4/1/17 to 3/31/18.

Will be pink every quarter until data is entered. This section does NOT copy forward.

ON THE LAST DAY OF THE QUARTER

Were there any changes this quarter?
(use drop down list)

Complete this section **every quarter**

with the ***STATUS for quarter ONLY.***

Choose one (**most quarters you will choose "No Changes"**):

- Enrolled this quarter with job
- Enrolled this quarter without job
- Enrolled this quarter in ETP
- Started a new job
- Job information changed
- Terminated program
- No Changes

Will be pink every quarter until data is entered. This section does NOT copy forward.

Data Definitions

Program Funding Type (use drop down list)	Is the Person Employed? (use drop down list)	Type of Employment Setting (use drop down list)
<p>Choose one:</p> <ul style="list-style-type: none"> •SEMP Intensive •SEMP Intensive Self-Directed/Self Hire •SEMP Intensive Self-Directed/Agency Purchase •SEMP Extended •SEMP Extended Self-Directed/Self Hire •SEMP Extended Self-Directed/Agency Purchase •SEMP Private Pay •SEMP Other 	<p>Choose one:</p> <ul style="list-style-type: none"> •Worked this quarter •Temporary time off (works 9 - 11 quarters per year) •Temporary time off (works 6-8 months per year) •Temporary time off (works less than 5 months per year) •Not employed and agency is providing billable services 	<p>Choose one:</p> <ul style="list-style-type: none"> •Individual Placement •Group Placement (up to 8) •Group Placement - Not Billable •Self Employed •Other

Data Definitions

Is Job Integrated? (use drop down list)	Current Job Start Date	Hourly Wage
<p>Choose Yes or No</p> <p>Work settings in the general workforce where workers with developmental disabilities have opportunities to interact with, and work alongside, co-workers who do not have disabilities are considered integrated. If supervisors, job coaches and other staff are the only people without disabilities that workers interact with, then the setting does not meet the definition of integrated.</p> <p><i>ALL JOB PLACEMENTS MUST BE INTEGRATED IN ORDER TO BILL FOR SEMP SERVICES.</i></p>	<p>Date Format: (m/d/yyyy)</p> <p>Enter the date the person started working at the current job listed.</p>	<p>Hourly Wage Format:</p> <p>If employed, record the hourly wage in the following format, _ . _ _ (no \$). RECORD ONLY ONE NUMBER which may be an average if needed. <u>You cannot record alphanumeric or ranges.</u> <u>Highlighted cells means the wage is listed as less than NYS minimum.</u></p> <p><i>Please check that the wage is updated with the minimum wage changes. If a job meets the DOL minimum wage requirements for tipped or out of state jobs, please list the NYS minimum wage and notate the accurate wage and details in comments section.</i></p>

Data Definitions

Paycheck Issued By Which Entity? (use drop down list)	Average Weekly Work Hours	Name of Business Where Person Physically Works, If Employed (Record main worksite and list additional jobs in comments section)
<p><u>Choose one:</u></p> <ul style="list-style-type: none"> •Employer in Community •Employment Training Program – ETP •Provider Agency Paid through Subcontract •Self-Employed •Temporary or Personnel Agency 	<p>Enter Average Weekly Hours Worked.</p> <p>Enter a number only, do not enter a range. The report will <u>not accept a “0” or a range. Enter 1 number.</u></p> <p>If the person did not work that quarter, choose “Not employed and agency is providing billable services”.</p>	<p>Enter the name of the main business where the person physically works.</p> <p>Do not enter the business that issues the paycheck if that is a different business.</p>

Data Definitions

Job Termination Date (if applicable)	Job Termination Reason (use drop down list)	Program Termination Date (if applicable)
<p>Date Format: (m/d/yyyy)</p> <p>Enter the last date the person worked at the job.</p> <p><i><u>When a Job Termination Date is entered, the Job Termination Reason cell will be highlighted until the data is entered.</u></i></p>	<p>Choose one:</p> <ul style="list-style-type: none"> • See list on the next page. <u>The new list more closely matches NYESS termination reasons.</u> 	<p>Date Format: (m/d/yyyy)</p> <p>Enter the date the person was removed from the program in Choices/TABS.</p> <p><i>Record the person as “inactive” and “no changes” for the remainder of the fiscal year following the termination quarter.</i></p>

Data Definitions

Job Termination Reason (use drop down list)

Admission to a Drug Rehabilitation Center	Quit-Concern Over Loss of Public Benefits
Admission to a Mental Health Facility	Relocated
Business Closed	Retired
Deceased	Seasonal Layoff, Expected Return
Incarceration	Seasonal Layoff, No Return
Layoff, Permanent	Service - Lack of Participation
Layoff, Temporary	Service - Lost contract
Medical-Expected Return	Service - Needs Exceed Program
Medical-No Return Expected	Service - Other Program
Military	Service - Program Funding Issues
Other	Service - Supports Services Not Wanted
Parenting-Permanent	Service -Supports or Services Not Available
Parenting-Temporary	Service-Achieved Employment Goals
Quit - Death of a Parent/Caregiver/Guardian	Social Difficulties
Quit - Dissatisfaction with Hours	Stress Related Issues
Quit - Dissatisfaction with Job Tasks	Temporary Position Ended
Quit - Dissatisfaction with Wages	Terminated - Behavioral Issues
Quit - Family Issues (Non-Financial)	Terminated - Inability to Perform Job Tasks
Quit - General	Terminated - Poor Performance
Quit - Lack of Interest	Terminated - Productivity
Quit - Lack of Requested Accommodations	Terminated - Unknown
Quit - Language Difficulties	Terminated - Violation of Rules
Quit - Marriage	Terminated Poor Attendance
Quit - Peers Were Quitting Work	Terminated Poor Punctuality
Quit - School	Transportation Issues
Quit -Family Issues (Financial)	Other

Data Definitions

Does the person have multiple jobs? (Yes or No)	Comments (Record 2nd job or other pertinent information)	Provider Agency Name (Auto Fill When TABS ID Entered)	OPWDD Provider ID (Auto Fill When TABS # Entered)
<p>Choose Yes or No</p> <p>If a person has a 2nd job you may briefly record the business name, hourly rate and average hours in the comments section.</p>	<p>Comments:</p> <p><u>Optional:</u> Provide other information which clarifies the person's employment status, only as needed.</p>	<p><u>No data entry necessary:</u></p> <p>The Provider Agency Name will auto populate <i>when a person's Last Name is entered.</i></p>	<p><u>No data entry necessary:</u></p> <p>The Provider Agency Name will auto populate <i>when a person's Last Name is entered.</i></p>

OPWDD Quarterly SEMP Report Agency Outcome Report Tab

No Data Entry Allowed in this Tab

Use this report to **check for errors** and review the **program's overall outcomes** (the tab is located at the bottom left of April 2017). **If the "Total Employed" differs from "Total Employed, Integrated Setting, Min. Wage+", then you may have missing or inaccurate data recorded.**

Name of Provider Agency	Total Employed	Total Employed, Integrated Setting, Min Wage+	Total Not Employed
Will be automatically populated.	Number of people listed on the report that quarter as active and employed. The number will include persons that are listed as employed but temporarily off work when the person works 6 or more months per year. (Automatically calculated)	Number of people listed on the report that quarter as active, employed that quarter (or employed 6 or more quarters per year) AND the job is integrated AND the person earns minimum wage or more. (Automatically calculated)	Number of people listed on the report that quarter as active BUT are not employed. (Automatically calculated)

SAMPLE PROVIDER AGENCY OUTCOME REPORT

Name of Provider Agency	June 2018			September 2018			December 2018			March 2019		
	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed
	0	0	0	0	0	0	0	0	0	0	0	0
Change from June 30	0	0	0	0	0	0	0	0	0	0	0	0
Quarter to Quarter	0	0	0	0	0	0	0	0	0	0	0	0

Total Employed

Total Emp. Int. Min. Wage or More

The number in “Total Employed” should equal “Total Employed, Integrated Setting, Min. Wage+”. If there is a variance, you have missing or inaccurate data.

Sample Quarterly OPWDD SEMP Report

JUNE 2018 <i>Update this information for all persons listed and add information for new enrollees.</i>																									
Last Name	First Name	TABS ID	DDRO Region Number (autofill)	DDRO Name	Social Security Number	Year (or Anticipated Year) Left High School (use drop down list)	Employment Date	EVERY MONTH Is the person actively receiving services or inactive? (use drop down list)	EVERY MONTH Were there any changes this month? (use drop down list)	Program	Is the Person Employed? (use drop down list)	Type of Employment Setting: (use drop down list)	Integrated? (use drop down list)	Current Job Start Date	Hourly Wage	Paycheck Issued By Which Entity? (use drop down list)	Average Weekly Work Hours	Name of Business Where Person Physically Works, If Employed (Record main worksite and others in comments section)	Job Termination Date (if applicable)	Job Termination Reason (use drop down list)	Program Termination Date (if applicable)	Does the person have multiple jobs? (Yes or No)	Comments (Record 2nd job or other pertinent information)	Provider Agency Name (Auto Fill When TABS # Entered)	OPWDD Provider ID (Auto Fill When TABS # is Entered)
Sample	John	1	3	Hudson Valley	000-00-000	Before 2012	6/30/2013	Active		SEMP Extended	Worked this month	Individual	Yes	5/11/2013	\$11.00	Directly by business	15	Stop & Shop					WESTCHESTER CO. NYSARC	2169506	
Sample	John	2	3	Hudson Valley	000-00-001	Before 2012	3/1/2006			SEMP Extended	Worked this month	Individual	Yes	1/21/2005	\$11.00	Directly by business	20	Stop & Shop					WESTCHESTER CO. NYSARC	2169506	
Sample	John	3	3	Hudson Valley	000-00-002	Before 2012	3/1/1999			SEMP Extended	Worked this month	Individual	Yes	#####	\$11.00	Directly by business	20	Stop & Shop				No	wage increased	WESTCHESTER CO. NYSARC	2169506
Sample	John	4	3	Hudson Valley	000-00-003	Before 2012	3/1/1999			SEMP Extended	Worked this month	Individual	Yes	#####	\$24.50	Directly by business	25	Trader Joe's						WESTCHESTER CO. NYSARC	2169506
Sample			3	Hudson Valley	000-00-004	Before 2012				SEMP Extended	Worked this month	Individual	Yes	3/1/2017	\$11.00	Employer in Community	15-20	By the Way Bakery				No	wage increased	WESTCHESTER CO. NYSARC INC.	2169506
		6	3	Hudson Valley	000-00-006	Before 2012	1/1/2006	Inactive		SEMP Extended	Worked this month	Group Placement (up to 8)	No	5/11/2004	\$11.00	This agency subcontracts directly with business	20	Boies, Schiller, Flexner				No		WESTCHESTER CO. NYSARC INC.	2169506
	John	7	3	Hudson Valley	000-00-007	Before 2012	5/14/2013	Active		SEMP Extended	Worked this month	Group Placement (up to 8)	Yes	7/16/2007	\$11.00	This agency subcontracts directly with business	4	Village of Mt. Kisco					second job at Croton Auto 1 hour/week 8.00/hr mobile crew	WESTCHESTER CO. NYSARC INC.	2169506
Sample	John	8	3	Hudson Valley	000-00-007	Before 2012	4/1/1996	Active		SEMP Extended	Worked this month	Individual	Yes	7/26/1988	\$20.53	Directly by business	35	FujiFilm				No		WESTCHESTER CO. NYSARC	2169506
	John	9	3	Hudson Valley	000-00-008	Before 2012	2/3/2004	Active		SEMP Extended	Not employed and agency is providing billable services	Individual	Yes	#####	\$9.70	Directly by business	10	Club Fit	2/24/2016	Behavioral problems		No		WESTCHESTER CO. NYSARC INC.	2169506
RDNYM FY	LACMPS M	74104	1	Hudson Valley	100-04-0880	Before 2012	7/10/2013			SEMP Extended	Worked this month	Individual	Yes	6/18/2013	\$11.50	Directly by business	16	Standa						WESTCHESTER CO. NYSARC	2169506

Duplicate TABS ID

Column I & J EVERY QUARTER

Errors in Yellow

Adding New People to the OPWDD SEMP Report

- Add new people to the OPWDD Quarterly SEMP Report in the quarter the person enrolls in SEMP. List the **full demographic information** including the year left high school, funding type, status information (after the last person listed on the report), program funding type, etc.
- Add new people at the **bottom of the spreadsheet** and sort, if desired. ***You must highlight all the data listed before sorting.***
- **Do not delete individuals** who have terminated the SEMP program. Change the person's status to "inactive" each quarter. The person will be removed on the next OPWDD fiscal year report form.

Data Entry and Submission Process

- ❑ Choose the reporting quarter **tab on the bottom left** of the worksheet. (*** The scroll bar on the bottom left moves through the tabs. The scroll bar on the bottom right moves through the document.*)
- ❑ Update columns I and J **EVERY quarter. Column I will be pink until you choose “active” or “inactive”**. Update information in all other columns as required.
- ❑ Open the report form and **save it with the original name THEN change the quarter.** *Send the full spreadsheet every quarter. For example, “TOP JOBS INC quarterly OPWDD SEMP Report 9-17.xlsx”*

Navigating the Quarterly SEMP Report

OPWDD Provider Employment Services Outcome Report
4/1/18 to 3/31/19

Name of Provider Agency	June 2018A			September 2018			December 2018			March 2019		
	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed	Total Active Employed	Total Active Employed, Integrated Setting, Min Wage+	Total Active Not Employed
WESTCHESTER CO. NYSARC	6	6	1	0	0	0	0	0	0	0	0	0
Change from June 30, 2018	0	0	0	-6	-6	-1	-6	-6	-1	-6	-6	-1
Quarter to Quarter Change	0	0	0	-6	-6	-1	0	0	0	0	0	0

Outcome Report | June 2018 | September 2018 | March 2019 | December 2018 | (+)



Data Entry and Submission Process

- Check for completion.
- Check Agency **Outcome Report** for accuracy.
- Update and submit the full spreadsheet via secure **e-mail by the 15th of each quarter.**
- E-mail the spreadsheet to:
supported.employment.data@opwdd.ny.gov.

Avoiding Common Errors

Only list each person once on the report. If there is a duplicate TABS ID the cell will turn orange. The TABS ID cells are also orange until the number is entered.

	A	B	C	D	E	F	G
1	Last Name	First Name	TABS ID	DDRO	Social Security Number	Year Left High School (use drop down list)	Employment Service Enrollment Date
2	Ketzer	Michael	784394	Fineson	0001	Before 2012	5/1/2011
3	Timmons	Michael	549807	Bernard Fineson (Queens)	147-98-0002	Before 2012	2/1/2012
4	Carson	Kyle	35489	Metro NY	147-98-0003	Before 2012	2/10/2012
5	Lynch	Jonathan	794355	Metro NY	147-98-0004	2012	2/1/2013
6	Robart	Miles	20998	Metro NY	147-98-0005	2012	2/1/2013
7	Robin	Jennifer	587771	Metro NY	0006	2013	4/1/2013
8	Carson	Kyle	35489	Metro NY	147-98-0003	Before 2012	2/10/2012



Avoiding Common Errors

- **Avoid changing back data** since the data has been processed. In most instances, make changes in the current quarter. If you change back data – you will need to enter it manually until the current quarter. It will copy forward but not backward. Notify the database administrator of changes in back data.
- **Complete all data fields as appropriate.** Many of the fields are connected to formulas and/or sorting functions and will need to be completed for OPWDD to process accurately.
- **Review frequently for completion.** Missing data delays OPWDD's ability to produce statewide outcome reports.

Helpful Hints

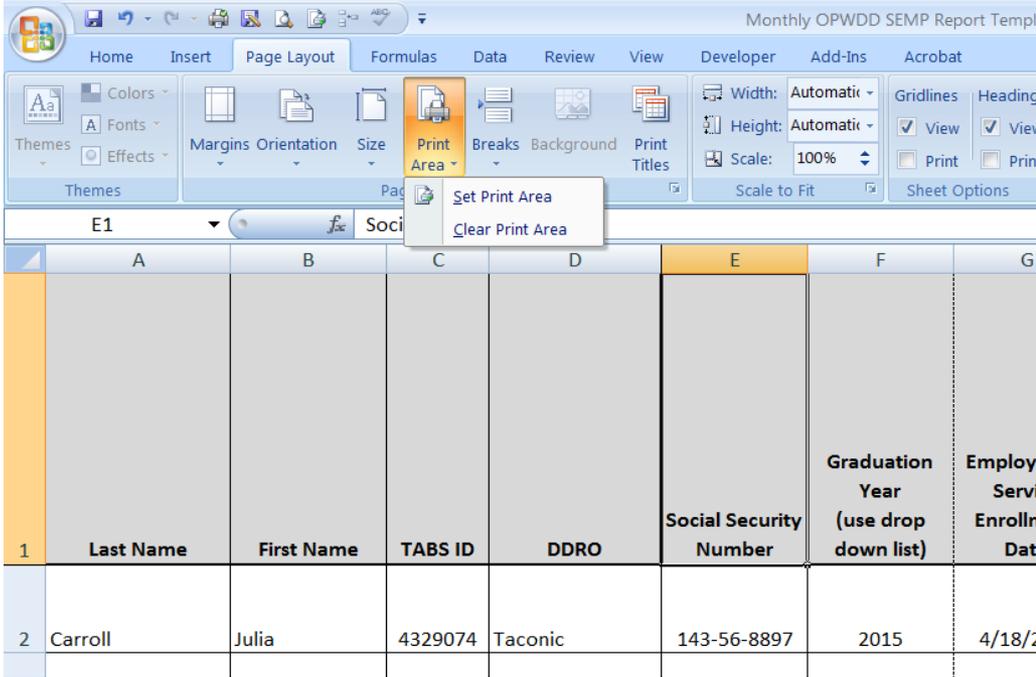
- To sort – highlight the data you want to sort, then select “Data” and “Sort”. Data will sort going forward but NOT backward.

The screenshot shows the Microsoft Excel interface with the 'Sort' dialog box open. The dialog box is configured to sort data by 'Last Name', then 'First Name', and finally 'DDRO', all in ascending order (A to Z). The spreadsheet data is as follows:

	A	B	C	D	E	F	G	H	I	J
1	Last Name	First Name	TABS ID	DDRO						
2	Carroll	Julia	4329074	Taconic						
3	Ticher	Mark	4329090	Capital District	143-56-8897	2016	12/2/2010			

Helpful Hints

- To print – highlight the data you want to print then “Set Print Area”.

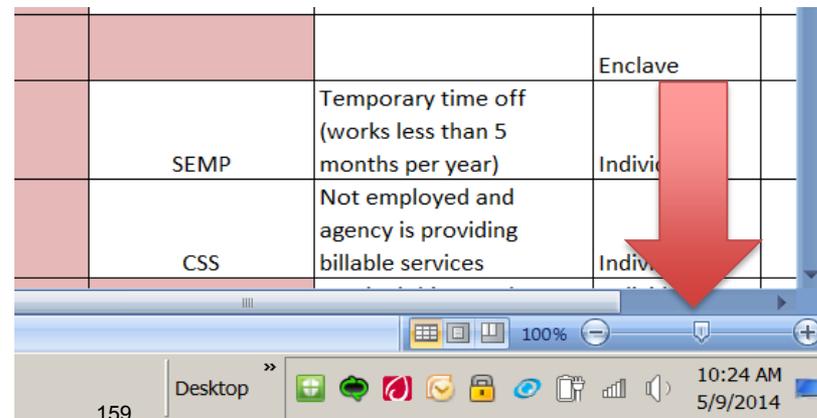


The screenshot shows the Microsoft Excel interface with the 'Page Layout' ribbon selected. The 'Print Area' button is highlighted, and a dropdown menu is open showing 'Set Print Area' and 'Clear Print Area'. The spreadsheet below shows a table with the following data:

	A	B	C	D	E	F	G
1	Last Name	First Name	TABS ID	DDRO	Social Security Number	Graduation Year (use drop down list)	Employ Serv Enrollm Dat
2	Carroll	Julia	4329074	Taconic	143-56-8897	2015	4/18/2

Helpful Hints

- The formatting is protected so columns and rows cannot be added or moved. **Several columns** containing formulas **are hidden** and cannot be opened.
- The text is wrapped so it is easier to read. However, you will need to click on the cell to view it with the wrapped text.
- In addition, you may want to adjust the “Zoom Level” in order to see more data on the page. Click on “View” then “Zoom” or use the slider at the bottom, right corner. (slide back and forth)



Submit the Quarterly Reports Via Secure Email

OPWDD requests that the quarterly SEMP Reports be sent by OPWDD's secure ZixMail. If you are having trouble attaching documents or sending secure email, you may need to update your web browser.

ZixPortal requires the **following supported web browsers.**

- Microsoft® Internet Explorer® version 9.0 or higher
- Microsoft® Edge Browser
- Mozilla® Firefox® version 4.0 or higher
- Apple® Safari® version 5.0 or higher
- Google
- Chrome

Quarterly ACCES-VR Projection Report

- There have been no changes to the ACCES-VR Report form.
- You will receive a blank ACCES-VR Projection Report. You may continue to use your current report from March 2018 going forward or create a new report with the blank form.
- If you continue to use last year's report form, manually delete anyone who is NOT active in your ACCES-VR program as of 4/1/18 to start the new OPWDD fiscal year.

Quarterly ACCES-VR Projection Report

- List the individuals in your program who are approved for ACCES-VR supported employment services, have established or pending OPWDD eligibility, and will likely transition to OPWDD supported employment service funding.
- Continue to record quarterly updates on all current ACCES-VR supported employment enrollees and submit the same report form by the 15th of each quarter.
- List the “Program Termination Date” when the person transfers to **OPWDD supported employment funding or terminates services**.
- List “Comments” only as needed (optional).

Quarterly ACCES-VR Projection Report

Data Definitions

Provider Agency Name	OPWDD DDRO	Last Name	First Name	TABS ID	Medicaid CIN	OPWDD Eligibility Status	Date authorized to begin ACCES-VR Supported Employment Services
Use same provider agency name in the quarterly OPWDD SEMP Report.	List the DDRO where the person lives, <u>not</u> where they work.	List the Last Name	List the First Name	List the TABS ID (if available)	Enter the Medicaid CIN # (Leave blank if not available yet)	List either: E-Eligible or P- Pending Eligibility	Date ACCES-VR approved the person to begin services.

Quarterly Provider ACCES-VR Projection Report Data Definitions

Current Job Start Date (if applicable)	When employed project the date for transfer to OPWDD SEMP	Date transferred to OPWDD Supported Employment	Date Terminated Program	Comments
Enter the date when the person starts a new job .	Format: m/d/yyyy Project the date you anticipate the person completing ACCES-VR services and transferring to OPWDD.	Format: m/d/yyyy Date the person started OPWDD employment services.	Format: m/d/yyyy Enter a date <u>ONLY</u> if the person terminated the program prior to transferring to OPWDD .	Other information which clarifies the person's employment status, only as needed .

Data Entry and Submission Process

- ❑ Open the report form and **save it with the original name and current quarter.** (*send the same document every quarter*)
- ❑ Review and update quarterly. **Check for completion.**
- ❑ Update and submit the same document via **secure e-mail by the 15th of each quarter.** E-mail the spreadsheet to **supported.employment.data@opwdd.ny.gov**
- ❑ Add new people with full demographic information and status information in the quarter they enroll in ACCES-VR, only for individuals anticipated will transition to OPWDD SEMP services. Add the new person after the last person listed on the report.



Operating under a whole-person philosophy, New York State (NYS) has successfully brought together its employment services systems to create a single approach to linking and coordinating employment supports, using the Medicaid Infrastructure Grant as the catalyst. NYS has seized upon this opportunity, focusing a large component of Medicaid Infrastructure Grant dollars on efforts to merge the segregated disability-related employment systems into the mainstream resource that most people in NYS (and elsewhere) turn to for assistance in finding job opportunities and supports – the Department of Labor. This comprehensive employment system called the New York Employment Services System ([NYESS - www.nyess.ny.gov](http://www.nyess.ny.gov)) provides all New Yorkers – regardless of their (dis)ability – with a single point to access all employment-related services and supports, including job matching with the approximately 90,000 jobs currently posted by employers in the [NYS Job Bank](#).

This employment system consists of the NYS Department of Labor's One-Stop Operating System (OSOS), which connects job seekers with employment opportunities in the NYS Job Bank, as well as a data warehouse of employment-related information operated by OMH. Providers of employment-related supports and services licensed by or contracting with one of the participating state agencies may sign up to utilize this new system (certain providers of ACCES-VR, CBVH, NYSOFA, OASAS, OMH, OPWDD, and the NYS Department of Labor may be required to use the system for reporting purposes). This new employment system will enhance our ability to improve employment outcomes for New Yorkers with disabilities, and prove greatly beneficial to businesses/employers and providers of employment supports. Among the many benefits, this new employment system will:

- Centralize employment service/support information, greatly improving the ability to coordinate employment supports and services among multiple providers and across multiple systems
- Identify individual job seekers' skills, assist with resume development, and match skills sought by businesses/employers for specific jobs with the skills possessed by job seekers
- Assist with entitlements screening and enrollment
- Generate tax credit claiming documentation for businesses/employers that hire individuals with disabilities through the system
- Generate Ticket To Work milestone payment claiming documentation associated with helping individuals with disabilities achieve certain employment outcomes
- Provide public access to employment-related performance reports generated by data entered into the system

New York Employment Statewide Services (NYESS) Data Reporting

- OPWDD requires provider agencies to enter the required data in the NYESS system.
- NYESS data will be used to improve statewide employment outcomes.
- NYESS provides access to career tools for job seekers.
- NYESS can link job seekers to potential employers and generate a resume.
- NYESS can generate tax credit forms.
- NYESS can generate Ticket to Work payment claims.
- NYESS is designed to coordinate resources across NYS.

NYESS Contact Information

New York Employment Services System (NYESS)

NYESS Contact:

Andy Karhan

NYESS, Director of Employment Programs

Andrew.Karhan@omh.ny.gov

(518) 474-9892



Section 7

New York State Minimum Wage

From 12/31/2017 to 12/30/2018, the New York State basic minimum wage is:

- \$13.00 per hour in New York City (businesses with 11 or more employees)
- \$12.00 per hour in New York City (businesses with 10 or less employees)
- \$11.00 per hour in Long Island and Westchester County
- \$10.40 per hour in the remainder of New York State
- The minimum wage for fast food workers* is:
 - \$13.50 per hour in New York City
 - \$11.75 per hour in the remainder of New York State

Private sector employees in the state, including domestic workers (in most cases), must receive the basic minimum wage.

The basic rate may change under rules known as “wage orders” that set minimum pay for jobs in:

- The hospitality, building service and farming industries; and
- All other industries and occupations.

The wage orders set:

- Hourly rates;
- Overtime rates (except in farming); and
- Credits for meals and lodging, if supplied by the employer.

Several wage orders set lower hourly minimum pay rates if workers regularly receive tips. These wage orders are published on the Department of Labor website at www.labor.ny.gov/minimumwage.

When workers take care of their own required uniforms, they must be paid an added amount over minimum wage.

Employees who do piecework should be paid at a rate that brings them to at least the basic minimum wage.

A standard work week is 40 hours. If employees work any hours beyond that, then the employer must pay them at 1 ½ times the regular wage.

The Labor Department helps collect back wages for workers who have not received the minimum wage. Employers that break the Minimum Wage Law may be subject to orders to pay:

- Back wages;
- Interest;
- Liquidated damages; and
- Fines.

They may also be subject to criminal prosecution and penalties. The fines for violations can total up to 200 percent of the missing wages. They may also have to pay 16 percent interest on the unpaid wages.

Employers must place a Minimum Wage poster in their place of business where workers can see it.

Employers with questions or concerns about obeying the Minimum Wage Law can contact the Labor Department at (888) 469-7365 for help, between 8 a.m. and 5 p.m., Monday through Friday.

*A fast food worker is any person employed or permitted to work at, or for, a fast food establishment by any employer where such person’s job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning, or routine maintenance.

**Penalty for Breaking the Law:
Fine of up to 200 percent on wages
due and 16 percent interest.**

Minimum Wage for Fast Food Workers

December 31, 2017 through December 30, 2018

\$13.50

New York City

\$11.75

Rest of the State

A new minimum wage for fast food workers will go into effect on December 31, 2017, with the rates shown above. These rates will increase annually until they reach \$15.00 at the end of 2018 for New York City and in the middle of 2021 for the rest of the state. This fact sheet provides additional information about this new minimum wage.

What is a Fast Food Establishment?

A fast food establishment is any business that meets the following criteria:

- Primarily serves food or drinks, including coffee shops, juice bars, donut shops, and ice cream parlors; and
- Offers limited service, where customers order and pay before eating, including restaurants with tables but without full table service, and places that only provide take-out service; and
- Is part of a chain of 30 or more locations, including individually owned establishments associated with a brand that has 30 or more locations nationally.

Examples:

Examples of fast food establishments include Ben & Jerry's, Chipotle, Dunkin Donuts, Golden Krust Caribbean Bakery and Grill, Jamba Juice, KFC, McDonald's, Nathan's Famous, Pizza Hut, Quiznos, Shake Shack, Starbucks, Subway, Taco Bell, Tim Hortons, Uno Pizzeria & Grill, Wendy's, and White Castle.

A larger list of businesses was published as part of the Wage Board Report and Recommendations, and is available at www.labor.ny.gov/fastfoodwageboard. This list is subject to change and is intended to provide examples of employers believed to be fast food establishments.

For more information on the definition of a fast food establishment and what is considered a chain, please see the Hospitality Industry Regulations available at www.labor.ny.gov/formsdocs/wp/CR146.pdf.

The full schedule of increases in the hourly minimum wage rate for fast food workers is below:

Date	New York City	Rest of the State
12/31/2017	\$13.50	\$11.75
12/31/2018	\$15.00	\$12.75
12/31/2019	\$15.00	\$13.75
12/31/2020	\$15.00	\$14.50
07/01/2021	\$15.00	\$15.00

Frequently Asked Questions:

What type of workers does this increase in minimum wage affect?

This change affects everyone who works at a fast food chain location that meets the criteria described on Page 1. This increase applies to workers who prepare food, work security, stock shelves, clean, and perform other tasks.

Does this change apply to an owner of a single franchise location?

This change applies to all fast food chain locations, regardless of ownership, if there are 30 or more locations nationally.

Are meal credits and uniform maintenance reimbursement rates different for fast food workers than for other Hospitality Industry workers?

No, these rates are the same for fast food and the hospitality workers.

What about the rate of pay for call-in and spread-of-hours requirements?

Fast food workers are subject to the call-in pay and spread-of-hours requirements at the applicable minimum wage rate for fast food workers.

Are fast food workers eligible for overtime pay?

Yes, fast food workers must be paid at time-and-one-half the regular rate of pay for any hours worked over 40 per week.

For more information:

If you need additional assistance, or want to file a complaint, please call: 1-888-4NYS DOL (1-888-469-7365) or visit: www.labor.ny.gov/minimumwage.

Minimum Wage for Tipped Workers

December 31, 2017 through December 30, 2018

Hospitality Industry				
	New York City		Long Island and Westchester County	Remainder of New York State
	Large Employers (11 or more employees)	Small Employers (10 or fewer employees)		
Service Employees	\$10.85 Cash Wage	\$10.00 Cash wage	\$9.15 Cash Wage	\$8.65 Cash Wage
	\$2.15 Tip Credit	\$2.00 Tip Credit	\$1.85 Tip Credit	\$1.75 Tip Credit
Food Service Workers	\$8.65 Cash Wage	\$8.00 Cash Wage	\$7.50 Cash Wage	\$7.50 Cash Wage
	\$4.35 Tip Credit	\$4.00 Tip Credit	\$3.50 Tip Credit	\$2.90 Tip Credit

All Other Industries except Building Service			
New York City		Long Island and Westchester County	Remainder of New York State
Large Employers (11 or more employees)	Small Employers (10 or fewer employees)		
\$9.80 Cash Wage	\$9.05 Cash Wage	\$8.30 Cash Wage	\$7.85 Cash Wage
When tips are at least \$3.20 per hour	When tips are at least \$2.95 per hour	When tips are at least \$2.70 per hour	When tips are at least \$2.55 per hour
\$11.05 Cash Wage	\$10.20 Cash Wage	\$9.35 Cash Wage	\$8.85 Cash Wage
When tips are at least \$1.95 per hour, but less than \$3.20 per hour	When tips are at least \$1.80 per hour, but less than \$2.95 per hour	When tips are at least \$1.65 per hour, but less than \$2.70 per hour	When tips are at least \$1.55 per hour, but less than \$2.55 per hour

From December 31, 2017 through December 30, 2018, the minimum hourly rates that employers must pay to tipped workers under the New York State minimum wage law will increase to the “cash wage” amounts shown above. This fact sheet provides additional information about those rates and when they apply.

Combining cash wages and tip credits to satisfy the minimum wage:

New York State law allows employers in all industries other than building service to satisfy the minimum wage by combining a “cash wage” paid by the employer with a credit or allowance for tips that the employee receives from customers. For example, the minimum wage for food service workers who work for large employers in New York City is \$13.00 per hour. Their employers can satisfy the minimum wage by combining a cash wage of at least \$8.65 with a tip allowance of no more than \$4.35 per hour.

Limitations on tip credits in the Hospitality Industry:

Employers in the Hospitality Industry may not take tip credits for:

- Days when tipped workers spend more than two hours, or twenty percent of a shift, doing non-tipped work; and
- Weeks when service employees receive tips averaging less per hour than the following:

	New York City		Long Island and Westchester County	Remainder of New York State
	Large Employers (11 or more employees)	Small Employers (10 or fewer employees)		
In resort hotels	\$7.30	\$6.75	\$6.15	\$5.85
In restaurants and all-year hotels	\$2.80	\$2.60	\$2.40	\$2.25

Limitations on tip credits in other industries:

No tip credit is available in the Building Service Industry. For all other industries (different from Hospitality and Building Service), the tip credit varies by location and size of employer. Please see the “All Other Industries except Building Service” chart.

The tip credit is not available when weekly tips average less than the minimum amount specified for the location and size of employer.

Overtime:

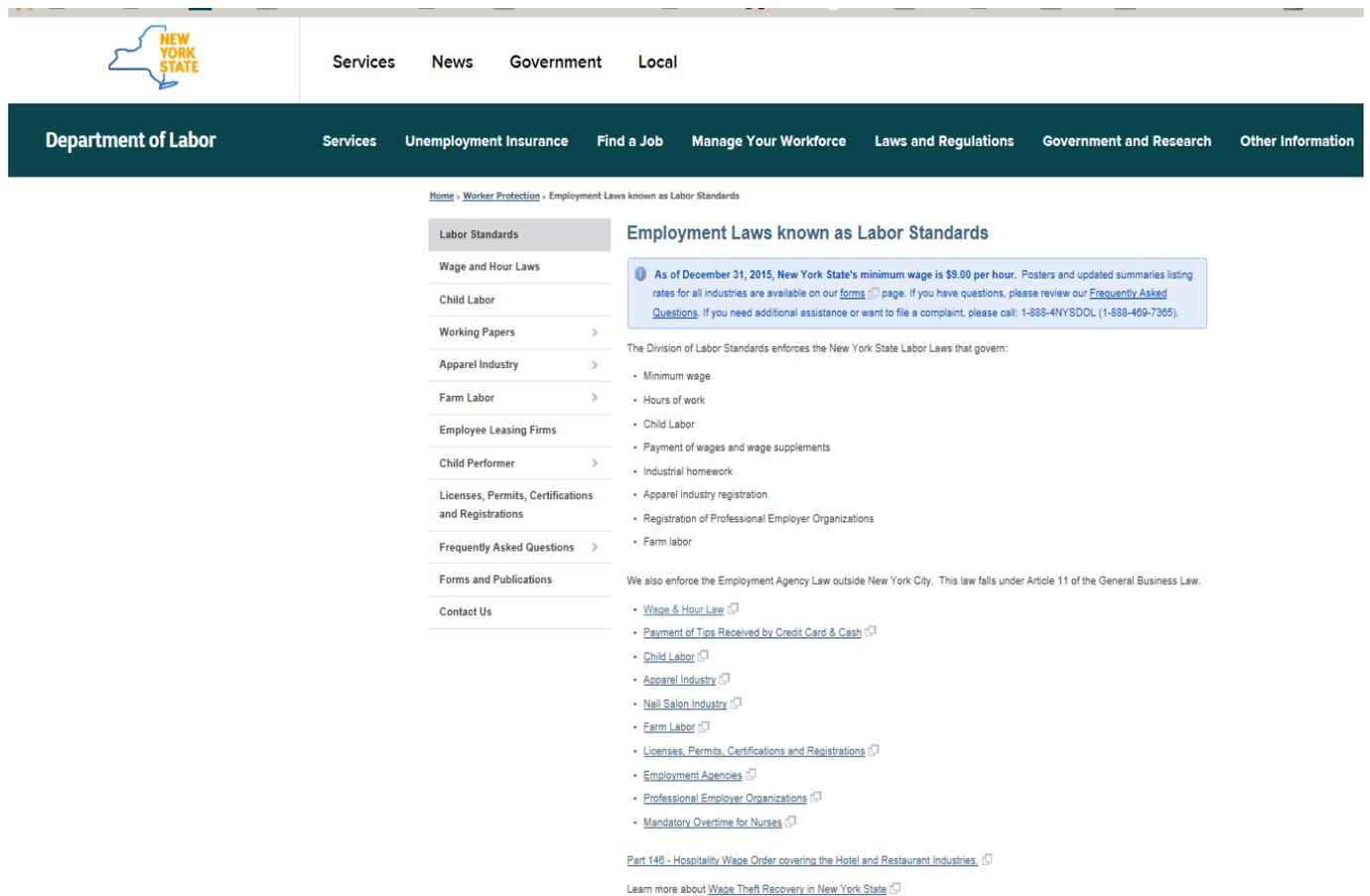
For tipped workers, employers must pay overtime hours worked at time-and-one-half the minimum wage rate, less the applicable tip credit.

For more information:

If you need additional assistance, or want to file a complaint, please call 1-888-4NYSDOL (1-888-469-7365) or visit www.labor.ny.gov/minimumwage.

New York State Department of Labor

http://labor.ny.gov/workerprotection/laborstandards/labor_standards.shtm



The screenshot shows the New York State Department of Labor website. At the top right is the New York State logo. Below it is a navigation bar with links for Services, News, Government, and Local. A dark green header contains the Department of Labor logo and a main navigation menu with links for Services, Unemployment Insurance, Find a Job, Manage Your Workforce, Laws and Regulations, Government and Research, and Other Information. The main content area has a breadcrumb trail: Home > Worker Protection > Employment Laws known as Labor Standards. On the left is a sidebar menu with categories: Labor Standards (selected), Wage and Hour Laws, Child Labor, Working Papers, Apparel Industry, Farm Labor, Employee Leasing Firms, Child Performer, Licenses, Permits, Certifications and Registrations, Frequently Asked Questions, Forms and Publications, and Contact Us. The main content area is titled "Employment Laws known as Labor Standards" and features a blue information box stating: "As of December 31, 2015, New York State's minimum wage is \$9.00 per hour. Posters and updated summaries listing rates for all industries are available on our forms page. If you have questions, please review our Frequently Asked Questions. If you need additional assistance or want to file a complaint, please call: 1-888-4NYS-DOL (1-888-469-7365)." Below this is a list of laws enforced by the Division of Labor Standards, including Minimum wage, Hours of work, Child Labor, Payment of wages and wage supplements, Industrial homework, Apparel industry registration, Registration of Professional Employer Organizations, and Farm labor. A note mentions the Employment Agency Law outside New York City. A list of links follows: Wage & Hour Law, Payment of Tips Received by Credit Card & Cash, Child Labor, Apparel Industry, Nail Salon Industry, Farm Labor, Licenses, Permits, Certifications and Registrations, Employment Agencies, Professional Employer Organizations, and Mandatory Overtime for Nurses. At the bottom, there are links for Part 148 - Hospitality Wage Order covering the Hotel and Restaurant Industries and a link to learn more about Wage Theft Recovery in New York State.

Fact SHEET

Wage Requirements for Interns in For-Profit Businesses

The New York State Minimum Wage Act and Wage Orders contain the state's rules for pay and overtime. These rules are in addition to those required by federal law, including the Fair Labor Standards Act. This is a guideline to help decide if a for-profit business that has interns must pay them according to the state minimum wage and overtime rules. This only applies to the State Minimum Wage Act and Orders. It does not apply to Unemployment Insurance, Workers' Compensation, and/or any other law.

** Not-for-profit organizations and institutions of any type also may have unpaid interns, if they meet all the criteria for an intern who is not in an employment relationship.*

In general, an intern is only exempt from the requirements of the Minimum Wage Act and Orders if the intern is not in an employment relationship. To determine whether an employment relationship exists, the department uses six criteria from the U.S. Department of Labor and five criteria of its own to evaluate the situation.

An employment relationship does not exist only if the situation meets ALL of these criteria:

1. The training, even though it includes actual operation of the employer's facilities, is similar to training provided in an educational program.

For example:

- The internship program builds on a classroom or academic experience -- NOT the employer's operations.
- A college, university, secondary school, specialist, technical, vocational or trade school oversees the program and awards educational credit.
- The internship teaches skills that are useful in other jobs (not skills specific to one employer's operation).
- The intern does not perform the routine work of the business on a regular basis, and the business does not depend upon the work of the intern.
- The intern is not engaged in the operations of the employer and does not perform productive work (such as filing, other clerical work or helping customers).
- The intern gains a new skill, advanced knowledge or better work habits.

2. The training is for the benefit of the intern.

The intern must be the primary beneficiary of the training. Any benefit to the employer must be merely incidental. If the academic institution gives credit for the internship, it is considered some evidence of the beneficial nature of the program.

3. The intern does not displace regular employees, and works under close supervision.

Interns do not function in ways that replace or augment regular staff.

If interns do job shadowing to learn certain functions under the close and constant supervision of regular employees (but perform no or minimal work), then this is likely to be considered a true educational experience.

However, if interns receive the same level of supervision as the employer's regular workers, it suggests an employment relationship, rather than training.

Interns are considered employees if they substitute for regular workers or add to an existing workforce during specific time periods.

Interns are viewed as employees if the company would need to hire additional employees or require existing staff to work more hours to do the interns' work.

4. The activities of trainees or students do not provide an immediate advantage to the employer. On occasion, operations may actually be impeded.

The essence of a traineeship is that an employer provides a benefit to the trainees by developing their work skills or knowledge; the trainees do not benefit the employer.

In a true traineeship, the employer cannot gain an immediate advantage from the intern's presence. In fact, in most circumstances, interns will require employers to dedicate resources (in the form of training, supervision, etc.) that may actually detract from the productivity of the worksite for some period.

5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period and are free to take jobs elsewhere in the same field.

The internship runs for a fixed period, set before the internship begins. It has no connection with any offer of employment or promise to stay with the employer.

Employers should not use unpaid internships as a trial period for those seeking employment.

Interns who are placed with the employer for a trial period, with the expectation that afterwards they will be hired as permanent employees, would generally be considered employees.

The longer an internship lasts, the more likely it will be considered an employment relationship.

6. The trainees or students are notified, in writing, that they will not receive any wages and are not considered employees for minimum wage purposes.

Such written notice must be clear and be given to the trainees or students before the internship or traineeship starts.

7. Any clinical training is performed under the supervision and direction of people who are knowledgeable and experienced in the activity.

The persons who supervise or direct any clinical, hands-on work performed by the trainees must have sufficient experience and knowledge in that industry.

Persons have "sufficient" experience and knowledge in the industry if they are proficient in the area and in all activities performed by the trainee. They must have adequate background, education, and experience to fulfill the educational goals and requirements of the training program. In addition, the persons must be competent to provide such training, with previous experience training employees or students.

8. The trainees or students do not receive employee benefits.

Examples of such benefits include, but are not limited to:

- Health and dental insurance
- Pension or retirement credit and
- Discounted or free goods and services from the employer

9. The training is general, and qualifies trainees or students to work in any similar business. It is not designed specifically for a job with the employer that offers the program.

Skills offered through the training must be:

- Useful
- Transferable to any employer in the field and
- Not specific to the for-profit employer offering the training

Any training that is specific to the employer and its operations is conclusive evidence that an employment relationship exists.

10. The screening process for the internship program is not the same as for employment, and does not appear to be for that purpose. The screening only uses criteria relevant for admission to an independent educational program.

This helps to ensure that employers do not mix recruiting of employees and interns. These searches must run independently from one another.

Educational institutions or other organizations should not consider employment-related factors when they place students with for-profit employers. They should only consider the needs of the student and the educational program.

11. Advertisements, postings, or solicitations for the program clearly discuss education or training, rather than employment, although employers may indicate that qualified graduates may be considered for employment.

This relates to the requirement that the employer tell trainees, in writing, that they are not entitled to wages for the training. This is to avoid a trainee's misunderstanding of the nature of the program, and/or an employer's misrepresentation of its nature, purposes and entitlements.

PROTECT *all Workers*
ASSIST *the Unemployed*
CONNECT *Employers and Workers*

Unpaid Work Experiences, Volunteering, and Internships.

What did the states request?

As SELN member states refine how employment services are defined, implemented, and reimbursed, questions arise about how to view certain work experiences, and how to strategically use volunteer opportunities and unpaid work options.

Background

Volunteer work, internships, and unpaid job exploration can be effective strategies for individuals with disabilities looking to gain work-related experience, as well as assessments and training at places of business. However, such activities must be undertaken carefully, with a clear understanding of the purpose of these activities. All parties must know what is permitted from a legal perspective, as well as practical considerations regarding the appropriate use of volunteer and unpaid work experiences.

This working document examines these issues, and provides guidelines on the role of volunteer activities, internships, and unpaid work when assisting and supporting individuals with disabilities. This information is based on interpretation of various federal and state requirements. However, if readers have questions regarding specific situations, they should consult with the United States Department of Labor (DOL) Wage and Hour Division and the appropriate state agency (usually the state labor department) to ensure compliance with all applicable labor laws and regulations.

Understanding What's Allowed

The following are the types of experiences discussed in this publication, and the distinctions between them.

- **Volunteering** – Volunteering refers to typical unpaid activities with non-profit groups that are open to all citizens. These might include making phone calls for a political campaign, serving as an assistant coach in a sports league, helping at a food bank,

...serving on a board or in an advisory group, or working on a clothing drive for a faith-based organization.

- **Internships** – Internships are temporary positions, either in for-profit or nonprofit organizations, with an emphasis on job training. This publication looks primarily at unpaid internships.
- **Unpaid work experiences** – Under certain circumstances, individuals with disabilities are permitted to work for a short period at any type of business without pay for job exploration, assessment, and training purposes. This is permitted only within very specific parameters.

The DOL has clear rules and guidelines on volunteering, internships, and unpaid work experiences. Each state has additional laws and regulations. It is important for service providers (including schools) not to dive in to the world of volunteer work, internships, and unpaid work experiences without having a strong understanding of what is and is not permitted.

Awareness of these parameters is critical for service providers, individuals with disabilities, and family members. These rules ensure that people with disabilities are being treated fairly, that their rights are not being violated, and that when placing individuals with disabilities into volunteer or unpaid positions, all applicable wage and hour laws are being followed.

Lack of awareness of these parameters can result in possible action by the federal or state labor department against both the service provider, and the volunteer organization or business where the individual is participating in activities. Consequences may include legal and financial penalties, including payment of back wages.

SELN working documents contain information collected in response to SELN state member requests. An SELN working document is intended to share work in progress and may not be a comprehensive analysis or compilation.

Volunteering: What it is and What's Permitted

As with anyone else who volunteers, it's important to think through the reasons that someone with a disability is giving his or her time and talents for free. What are the benefits to the individual?

- Volunteering may be a step towards employment. It is a way of exploring interests, developing skills, gaining experience, building a resume, and making connections that lead to future paid jobs. At the same time, volunteering should not be a long-term substitute for paid employment.
- Volunteer activities should be based on an individual's interests and preferences.
- When individuals are not working or are underemployed, they may choose to volunteer in order to keep busy and active while looking for paid work.

Where Individuals Can Volunteer

Individuals may volunteer only at non-profit organizations. Volunteering is not permitted at for-profit, private-sector businesses. Per the DOL, individuals may volunteer or donate their services for "public service, religious or humanitarian objectives" without expectation or receipt of payment.

These additional factors can also help determine if an activity meets the DOL's definition of volunteering:

- The activity is generally part-time.
- The activities are the kind typically associated with volunteer work rather than paid employment.
- Services are offered freely and without pressure or coercion--i.e., the person is truly volunteering.
- Regular employees have not been displaced to accommodate the volunteer.
- The individual does not receive or expect to receive any benefit (beyond the experience itself) from the organization where he or she is volunteering. Volunteers may receive reimbursement for expenses, discounts on services, refreshments, small appreciation gifts, etc. They may also be paid a nominal fee, but it cannot be a substitute for paid compensation, or

based on productivity. In general, organizations should be cautious in providing any sort of payments beyond expense reimbursement to volunteers.

Parent/Guardian Consent Requirements

An individual with a disability must be legally competent to freely volunteer his or her services. Per the DOL, individuals under 18, and those over 18 who are not their own legal guardian, cannot volunteer without the consent of their parent or legal guardian.

Unpaid Internships

Unpaid internships are distinct from volunteering, and are intended to allow an individual to gain job-related experience. Per the DOL, individuals may participate in unpaid internships at both for-profit and non-profit organizations, if all six of the following criteria are met:

1. The internship, even though it occurs at the employer's place of business, is similar to training that would be given in an educational environment. For example, the internship teaches skills useful in other organizations, the intern does not perform the routine work of the business on a regular basis, and the business does not depend upon the work of the intern.
2. The internship experience is for the benefit of the intern, and any benefit to the business is incidental.
3. The intern does not displace regular employees (e.g., using the intern cannot result in an employee being laid off, cannot result in the employer not hiring an employee it would otherwise hire, and cannot result in an employee working fewer hours than he or she would otherwise work). The intern must also work under close supervision of existing staff.
4. The employer derives no immediate advantage from the activities of the intern, and on occasion its operations may be impeded due to the need to provide training and supervision to the intern.
5. The intern is not necessarily entitled to a job at the conclusion of the internship.

6. There is a clear understanding by both the employer and individual participating in the internship that the intern is not entitled to payment of wages for the time spent in the internship. In the case of a minor, the guardian also must be made aware that the internship is unpaid.

For further details on internships, go to: www.doi.gov/whd/regs/compliance/whdfs71.htm.

Nonprofit organizations can pay stipends to interns as volunteers, but the amount of the stipend cannot exceed 20% of what an individual would have been paid for the same job.

Unpaid Work Experiences for Job Exploration, Assessment and Training

Using businesses for exploration, assessment, and training is considered best practice in the field of disability employment, rather than using simulated work environments (such as facility-based services and sheltered workshops). When undertaking an assessment, these types of experiences at an employer's place of business are typically called "situational assessments." (See the resource section on the last page for information on conducting situational assessments.)

Under DOL provisions, individuals with disabilities can spend a limited number of hours engaged in unpaid work experiences at a business for job exploration, assessment, and training. Per the DOL, these types of unpaid work experiences are permitted when all seven of the following criteria are met:

1. The individual is a person with physical and/or cognitive disability for whom competitive employment at or above minimum wage is not immediately obtainable, and who will need intensive ongoing support to succeed in employment.
2. The time spent at the place of business is for vocational exploration, assessment, or training. It must be conducted under the general supervision of staff from a rehabilitation organization (community rehabilitation provider, public vocational rehabilitation, or other public disability agency), or in the case of a student with a disability, under the supervision of public school personnel.
3. Employment in the community must be a specific goal of the individual's plan of service, specifying the need for exploration, assessment, or training activities. This must be written into the individualized plan for employment (IPE) or individual education plan (IEP).
4. The individual's activities cannot result in an "immediate advantage" to the business. "Immediate advantage" includes the following, all of which are not permitted.
 - ❖ Displacement of regular employees.
 - ❖ Filling of a vacant position by the participating individual with a disability instead of regular employees.
 - ❖ Relieving regular employees of assigned duties.
 - ❖ The participating individual performs services that, although not ordinarily performed by employees, are of clear benefit to the business.
 - ❖ The individual is under direct supervision of employees of the business, rather than a rehabilitation or school professional.
 - ❖ The activities are conducted to accommodate the labor needs of the business rather than according to the requirements of the individual's service plan.
 - ❖ The individual's service plan does not specifically limit the time spent at any one employer site, or in any specific job classification (i.e., the planning document needs to be specific regarding intent of the person's time at the employer site in terms of duties and how long they spend there).
5. Although the number of hours does not exclusively determine whether an unpaid work experience is permitted, per the DOL, as a general rule, unpaid work experience is permissible if the following hour limitations are not exceeded.
 - ❖ Vocational explorations: 5 hours per job experienced

- ❖ Vocational assessment: 90 hours per job experienced
- ❖ Vocational training: 120 hours per job experienced

In the case of students, these limitations apply during any one school year.

6. The participating individual is not entitled to employment after the unpaid work experience is completed. However, if the individual becomes an employee at that business, he or she cannot be considered a trainee (i.e., unpaid for up to 120 hours) at that particular employer unless working in a different, clearly distinguishable occupation.
7. Upon request, documentation will be provided to the DOL Wage and Hour Division, indicating that the individual is enrolled in a community-based placement program, that this enrollment is voluntary, and that there is no expectation of payment.

Further details of unpaid work requirements are available at: www.dol.gov/whd/FOH/ch64/64c08.htm.

Considerations in Unpaid Work Experiences

There are a number of practical considerations in the use of unpaid job experiences under these DOL guidelines:

- The use of unpaid work experiences must connect clearly with the goals and objectives of an individual's service plan, and there should be a particular rationale why the specific activities at that particular place of business are occurring, documented within the service plan. Simply having an individual participate in unpaid work experiences to “stay busy,” or because it's a standard part of the “employment program” for everyone, is not acceptable.
- The planning document (IPE, IEP) must state the specific intent and purpose of the individual's time at the employer site in terms of the duties and number of hours that will be spent there.
- On the surface, some of the factors in terms of “immediate advantage” may seem to be a challenge to comply with. For example, if an

individual is filing as part of an assessment, the business is benefiting from having some filing completed. To address any concerns in this regard, be clear that the purpose of the activity is for exploration, assessment, or training; be explicit that whatever benefit there is to the business is incidental and immaterial; and ensure that all other requirements are fully complied with (supervision by rehabilitation or school personnel, limitations on hours, no displacement of business personnel, documentation, etc.).

- A type of unpaid work experience that is generally not permitted under these guidelines is taking a group of students or adults on an ongoing basis to a business to perform job duties for no pay, unless each individual's service plan specifically states how this unpaid work experience is connected to the individual's employment goals, and specifies the number of hours of the unpaid work experience. All other requirements within the guidelines must also be complied with.

The DOL does not define the terms “vocational exploration,” “vocational assessment,” or “vocational training,” although these terms are defined in the rehabilitation literature. The following are practical applications of these terms:

- Vocational exploration: Identifying types of jobs an individual may be interested in.
- Vocational assessment: Evaluating an individual's overall employment skills and interest in/suitability for specific occupations.
- Vocational training: Developing an individual's skills for a specific occupation, with the expectation that he or she will work in that occupation.

Employers may have concerns over liability during the course of unpaid exploration, assessment, or training, in terms of an individual being injured or harming a piece of equipment. Given that the DOL has been clear that an employment relationship does not exist, the individual would not be covered under the employer's workers compensation coverage.

At the same time, it is important for the agency or school to be prepared to reassure the business

regarding any potential liability concerns. This may include providing evidence of insurance coverage held by the agency or school.

It is highly recommended that there be clear documentation in the individual's file regarding each unpaid work experience. This should indicate the type of experience (exploration, assessment, training), location, specific tasks, number of hours, and recording and analysis of the results. This documentation is useful in using these experiences to guide the career exploration and placement process. This can also support the required documentation for unpaid work experiences (noted above) and address any potential concerns about the nature of these experiences and compliance with DOL requirements.

Many of the issues regarding unpaid work experiences can be resolved simply by having a mechanism in place for payment by the agency or school to the individual (minimum wage or higher), for the time spent at the place of business. An organization may have existing funds available, or could potentially get funding from community foundations or civic groups. Given that the funding goes directly to the person with a disability, and is designed to lead to employment success, funding of these types of work experiences is a relatively simple "sell."

It is important to recognize that if the service provider is paying the individual, then an employment relationship does exist. This means that the individual would fall under the coverage of the service provider's workers compensation insurance.

Assessment as "Job Tryout"

Much of the discussion in this document has focused on use of business settings for exploration and assessment to determine the focus of job development activities. When appropriate, consideration can also be given to use of assessments as a "job tryout" as part of the actual hiring decision. Under this type of strategy, if a potential position looks promising, the employer is offered an opportunity to fully evaluate the individual's ability to perform the tasks of the

position. This entails allowing the job seeker to try the job for a few hours, a day, or even a couple of days, prior to a hiring decision by the business.

While the employer's standard hiring process is generally the preferred choice, this process (application, interview, testing, etc.) does not always create awareness by the potential employer about the strengths and abilities of an applicant with a disability. Due to physical challenges in communicating, difficulties in verbally articulating their thoughts, or simply lack of experience in interviewing, some people with disabilities perform poorly in interviews, which can pose a significant barrier in obtaining employment.

Another challenge is that people with disabilities often lack the work experience that demonstrates their ability to perform successfully in a potential job. Additionally, limited academic skills can create challenges in performing on tests. Therefore, a job tryout approach can be an effective strategy--and can be considered an accommodation within the hiring process under the Americans with Disabilities Act.

If assessment is used as an alternative to the standard hiring process, the following guidelines are important:

- It is imperative that the parameters of the assessment are clear to all involved, including the length of the assessment, and at what point the hiring decision will be made.
- The person with a disability must be absolutely comfortable with the idea of assessment as a job tryout.
- When using assessment as a job tryout, it should be clearly explained to the employer that the purpose is to determine whether the individual has the potential to successfully perform in the job over the long term. The employer should not necessarily expect the individual to have mastered the job at the end of the assessment, particularly if he or she has a longer learning curve.
- If the job tryout is unpaid, it must comply with the DOL requirements for unpaid work experiences noted earlier.

General Guidelines Regarding Volunteering, Internships, and Unpaid Work Experiences

Volunteering, internships, and unpaid work experience can be part of efforts by individuals with disabilities to develop skills, abilities, and experience that allow them to succeed in paid employment. The following are suggested guidelines for service providers in supporting individuals in these types of activities:

1. Make sure that all activities are based on an individual's skills, preferences, and interests, not simply to provide them some type of activity.
2. Be clear about the type of activity, and distinguish between volunteer activity, internship, and unpaid exploration, assessment, or training.
3. Have a clear rationale for why these specific types of activities are being undertaken, and how they support an individual's goals and plans.
4. Use internships and unpaid exploration, assessment, and training only as necessary and for specific reasons, with careful thought about how these will lead to paid employment. Do not spend time and resources on these types of activities if the individual can successfully obtain employment without them.
5. Reinforce to all participants that volunteering is not an alternative to paid employment, but rather an activity for the individual's personal enjoyment and fulfillment. It may also be an avenue for building skills and connections that may lead to paid employment.
6. Know the laws and regulations that apply to the particular situation.

Conclusion

It's well worth your time to familiarize yourself with the rules and guidelines regarding volunteering and unpaid employment. Understanding the nature of the experience (volunteering, internship, unpaid exploration, assessment, or training), the nature of the setting it will take place in (nonprofit, for-profit), and the nature of the activity can ensure that the necessary rules and guidelines are being applied.

Most important is avoiding situations that are in clear violation of the labor laws (e.g., an individual "volunteering" at a for-profit sector employer).

If you have questions regarding a specific situation, visit the US Department of Labor Wage and Hour Division website for contact information (www.dol.gov/whd/america2.htm), or call them at 1-866-487-9243 or TTY: 1-877-889-5627.

Resources

Resources from the US Department of Labor

- **Volunteer guidelines:**
www.dol.gov/elaws/esa/flsa/docs/volunteers.asp
- **Trainee guidelines:**
www.dol.gov/elaws/esa/flsa/docs/trainees.asp
- **Internship fact sheet:**
www.dol.gov/whd/regs/compliance/whdfs71.htm
- **Guidelines on unpaid work exploration, assessment, and training for people with disabilities:**
www.dol.gov/whd/FOH/ch64/64c08.htm

Situational assessment information

- www.thinkcollege.net
(search for "situational assessment" in search box)

Note: The information in this publication is based on interpretation of US Department of Labor laws, regulations, and guidelines. It should not be considered as official legal guidance.

How Does This Play Out?

Sample Scenarios

The following are examples of situations regarding volunteering and unpaid work, and whether such a scenario is permitted or not permitted.

- Joachim begins “volunteering” in a clerical position that is vacant at a non-profit organization and hopes to eventually get hired. This is not permitted, unless it is done within the DOL guidelines for unpaid assessments and training. In such a scenario, meeting the requirements for avoiding “undue advantage” would likely be a challenge.
- As part of a school or service provider’s employment program, a group of six individuals goes to a for-profit business on an ongoing basis to do cleaning for no pay. Such a scenario would generally not be permitted, unless: a) the service planning document for each of the six individual specifies that a cleaning position is part of their job exploration, assessment, or training activities; b) the number of hours in the cleaning position are specified in the service plan and limited to those permitted under DOL guidelines; c) all other DOL requirements for unpaid work are complied with.
- Leonora has expressed interest in working with flowers and plants. Her service provider approaches a local garden center about using the garden center as an unpaid assessment site. Duties are identified, and the service provider notes in Leonora’s service plan the specific job duties and number of hours that will be used for the assessment. The staff are clear with the garden center that this activity is strictly for assessment, and it is not “free labor.” Leonora performs the assessment at the garden center, under the supervision of service provider staff. This is permitted as an unpaid assessment.
- Tomeka has extensive work experience, but recently lost her job. She has typically required limited post-placement supports. Her service provider tells an employer that they can either interview Tomeka or do a short-term unpaid job tryout. Generally this would not be permitted, as Tomeka has already demonstrated that she has the ability to work at above minimum wage, and doesn’t need intensive ongoing support.
- Louis wants to work in the health care field. A volunteer opportunity has been identified at a hospital, distributing periodicals to patients, an activity always done by volunteers. This is permitted as a volunteer opportunity to begin to expose Louis to a health care environment and build connections.

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The State Employment Leadership Network (SELN) is a cross-state cooperative venture of state DD agencies that are committed to improving employment outcomes for adolescents and adults with developmental disabilities. Working documents contain information collected in response to state requests, and federal, state and local initiatives of interest to the SELN membership. They are intended to share work in progress but may not be a comprehensive analysis or compilation. Working documents are updated over time as information changes.



State Employment Leadership Network



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Center for Medicaid, CHIP and Survey & Certification

CMCS Informational Bulletin

DATE: September 16, 2011

FROM: Cindy Mann, JD
Director
Center for Medicaid, CHIP and Survey & Certification (CMCS)

SUBJECT: Updates to the §1915 (c) Waiver Instructions and Technical Guide regarding employment and employment related services

This Informational Bulletin is intended to provide clarification of existing CMS guidance on development and implementation of §1915 (c) Waivers regarding employment and employment related services. Specifically, this letter provides updates to several sections of the current Waiver Technical Guide Version 3.5, which was released in January of 2008, in advance of a future release of Technical Guide Version 3.6.

This guidance does not constitute new policy, but rather highlights the opportunities available to use waiver supports to increase employment opportunities for individuals with disabilities within current policy. Further, it underscores CMS's commitment to the importance of work for waiver participants and provides further clarification of CMS guidance regarding several core service definitions.

While States have the flexibility to craft their own service definitions and modify CMS core service definitions, many States rely on CMS language for their waiver core service definitions. We hope that by emphasizing the importance of employment in the lives of people with disabilities, updating some of our core service definitions, and adding several new core service definitions to better reflect best and promising practices that it will support States' efforts to increase employment opportunities and meaningful community integration for waiver participants.

The major changes in the Instructions and Technical Guide are summarized below:

- Highlights the importance of competitive work for people with and without disabilities and CMS's goal to promote integrated employment options through the waiver program
- Acknowledges best and promising practices in employment support, including self direction and peer support options for employment support
- Clarifies that Ticket to Work Outcome and Milestone payments are not in conflict with payment for Medicaid services rendered because both Ticket to Work and Milestone payments are made for an outcome, not service delivery
- Adds a new core service definition- by splitting what had previously been supported employment into two definitions- individual and small group supported employment
- Includes a new service definition for career planning, that may be separate or rolled into the other employment related service definitions

- Emphasizes the critical role of person centered planning in achieving employment outcomes
- Modifies both the prevocational services and supported employment definitions to clarify that volunteer work and other activities that are not paid, integrated community employment are appropriately described in pre-vocational, not supported employment services
- Explains that pre-vocational services are not an end point, but a time limited (although no specific limit is given) service for the purpose of helping someone obtain competitive employment

I hope that you will find this information helpful. States and other interested parties may also find information contained in the attachments at www.hcbswaivers.net. If you have any additional questions about this guidance, please contact Ms. Nancy Kirchner, Health Insurance Specialist, Division of Long Term Services and Supports at 410-786-8641 or nancy.kirchner@cms.hhs.gov.

Attachments (2):

- 1 - Revisions to the Instructions and Technical Guide for §1915 (c) Waivers - Supported Employment and Prevocational Services
- 2 - Revisions to the Core Service Definitions for Employment and Employment related services in the Instructions and Technical Guide for §1915 (c) Waivers

Attachment 1

Revisions to the Instructions and Technical Guide for §1915 (c) Waivers for Supported Employment and Prevocational Services

Work is a fundamental part of adult life for people with and without disabilities. It provides a sense of purpose, shaping who we are and how we fit into our community. Meaningful work has also been associated with positive physical and mental health benefits and is a part of building a healthy lifestyle as a contributing member of society. Because it is so essential to people's economic self sufficiency, as well as self esteem and well being, people with disabilities and older adults with chronic conditions who want to work should be provided the opportunity and support to work competitively within the general workforce in their pursuit of health, wealth and happiness. All individuals, regardless of disability and age, can work – and work optimally with opportunity, training, and support that build on each person's strengths and interests. Individually tailored and preference based job development, training, and support should recognize each person's employability and potential contributions to the labor market.

Peer support is a powerful best practice model for helping support people to be successful in the world of employment. Most specifically for people with mental illness, the evidenced based practice of peer support has been a critical component of successful community living, including employment. Additionally, various types of employment and employment related supports may be provided by consumer operated service programs, independent nonprofit organizations that have a majority consumer board of directors. There is broader applicability for peer support and self advocacy for other disability population groups to ease the transition into community living and/or to develop stronger ties in those communities through the support and guidance from others who have navigated those situations and can now mentor others and offer mutual support. States may wish to consider provider qualifications for employment supports that draw on peer support models. Additional information concerning peer support services is contained in the August 15, 2007 State Medicaid Director letter #07-011 at <http://www.cms.gov/SMDL/downloads/SMD081507A.pdf>.

Self directed service delivery models can also be used to provide employment supports. In a self-directed model, individuals may hire their own job coaches and employment support staff, rather than relying exclusively on agency based staffing models. This may be particularly useful as individuals seek to expand the pool of people who can provide employment supports and services to include friends, family members, co-workers and other community members that do not view themselves as part of the traditional Medicaid provider employment supports workforce.

Customized employment is another approach to supported employment. Customized employment means individualizing the employment relationship between employees and employers in ways that meet the needs of both. It is based on an individualized determination of the strengths, needs, and interests of the person with a disability, and is also designed to meet the specific needs of the employer. It may include employment developed through job carving, self-employment or entrepreneurial initiatives, or other job development or restructuring strategies that result in job responsibilities being customized and individually negotiated to fit the needs of individuals with a disability. Customized employment assumes the provision of reasonable accommodations and

supports necessary for the individual to perform the functions of a job that is individually negotiated and developed. (Federal Register, June 26, 2002, Vol. 67. No. 123 pp 43154 -43149).

Co-worker models of support to deliver on the job supports are effective service delivery methods that are often less expensive to provide and less intrusive to the flow of a business, helping the employee with a disability not just learn the task based elements of the job, but also the cultural norms and relationships within that job setting. Co-worker models of support rely on regular employees within the work setting who provide on the job training and ongoing support to the waiver participant that is beyond what is typically provided as part of supervision or training to employees. Co-worker supports may be delivered on a volunteer basis or paid through a stipend or other statewide payment methodology and unit cost as described in the waiver application Appendices I and J. Importantly, payment for co-worker supports is not payment to the employer for hiring the individual. Instead, it is encouraging the forging of natural work relationships with individuals already present and participating in the work environment. These models are not intended to replace the support provider's work, rather, it would be an additional mentoring/support role for which co-workers could receive additional compensation above what they receive in the course of their typical job responsibilities.

The Ticket to Work Program (TTW) is an employment support program offered through the Social Security Administration (SSA) which is available to SSA beneficiaries with disabilities who want to achieve and maintain their employment goals and can work in a complementary fashion with waiver services. Ticket Outcome and Milestone payments do not conflict with CMS regulatory requirements and do not constitute an overpayment of Federal dollars for services provided since payments are made for an outcome, rather than for a Medicaid service rendered. Additional information regarding the receipt of Federal funds under the SSA's Ticket to Work program is contained in the January 28, 2010 State Medicaid Director letter SMD# 10-002 at <http://www.cms.gov/SMDL/SMD/list.asp>.

Supported employment and prevocational services may be furnished as expanded habilitation services under the provisions of §1915(c)(5)(C) of the Act. They may be offered to any target group for whom the provision of these services would be beneficial in helping them to realize their goals of obtaining and maintaining community employment in the most integrated setting. As provided in Olmstead Letter #3 (included in Attachment D), the provision of these services is not limited to waiver participants with intellectual or developmental disabilities, and can be a meaningful addition to the service array for any of the regulatorily identified target groups.

It is important to note that such services may only be furnished to a waiver participant to the extent that they are not available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973. When a state covers any category of supported employment services and/or prevocational services in a waiver, the waiver service definition of each service must specifically explain that the services do not include services that are available under section 110 of the Rehabilitation Act of 1973 or, in the case of youth, under the provisions of the Individuals with Disabilities Education Act (IDEA), as well as assure that such services are not available to the participant before authorizing their provision as a waiver service.

Waiver funding is not available for the provision of vocational services delivered in facility based or sheltered work settings, where individuals are supervised for the primary purpose of producing goods or performing services. The distinction between vocational and pre-vocational services is that pre-vocational services, regardless of setting, are delivered for the purpose of furthering habilitation goals *such as attendance, task completion, problem solving, interpersonal relations and safety*, as outlined in the individual's person-centered services and supports plan. Prevocational services should be designed to create a path to integrated community based employment for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

Although this is guidance with respect to the 1915 (c) Waiver program, we note that states have obligations pursuant to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Supreme Court's *Olmstead* decision interpreting the integration regulations of those statutes. Consistent with the *Olmstead* decision and with person centered planning principles, an individual's plan of care regarding employment services should be constructed in a manner that reflects individual choice and goals relating to employment and ensures provision of services in the most integrated setting appropriate.

Attachment 2

Revisions to the Core Service Definitions for Employment and Employment related services in the Instructions and Technical Guide for §1915 (c) Waivers

Day Habilitation

Core Service Definition:

Provision of regularly scheduled activities in a non-residential setting, separate from the participant's private residence or other residential living arrangement, such as assistance with acquisition, retention, or improvement in self-help, socialization and adaptive skills that enhance social development and develop skills in performing activities of daily living and community living. Activities and environments are designed to foster the acquisition of skills, building positive social behavior and interpersonal competence, greater independence and personal choice. Services are furnished consistent with the participant's person-centered plan. Meals provided as part of these services shall not constitute a "full nutritional regimen" (3 meals per day).

Day habilitation services focus on enabling the participant to attain or maintain his or her maximum potential and shall be coordinated with any needed therapies in the individual's person-centered services and supports plan, such as physical, occupational, or speech therapy.

Instructions

- Supplement or modify the core definition as appropriate to specify service elements/activities furnished as day habilitation under the waiver.
- Day habilitation may be furnished in any of a variety of settings in the community other than the person's private residence. Day habilitation services are not limited to fixed-site facilities. Supplement the core definition by specifying where day habilitation is furnished.
- If transportation between the participant's place of residence and the day habilitation site, or other community settings in which the service is delivered, is provided as a component part of day habilitation services and the cost of this transportation is included in the rate paid to providers of day habilitation services, the service definition must include a statement to that effect in the definition.

Guidance

- Day habilitation may not provide for the payment of services that are vocational in nature (i.e., for the primary purpose of producing goods or performing services).

- Personal care/assistance may be a component part of day habilitation services as necessary to meet the needs of a participant, but may not comprise the entirety of the service.
- Participants who receive day habilitation services may also receive educational, supported employment and prevocational services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of the day.
- Day habilitation services may be furnished to any individual who requires and chooses them through a person-centered planning process. Such services are not limited to persons with intellectual or developmental disabilities.
- For individuals with degenerative conditions, day habilitation may include training and supports designed to maintain skills and functioning and to prevent or slow regression, rather than acquiring new skills or improving existing skills.
- Day habilitation services may also be used to provide supported retirement activities. As some people get older they may no longer desire to work and may need supports to assist them in meaningful retirement activities in their communities. This might involve altering schedules to allow for more rest time throughout the day, support to participate in hobbies, clubs and/ or other senior related activities in their communities.
- If States wish to cover "career planning" activities they may choose to include it as a component part of day habilitation services or it may be broken out as a separate stand alone service definition.

Prevocational Services

Core Service Definition:

Services that provide learning and work experiences, including volunteer work, where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings. Services are expected to occur over a defined period of time and with specific outcomes to be achieved, as determined by the individual and his/her service and supports planning team through an ongoing person-centered planning process.

Individuals receiving prevocational services must have employment-related goals in their person-centered services and supports plan; the general habilitation activities must be designed to support such employment goals. Competitive, integrated employment in the community for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities is considered to be the optimal outcome of prevocational services.

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. Services are intended to develop and teach general skills; Examples include, but are not limited to: ability to communicate effectively with supervisors, co-workers and customers; generally accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem solving skills and strategies; general workplace safety and mobility training.

Participation in prevocational services is not a required pre-requisite for individual or small group supported employment services provided under the waiver. Many individuals, particularly those transitioning from school to adult activities, are likely to choose to go directly into supported employment. Similarly, the evidence-based Individual Placement and Support (IPS) model of supported employment for individuals with behavioral health conditions emphasizes rapid job placement in lieu of prevocational services.

Documentation is maintained that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished under the waiver.
- Prevocational services may be furnished in a variety of locations in the community and are not limited to fixed-site facilities. Specify in the service definition where these services are furnished.
- If transportation between the participant's place of residence and the prevocational service site/s is provided as a component part of prevocational services and the cost of this transportation is included in the rate paid to providers of prevocational services, the service definition must include a statement to that effect.
- Specify in the definition how the determination is made that the services furnished to the participant are prevocational rather than vocational in nature in accordance with 42 CFR §440.180(c)(2)(i).

Guidance

- Pre-vocational Services include activities that are not primarily directed at teaching skills to perform a particular job, but at underlying habilitative goals (e.g., attention span, motor skills, interpersonal relations with co-workers and supervisors) that are associated with building skills necessary to perform work and optimally to perform competitive, integrated employment. Vocational services, which are not covered through waivers, are services that teach job task specific skills required by a participant for the primary purpose of completing those tasks for a specific facility based job and are not delivered in an integrated work setting through supported employment. The distinction between vocational and pre-vocational services is that pre-vocational services, regardless of setting, are delivered for the purpose of furthering habilitation goals that will lead to greater opportunities for competitive and integrated employment and career advancement at or above minimum wage. These goals are described in the individual's person centered services and supports plan and are designed to teach skills that will lead to integrated competitive employment.
- A person receiving pre-vocational services may pursue employment opportunities at any time to enter the general work force. Pre-vocational services are intended to assist individuals to enter the general workforce.
- Individuals participating in prevocational services may be compensated in accordance with applicable Federal laws and regulations and the optimal outcome of the provision of prevocational services is permanent integrated employment at or above the minimum wage in the community.
- All prevocational and supported employment service options should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.

- Personal care/assistance may be a component of prevocational services, but may not comprise the entirety of the service.
- Individuals who receive prevocational services may also receive educational, supported employment and/or day habilitation services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of the day.
- If States wish to cover "career planning" activities they may choose to include it as a component part of pre-vocational services or it may be broken out as a separate stand alone service definition.
- Prevocational services may include volunteer work, such as learning and training activities that prepare a person for entry into the paid workforce.
- Prevocational services may be furnished to any individual who requires and chooses them through a person-centered planning process. They are not limited to persons with intellectual or developmental disabilities.

Supported Employment -Individual Employment Support Core Service Definition

Supported Employment -Individual Employment Support services are the ongoing supports to participants who, because of their disabilities, need intensive on-going support to obtain and maintain an individual job in competitive or customized employment, or self-employment, in an integrated work setting in the general workforce for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. The outcome of this service is sustained paid employment at or above the minimum wage in an integrated setting in the general workforce, in a job that meets personal and career goals.

Supported employment services can be provided through many different service models. Some of these models can include evidence-based supported employment for individuals with mental illness, or customized employment for individuals with significant disabilities. States may define other models of individualized supported employment that promote community inclusion and integrated employment.

Supported employment individual employment supports may also include support to establish or maintain self-employment, including home-based self-employment. Supported employment services are individualized and may include any combination of the following services: vocational/job-related discovery or assessment, person-centered employment planning, job placement, job development, negotiation with prospective employers, job analysis, job carving, training and systematic instruction, job coaching, benefits support, training and planning, transportation, asset development and career advancement services, and other workplace support services including services not specifically related to job skill training that enable the waiver participant to be successful in integrating into the job setting.

Documentation is maintained that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment; or
2. Payments that are passed through to users of supported employment services.

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished in the waiver.
- Supported employment individual employment supports is not intended for people working in mobile work crews of small groups of people with disabilities in the community. That type of work support is addressed in the core service definition for Supported Employment Small Group employment support.
- If transportation between the participant's place of residence and the employment site is a component part of supported employment individual employment supports services and the cost of this transportation is included in the rate paid to providers of supported employment individual employment supports services, the service definition must include a statement to that effect.

Guidance

- Statewide rate setting methodologies, which are further described in I-2-a of the waiver application may be used to embrace new models of support that help a person obtain and maintain integrated employment in the community. These may include co-worker support models, payments for work milestones, such as length of time on the job, number of hours the participant works, etc. Payments for work milestones are not incentive payments that are made to an employer to encourage or subsidize the employer's hiring an individual with disabilities, which is not permissible.
- Supported employment individual employment supports does not include facility based, or other similar types of vocational services furnished in specialized facilities that are not a part of the general workplace.
- In addition to the need for an appropriate job match that meets the individual's skills and interests, individuals with the most significant disabilities may also need long term employment support to successfully maintain a job due to the ongoing nature of the waiver participant's support needs, changes in life situations, or evolving and changing job responsibilities.
- All prevocational and supported employment service options should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.
- Supported employment individual employment supports do not include volunteer work. Such volunteer learning and training activities that prepare a person for entry into the paid workforce are addressed through pre-vocational services.
- Supported employment individual employment supports do not include payment for supervision, training, support and adaptations typically available to other workers without disabilities filling similar positions in the business.
 - Supported employment individual employment supports may be provided by a co-worker or other job site personnel provided that the services that are furnished are not part of the normal duties of the co-worker, supervisor or other personnel and these individuals meet the pertinent qualifications for the providers of service.

- Personal care/assistance may be a component part of supported employment individual employment supports, but may not comprise the entirety of the service.
- Supported employment individual employment supports may include services and supports that assist the participant in achieving self-employment through the operation of a business; however, Medicaid funds may not be used to defray the expenses associated with starting up or operating a business. Assistance for self-employment may include: (a) aid to the individual in identifying potential business opportunities; (b) assistance in the development of a business plan, including potential sources of business financing and other assistance in including potential sources of business financing and other assistance in developing and launching a business; (c) identification of the supports that are necessary in order for the individual to operate the business; and (d) ongoing assistance, counseling and guidance once the business has been launched.
- Individuals receiving supported employment individual employment supports services may also receive educational, pre-vocational and/or day habilitation services and career planning services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of time.
- If States wish to cover "career planning" they may choose to include it as a component part of supported employment individualized employment support services or it may be broken out as a separate stand alone service definition.
- Supported employment individual employment supports may be furnished to any individual who requires and chooses them through a person-centered planning process. They are not limited to persons with intellectual or developmental disabilities.

Supported Employment - Small Group Employment Support Core Service Definition

Supported Employment Small Group employment support are services and training activities provided in regular business, industry and community settings for groups of two (2) to eight (8) workers with disabilities. Examples include mobile crews and other business-based workgroups employing small groups of workers with disabilities in employment in the community. Supported employment small group employment support must be provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces. The outcome of this service is sustained paid employment and work experience leading to further career development and individual integrated community-based employment for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Small group employment support does not include vocational services provided in facility based work settings.

Supported employment small group employment supports may include any combination of the following services: vocational/job-related discovery or assessment, person-centered employment planning, job placement, job development, negotiation with prospective employers, job analysis, training and systematic instruction, job coaching, benefits support, training and planning transportation and career advancement services. Other workplace support services may include

services not specifically related to job skill training that enable the waiver participant to be successful in integrating into the job setting.

Documentation is maintained that the service is not available under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment services; or
2. Payments that are passed through to users of supported employment services.

Instructions

- Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished in the waiver.
- If transportation between the participant's place of residence and the employment site is a component part of supported employment services small group employment support and the cost of this transportation is included in the rate paid to providers of supported employment small group employment supports services, the service definition must include a statement to that effect.

Guidance

- Supported employment small group employment support does not include vocational services provided in facility based work settings or other similar types of vocational services furnished in specialized facilities that are not a part of general community workplaces.
- Supported employment small group employment supports do not include volunteer work. Such volunteer learning and training activities that prepare a person for entry into the paid workforce are more appropriately addressed through pre-vocational services.
- Supported employment small group employment support does not include payment for supervision, training, support and adaptations typically available to other workers without disabilities filling similar positions in the business.
 - Supported employment small group employment support services may be provided by a co-worker or other job site personnel provided that the services that are furnished are not part of the normal duties of the co-worker, supervisor or other personnel and these individuals meet the pertinent qualifications for the providers of service.
- Personal care/assistance may be a component part of supported employment small group employment support services, but may not comprise the entirety of the service.
- All prevocational and supported employment service options should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.
- Individuals receiving supported employment small group employment support services may also receive educational, prevocational and/or day habilitation services and career planning services. A participant's person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of time.

• If States wish to cover “career planning” they may choose to include it as a component part of supported employment small group employment support services or it may be broken out as a separate stand alone service definition.

• Supported employment small group employment support services may be furnished to any individual who requires and chooses them. If a state offers both supported employment- individual and small group employment support services, individuals should be provided information to make an informed decision in choosing between these services. Supported employment small group employment support services are not limited to persons with intellectual or developmental disabilities.

Career Planning

Core Service Definition

Career planning is a person-centered, comprehensive employment planning and support service that provides assistance for waiver program participants to obtain, maintain or advance in competitive employment or self-employment. It is a focused, time limited service engaging a participant in identifying a career direction and developing a plan for achieving competitive, 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 a career plan used to guide individual employment support.

Instructions

• Supplement or modify the core definition as appropriate to incorporate the specific service elements furnished in the waiver.

• Supplement the core service definition by specifying where in the community career planning may be furnished.

• If transportation between the participant's place of residence and the site where career planning is delivered is provided as a component part of career planning services and the cost of this transportation is included in the rate paid to providers of career planning services, the service definition must include a statement to that effect in the definition.

Guidance

• For young people with disabilities transitioning out of high school or college into adult services, it is important to have the opportunity to plan for sufficient time and experiential learning opportunities for the appropriate exploration, assessment and discovery processes to learn about career options as one first enters the general workforce.

• Individuals who receive career planning services may also receive educational, supported employment, pre-vocational and/or day habilitation services. A participant’s person-centered services and supports plan may include two or more types of non-residential habilitation services. However, different types of non-residential habilitation services may not be billed during the same period of the day.

• If a waiver participant is receiving prevocational services or day habilitation services, career planning may be used to develop experiential learning opportunities and career options consistent with the person’s skills and interests.

- If a waiver participant is employed and receiving either individual or small group supported employment services, career planning may be used to find other competitive employment more consistent with the person's skills and interests or to explore advancement opportunities in his or her chosen career.
- All prevocational and supported employment service options, including career planning, should be reviewed and considered as a component of an individual's person-centered services and supports plan no less than annually, more frequently as necessary or as requested by the individual. These services and supports should be designed to support successful employment outcomes consistent with the individual's goals.
- Career planning furnished under the waiver may not include services available under a program funded under section 110 of the Rehabilitation Act of 1973 or section 602(16) and (17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(16 and 17)).
- Career planning may include benefits support, training and planning, as well as assessment for use of assistive technology to increase independence in the workplace.
- If a State wishes to cover "career planning" it may choose to include it as a component part of day habilitation, pre-vocational services or supported employment small group or individual employment support services or it may be broken out as a separate stand alone service definition.
- Career planning services may be furnished to any individual who requires and chooses them. They are not limited to persons with intellectual or developmental disabilities.



Section 8

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