

#1

Rossander, Harry V

From: Bob Bartles <bob.bartles@hopehavencorp.com>
Sent: Thursday, August 27, 2015 10:14 AM
To: Policy Analysis
Cc: Nibbelink, Lin; Moskowitz, LeAnn M; Amsbaugh, Tamara J
Subject: HARRY ROSSANDER/SUPPORTED EMPLOYMENT RULES COMMENTS

Dear Mr. Rossander,

I am writing to comment on the Notice of Intended Action Supported Employment Rules amendments. My comments are as follows;

PAGE TITLE: FINAL RATE CALCULATION METHODOLOGY, WORKGROUP AVERAGE RATE CALCULATION

Within the Rate methodology for Job Coaches, there's an assumption of 4 hours per week of non-billable time. Our experience indicates that the job has more non-billable hours than that, particularly for rural areas with longer driving times for Job coaches. I would suggest that 6 hours per week would be a Rate assumption that more accurately reflects the demands of the role.

PREVOCATIONAL SERVICES AND SUPPORTED EMPLOYMENT SERVICES FEE SCHEDULE

A Prevocational Services rate of \$9.91 per hour will make it difficult to serve people with disabilities in prevocational services. This will be particularly true if the setting is an integrated site, which generally requires one on one staffing or very small group arrangements. As we place people out into individual or small group Supported Employment, those remaining tend to be higher need persons with multiple disabilities. A tiered arrangement, where individual or small group prevocational services receive a higher Rate, could be a good way to address this problem.

For Individual Supported Employment, there is a cap proposed in the draft Rule. The cap sets a \$3029 monthly maximum level of employment support. For many persons with disabilities, this cap will not present a problem. However, for those with the greatest impairments and the highest need, the cap will act as a barrier to them getting and maintaining jobs in the community. I recommend that there be a way to get approval from DHS or its MCO designee to exceed the cap.

My gravest concern with the Rate methodology is the Small Group Rate. Adopting it in its present form would force many, many people with disabilities out of their jobs. It's just too low. A way to fix this would be to do tiered arrangements with groups of 4 or less getting substantially higher per person Rates. For example, a 4 person small group that had each

individual generating an \$11.18 hourly Rate would be a workable scenario. Groups smaller than 4 could earn a higher Rate. This would incentivize smaller, more integrated employment opportunities.

Pages 2,3,4/STAFF QUALIFICATIONS

The minimum staff qualification for these Supported Employment roles should be limited to 18 years of age and a high school degree or GED. The reason for that is the severe worker shortage reality in Iowa, particularly rural Iowa. Our job postings state a preference for college degrees and experience. The reality of the available work force is that we often have to employ inexperienced workers instead. Setting a qualification standard that prevents providers from finding the workers to implement this Rule would be a truly unfortunate circumstance. An alternative could be having a reimbursable training requirement for all job coaches and job developers. This would be a reasonable way to assure a level of competence for this work force.

PAGE 5/ITEM 7

The inclusion of definitions for Career Exploration, Career Plan and Customized Employment is a good idea and will be very helpful.

PAGE 6/ITEM 8(2)b

The language here requires prevocational services to occur in community based non-residential settings. Requiring non-residential settings is good.

There are some prevocational services that occur in facility-based settings. CMS has set a timeline (deadline) for providers to structure these services into a community based format. I'd suggest we adopt that time line in this Rule. Doing so would protect existing paid work and job training for persons who receive prevocational services at this time.

PAGE 7/ITEM 9

The service definitions include language allowing reimbursement for time spent on behalf of a service recipient. This is a very good thing.

PAGE 8/ITEM 9

Reimbursement can occur for job development, benefits planning, employer development and job search activities. This is wonderful.

A lot of good people have done a lot of hard work contributing to the contents of this Rule. If we can finesse the Small Group Rates issue, implementation of the Rule should truly advance the employment choices and outcomes for persons with disabilities. We have a chance here to really make a difference in the lives of persons with disabilities. I appreciate the work that has been done and the effort to get this Rule in place.

Bob Bartles

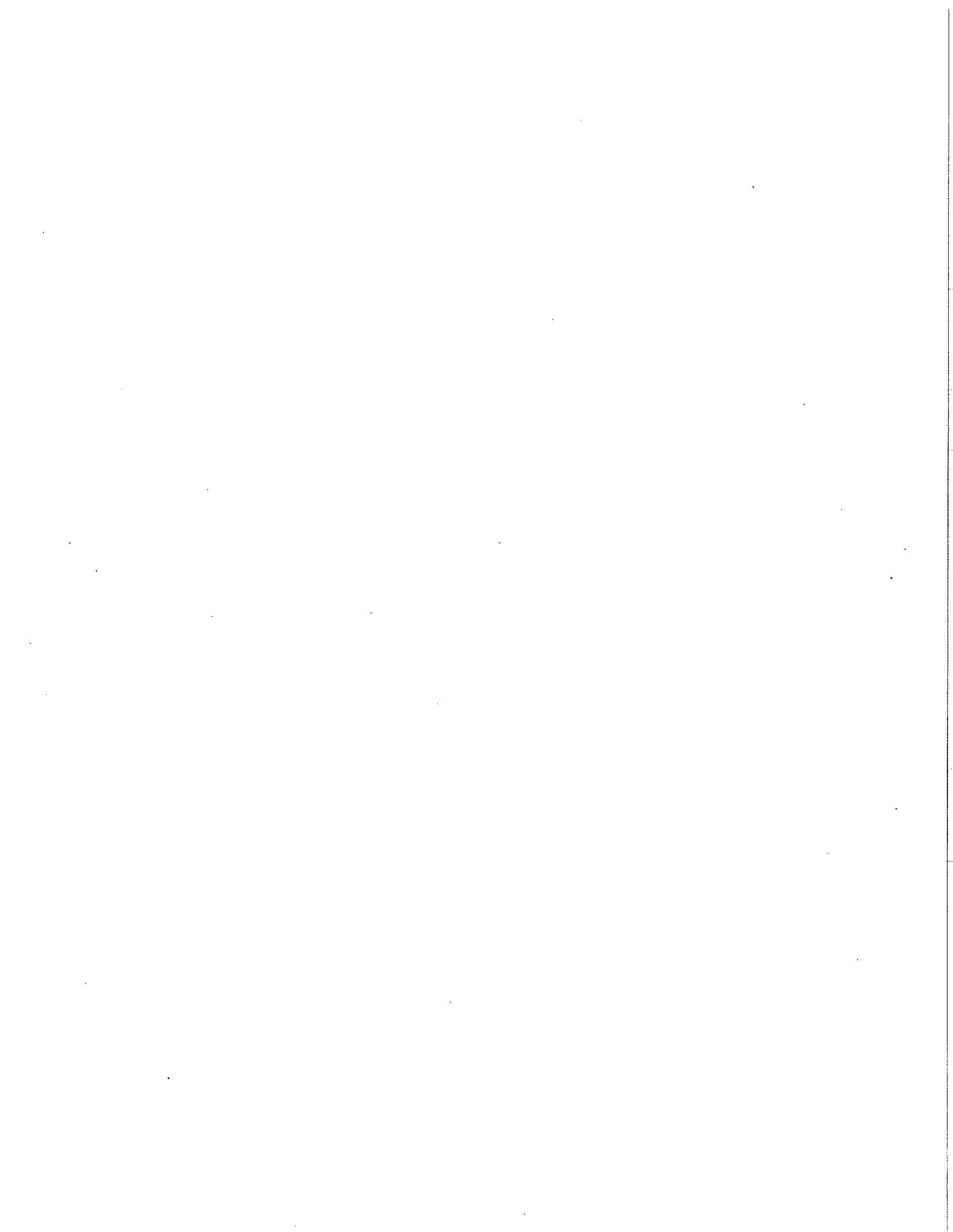
Executive Director
Hope Haven

e-mail: bob.bartles@hopehavencorp.com

Phone: 319-237-1333

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Rossander, Harry V

From: Marcy Davis <marcy.davis@candeoioowa.org>
Sent: Wednesday, August 19, 2015 5:18 PM
To: Policy Analysis
Cc: Jennifer Bauer
Subject: Comments on SE Rules

Thank you for the opportunity to comment on the new SE rules. While I am excited about the focus and creative thinking, I have significant concerns.

First I am extraordinarily concerned about the change of rules two weeks before a major conversion to managed care as well as changing rules mid-month that will create significant Notice of Decision, billing and payment issues for us to deal with.

Also, the SE long term job coaching tiers, may be good in theory but the reality of what we deal with today is that a client gets a job and it will be weeks before we get a Notice of Decision. Also, the needs of the client are mostly a guess because the client is going into a new environment where we cannot assess the employer support until after we support the client past orientation and training. It has been a practice to get the NOD for the greatest amount of hours needed and then provide only what the client and employer demonstrate as needed. It is near impossible to estimate the rate that a client will gain independence which is another reason the NOD has been issued for the total amount of hours the client will be working.

Will the provider be able to continue to bill for the tier in the authorization, even when the client demonstrates independence earlier and less services are provided or will a new authorization be needed immediately?

Another coaching concern is the fact that client coaching needs can vary greatly and the tiers are very narrow. If a client or an employer calls and asks for help, the current system of NOD's provides the ability to provide those supports as needed. If a team has to convene to agree to a tier change, the client can very well get fired long before the professionals can get together. With the history of what we actually bill for our clients in coaching and the narrow tiers, we are at risk of constantly providing significantly above or under the tiered limits. Finally, the rates in the fee schedule, while more than the prior limits, are well below our current ETP which means we may not be able to continue to provide this service.

During the meetings, there was discussion that more of the actual activities would be billable (such as progress note and drive time) but this is not the case, therefore the rates remain inadequate.

With regard to specific rules:

77.39 249A (3)

"a person providing support shall within 6 months of hire...complete at least 9.5 hours of employment service training through CDS - CES"

Our organization just signed a three year contract with Relias Learning which is endorsed by multiple national organizations including National Council for Behavioral Health and Rehabilitation and Community Providers Association.

Will you add Relias Learning into the certification/training options?

77.25 9 (2) Long Term Job Coaching

".... And two years' experience in delivering services and supports:

This is very limiting and many of our best employment consultants have come with backgrounds in education, teaching, training and even working alongside a supported employee's as coworkers.

Would you consider adding these as options along with "related experience"?

Also in this section it states:

Also...

"Within 12 months of hire, nationally recognized certification in job training and coaching"

Does the CES (college of employment services) training meet this requirement?

Comment on the Fee Schedule for Pre-Vocational that is paid at \$9.91 per hour.

Our organization currently has an ETP for Pre-Voc to fund our Project Search which is a community partnership with an employer. If this becomes the rate, our only option will be to terminate the Project Search.

Would you consider having two separate rates for "traditional" pre-vocational and Project Search or "community based" pre-vocational?

78.27 9 (2) Time Limitation for members enrolled in pre-vocational services

"For members enrolled in pre-vocational services, as of or after 12/16/2015 participation in these services is limited to 90-days beyond the completion of the career exploration activity including the development of the career plan."

Again, there will be individuals who are in Project Search who receive pre-vocational services that began in September 2015 (and an internship that is funded by resources that are not Medicaid). The requirement of the career exploration plan is not a current requirement of Project Search. Does the provider have to do the career exploration plan in order for the person to utilize Project Search to the end of the 9 month program?

Thank you for your time.

Marcy M. Davis, MBA
Chief Executive Officer
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Rossander, Harry V

From: Farrier, Glenda <GFarrier@cassincorporated.org>
Sent: Friday, August 21, 2015 2:31 PM
To: Policy Analysis
Subject: My comments on the Medicaid Employment Services Redesign -Rules

Public Comments for Employment Services Redesign—August 21, 2015
 by Glenda Farrier, CEO—CASS Incorporated—Community Rehabilitation Provider, Atlantic IA

First off, I would like to sincerely thank all the people who have worked so hard on this initiative. Blood, sweat and tears!!! And thank you for getting it approved (hopefully!) prior to the transfer of Medicaid to the MCO's January 1st. GREATLY appreciated and extremely necessary.

- ❖ I like the tiered system for job coaching—this gives providers flexibility and I believe the rates will be workable
- ❖ I love being able to “bill on behalf of”. Finally!
- ❖ I like the requirements of
 - nationally recognized certification as an Employment Specialist (CESP?) for Job Developers (Individual Supported Employment) and
 - nationally recognized certification (APSE?) for Job Coaches and those working with Pre-Voc.
 - or CES completion (is this considered certifiable?)

Having this requirement professionalizes employment services, prepares providers for making supported employment a priority and gives staff an excellent foundation on which to build their skills.

Providing said **certification could be a financial hardship to many providers** though. I would suggest the **possibility of asking the Regions to assist** with this. Our Region here in SW Iowa gave its providers money to send our employees through the job coaching & job development certification training with APSE. This really helped our Region's providers out and allowed our Region to support an initiative they were encouraging.

I also have some concerns about having a minimum requirement of two years previous experience for hiring long term job coaches (if no Associate's degree). AND I'm also concerned about the four years of commensurate experience , if no Bachelor's degree, for Individual Supported Employment. Requiring previous experience in this field really limits our options in small, rural communities. It is seldom we ever have applicants with previous experience. In fact, we hire our employees on things more important to us than their experience. We hire on character attributes—we can teach what we want people to know if we get the right people. So, **I would request this requirement of previous experience be removed**. It is too restricting for many providers located in small and/or rural areas. The requirement to obtain certification will get these new employees to where they need to be without having previous experience.

We do not have enclaves here at CASS Incorporated but I know many providers do. In some definitions, group employment is an acceptable employment outcome. At the very least, it can be a step between the workshop and individual supported employment. The new enclave rate is insufficient to allow this mid-step option between the two. **Perhaps the enclave rates could be tiered?**

And finally, I am some concerned that the requirement **to cease PreVoc 90 days after an individual's Career Exploration might be a disincentive** to perform a Career Exploration at all. I hope not, but it might be worth looking at.

But now, a question.....on the redesign rules (Notice of Intended Action) page 25 Under f. Exclusions. then (3) Subsidies or payments that are passed through to users of supported employment programs.

Our Region has started giving providers in our Region incentives for job placement. (\$ @ hire, \$ @ 30 days and \$ @ 90 days I believe it is.) Will this practice still be acceptable under f.(3)?

Again, thanks for all your work and making it happen! I think all of our collective work is paying off.....

Glenda

Glenda Farrier, CEO
CASS Incorporated

One of Iowa's



2011, 2012, 2013, 2014
Atlantic, Iowa

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Rossander, Harry V

From: Farrier, Glenda <GFarrier@cassinincorporated.org>
Sent: Friday, September 04, 2015 2:06 PM
To: Policy Analysis
Subject: Some more Employment Services Redesign comments

Hi Harry,

~~In a previous email I said you are a fellow dog lover. My too!! Dogs are wonderful
creations~~

I have some questions and comments for the public comment consideration.

- 1. Will there be a template for Career Planning or will providers create their own?

My comment would be to have a "standardized" template with the basic info DHS/IME desires. Then allow providers to enhance the document if they choose to go "above and beyond".

- 2. Can Career Exploration be done in a group? If so does the rate have to be split among the participants in the group or is it the rate for each? Can it be done by Pre-Voc staff or must it be a certified job coach or even a CESP?

My comment is that Career Exploration should be done individually or with a very small group of people—2 or 3). It is pretty intensive and specific—I think the rate should be the full proposed rate for each person. If we have to hire someone (like a benefits planner) for a session or have additional costs associated with getting someone(s) to a certain site/opportunity, it would be easy to become a pricey endeavor. And because of the time limitation following a Career Exploration, it needs to be done RIGHT to help the job seeker be successful.

- 3. Re: CES training—will you select the trainings in the modules (for the 9.5 hours of training) or can the provider choose them? (there are over 40, each an hour or more in length)

My comment is that there should be some guideline, like *Job Coaches should receive training in CES pertaining to job coaching, the philosophy of supported employment, etc.* but providers should be allowed to choose the individual trainings within that framework.

4. Is the 9.5 hours of CES training an annual requirement or a one time requirement?

My comment is that I think there should be an ongoing requirement, say 4 hours per year. I wouldn't want to see it too intensive - staff will be working in this arena by year two - but "some" ongoing CES training is a good refresher. Again, it could be within a framework outlined by DHS/IME (like question #3 above) giving the provider some flexibility for specific class choices within the framework.

Thanks for listening! GF

Glenda Farrier, CEO
CASS Incorporated

One of Iowa's



2011, 2012, 2013, 2014
Atlantic, Iowa

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Rossander, Harry V

From: Clint Sargent <clint.sargent@cwioowa.org>
Sent: Monday, August 31, 2015 12:40 PM
To: Policy Analysis
Cc: Clint Sargent
Subject: Comments to proposed amendments 441-77, 441-78, 441-79

Mr. Harry Rossander,

Good afternoon. I wish to comment on the proposed amendments as it relates to the following: 441-77; 441-78; and 441-79.

441-77.39

Individual supported employment requirements of direct support staff providing services: This rule states that a bachelor's degree in (or commensurate experience in) human resources, marketing, sales or business. If direct support staff are currently providing these services will the bachelor's degree and or commensurate experience be grandfathered in. The other requirement of holding a certified employment support professional credential from the Association of People Supporting Employment First. Would this also be grandfathered in for staff that are currently providing this service? If staff are not grandfathered in; we would lose staff, as not being qualified, that has been providing these services and achieving desired outcomes of community integrated employment.

In addition the test to obtain the certified employment support professional (CESP) credential; this test/exam is currently only offered once per year in the State of Iowa. The exam is offered at the APSE annual conference in September. Requiring this credential within 12 months of hire may be difficult. Extending the amount of time to obtain the credential or offering additional testing opportunities would be beneficial (monthly in various locations across the state).

Long-term job coaching requirement of direct support staff providing services: This rule states that direct support staff will hold or obtain, within 12 month of hire, a nationally recognized certification in job training and coaching. Does the Iowa Association of Community Providers training via College of Direct Support/College of Employment Services; Job Coach and Employer Development Certification qualify. Also if staff has been providing these services are they grandfathered in.

441-78.27

Prevocational services (Career Exploration): does a client have to be funded daily and/or hourly prevocational services to be able to utilize Prevocational Career Exploration? Or can a client access Prevocational Career Exploration services only?

441-79.1

Prevocational services will be shifting to hourly services. Currently these services are provided as full day or hourly if less than 4 hours. It would be beneficial to have these services based on a 15 min unit. This would provide a more accurate measurement for a better payment for services provided.

Overall the proposed changes to Supported Employment and Prevocational Services are a move in the right direction. Shifting funding to support agencies as they move their clients/persons served to Community Employment.

I will also submit my comments via fax.

Sincerely,

Clint Sargent
Crossroads of Western Iowa
Director of Employment Services
1 Crossroads Place
Missouri Valley Iowa 51555
712-642-4114

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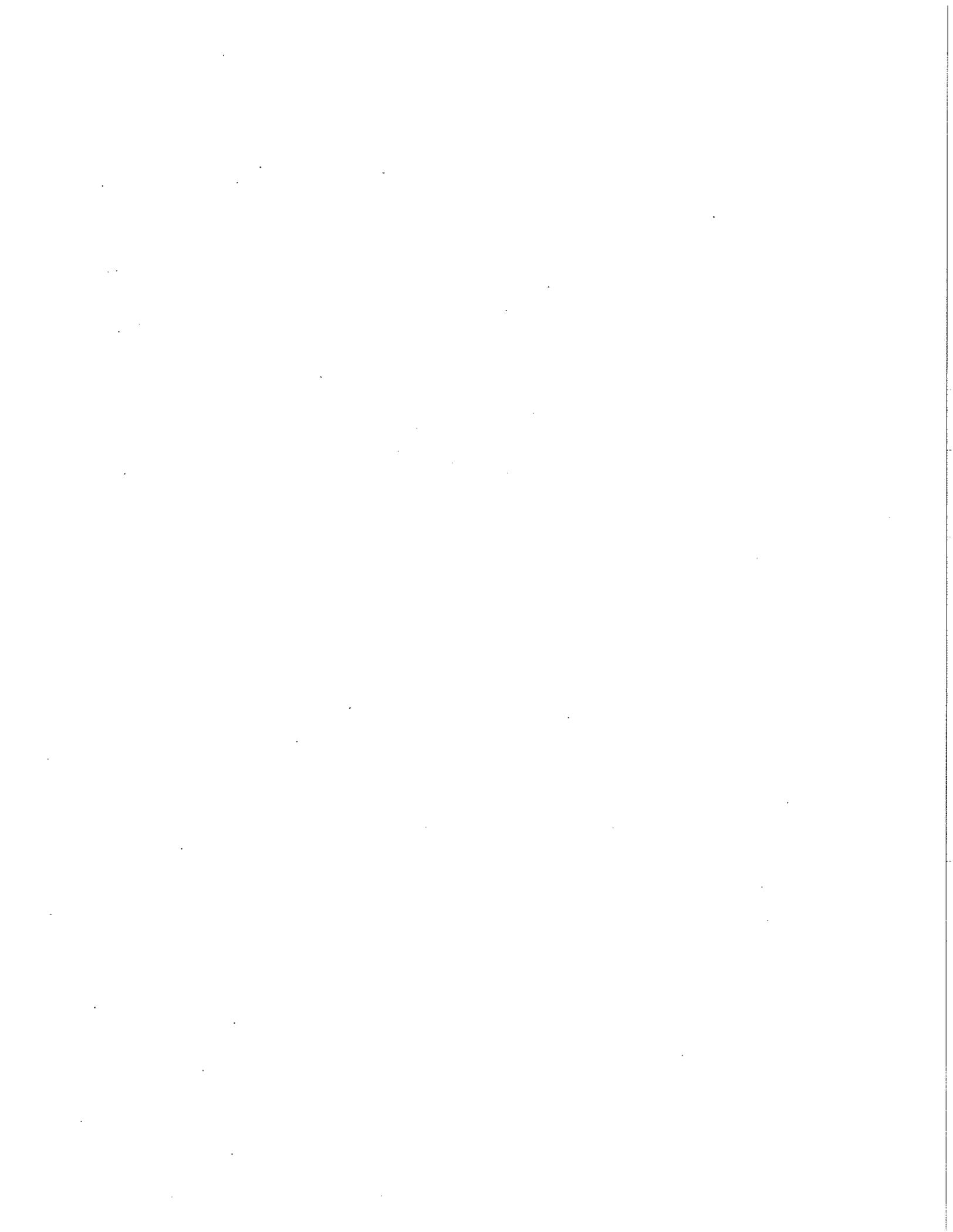
Rossander, Harry V

From: Sheila Schulte <sheilaschulte@qwestoffice.net>
Sent: Monday, August 31, 2015 10:55 AM
To: Policy Analysis
Subject: Proposed Rule Changes Comments

Dear Mr. Rossander:

I wish to comment on the proposed changes to Chapter 79.1(2) of the , Iowa Administrative Code under "Small-Group Supported Employment" (2 to 8 individuals), Fee Schedule. Although the actual dollar amounts are not listed in the rules, I was informed at a recent Iowa Association of Community Providers meeting that the proposed rate for small group supported employment was at \$5.32/hr or \$1.33 per 15 minute increment. The majority of our small group employment teams consist of two to three persons served. Because of the scope of the services that we provide to the businesses in the community, we are not able to take larger numbers of individuals to these sites. The amount we would therefore receive to provide this service to our persons serviced is very concerning to me. The current rate of \$6.52/hr. did not cover expenses associated with providing this service, so a decrease in that amount seems unjust. Thank you for your consideration.

Sheila Schulte
Community Resource Developer



Rossander, Harry V

From: Steve Hodapp <hodapp@vodec.org>
Sent: Wednesday, September 02, 2015 11:07 AM
To: Policy Analysis
Cc: Steve Hodapp
Subject: proposed rules comments

Re: proposed changes in Chapter 77

Thank you for opportunity to provide comments about proposed changes.

In proposed rule 77.25(9) Supported employment habilitation, in c.(1) Individual supported employment direct support staff must hold a "bachelor's degree in (or have commensurate experience in) human resources, marketing, sales or business".

I have been involved since 1980 directly and administratively in supported employment activities for persons who are hard to place and who have barriers to employment including physical and mental disabilities. My belief from that experience is a bachelor's degree requirement is not as relevant as aptitude and attitude to perform the functions of supported employment habilitation. I recommend dropping the requirement for a bachelor's degree. I also recommend defining "commensurate experience". Is the intent a defined period of experience? At what level? Any mix of time and experience allowed among the four categories cited?

Another reason for dropping the requirement of a bachelor's degree is it is not in sync with service fees/rates for supported employment habilitation activities. Fees/rates available to service providers now barely cover wages and cost of employment for non-degreed employees. Including a requirement for degreed employees will drive up wages and related costs but there is no state or federal intention I know to increase fees/rates adequately to entice degreed persons to apply for supported employment habilitation positions. This would seem to me to be an increased prohibition to getting qualified direct support staff.

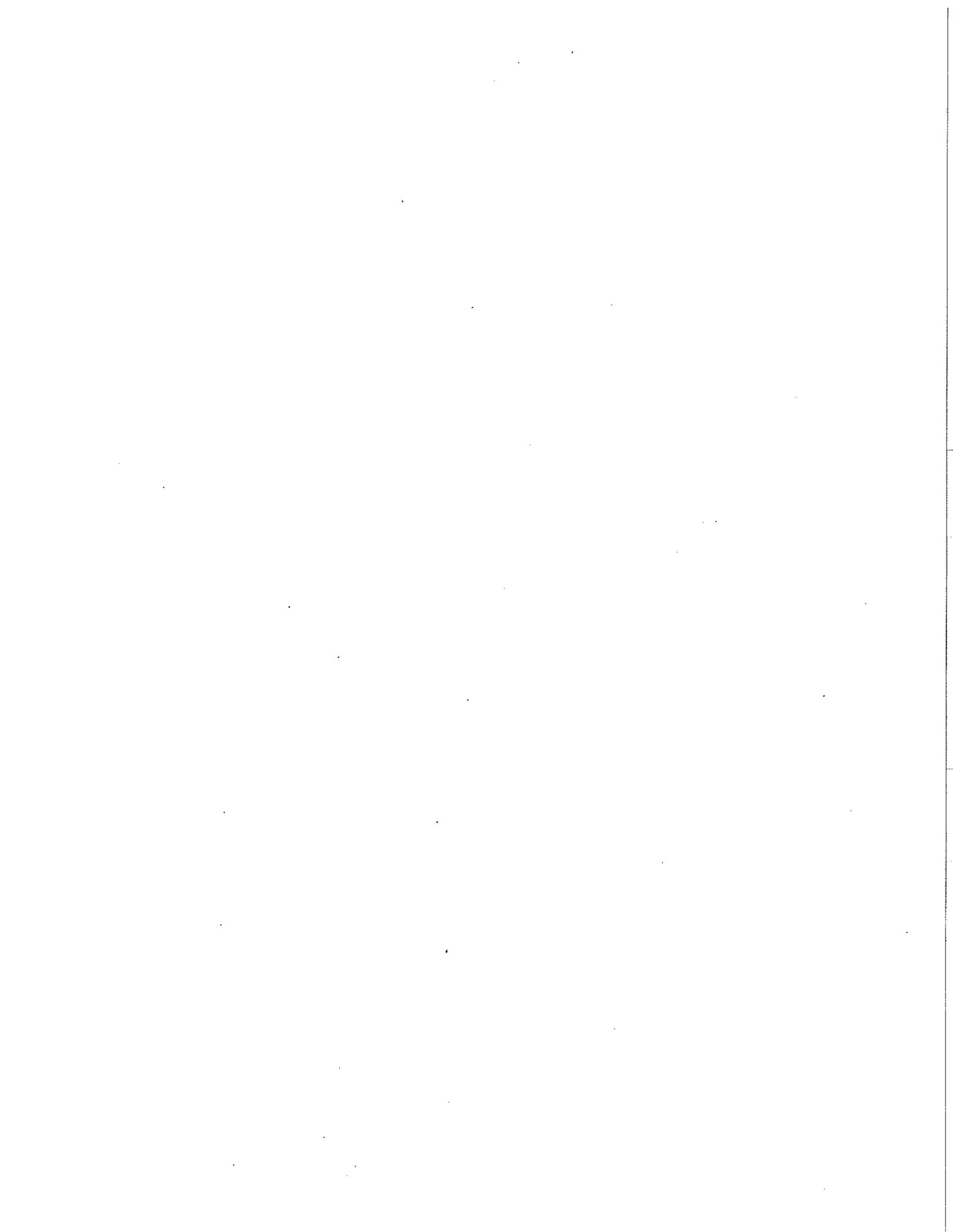
Thank you again for this opportunity to submit comments.

Steve Hodapp, CEO
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Rossander, Harry V

From: Mark Stromer <Mstromer@vodec.org>
Sent: Thursday, September 03, 2015 2:40 PM
To: Policy Analysis
Subject: Medicaid employment rules

Mr. Rossander,

Thank you for the opportunity to provide commentary regarding the Notice of Intended Action (NOIA) for Chapter 77 of the Iowa Administrative Code (IAC).

Minimum requirements of staff:

The proposed rule at 77.25(9)(c)(1) and 77.37(16)(d)(1) would require a bachelor's degree (or commensurate experience) for staff providing individual supported employment. We are concerned that this rule would make finding and hiring qualified employees difficult at best and would result in a reduction of the amount of these services that we are able to provide which seems counter-intuitive to the rest of the proposed changes. Some of our most successful community employment staff were hired with no previous experience. In addition, the training requirements that are also proposed would seem sufficient in adequately preparing staff to provide these services.

We would suggest removing the requirement of the bachelor's degree and commensurate experience. If degrees and commensurate experience are retained, we would suggest that this be defined more clearly and that the fields of focus for degrees or experience be expanded to include human services, education, psychology, etc.

The proposed rule noted above also requires staff providing individual supported employment to obtain a professional credential as a Certified Employment Support Professional through the Association of People Supporting Employment First (APSE). Restricting the requirement to one credential from one source will create compliance issues for some providers due to timing, geography and APSE's capacity to provide all of this training.

Other proposed rules require certain training offered via the College of Direct Supports, and Iowa Vocational Rehabilitation Services (IVRS) currently accepts the Community Employment Specialist certificate from College of Direct Supports as a qualification to provide IVRS services. Currently, all of our Community Employment staff hold this credential.

We would suggest that the options for staff credentialing be expanded to include other training programs, such as those offered by the College of Direct Supports, that are aligned with expectations of other State programs such as IVRS. An additional suggestion would be to inquire with Iowa APSE to ensure that they have the capacity to provide all of this training in order for all providers to be in compliance.

Thank you again for the opportunity to provide feedback on these proposed changes. Please let me know if you have any follow-up questions.

Mark Stromer
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Rossander, Harry V

From: Tiffany Steenblock <tsteenblock@linkassociates.org>
Sent: Friday, September 04, 2015 2:14 PM
To: Policy Analysis
Subject: Comments for ARC 2114C
Attachments: Link Associates Comments on proposed Employment Waiver Rules 9.15.docx;
ATT00001.htm

To Whom it May Concern:
Please see the attached comments from Link Associates.

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, 5th Floor
1305 East Walnut Street
Des Moines, IA 50319-0114

To Whom It May Concern:

Link Associates would like to provide comment for proposed rules relating to Rebalance Services and Rates related to prevocational and supported employment services in chapters 77, 78, 79, and 83 (ARC 2114C). We see/feel the intent behind many of the proposed rules changes but feel that many are too specific which will in turn limit the services we are able to provide within the supported employment and prevocational programs.

Comments:

1. 77.37(16) d.(1) - requiring a bachelor's degree for in human resources, marketing, sales or business is too narrow and is not realistic in many areas of the state, including the Des Moines area. Imposing this rule will make it extremely difficult to recruit & find applicants.
 - a. Recommend: qualifications be changed to "preferred qualifications" instead of requiring
 - b. Recommend: "or commensurate experience" be defined
 - c. Recommend: specificity of who provides the training be omitted and state any state or nationally recognized training be allowed
2. 77.37(16) d.(2) – feel requirements are too narrow and is not realistic in many areas of the state, including the Des Moines area. Imposing this rule will make it extremely difficult to recruit & find applicants. What do you consider to be "
 - a. Recommend: qualifications be changed to "preferred minimum qualifications" instead of requiring
3. 77.37(26) d. - feel 9.5 hours of employment services training through College of Direct Supports, College of Employment Services is limiting service provider options for training & that 9.5 hours is too narrow and specific. This is also going to come as an additional cost to providers, which should be taken into consideration.
 - a. Recommend: language be changed to require any state or nationally recognized training instead of specifying College of Direct Support
 - b.
4. 78.27(9) b. - where Customized Employment is defined as "based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. It appears that the discovery process fits within the definition of Career Exploration, however the Setting states that Prevocational services can only take place in non-residential settings. Discovery services often begin by getting to know the individual, often in their home.

- a. Recommend: pieces of career exploration be allowed in the participants home (where you can get to know them on a personal level)
 - b. Recommend: please clarify definition of "community-based"
5. 78.27(9) d. (1) - excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act.
 - a. Recommend: define the process of determination for whether or not IVRS will fund for an individual in order that it be documented in the service plan
6. 78.27(9) d. (4) – this would exclude volunteering in for-profit businesses although in the definition it states "including volunteer opportunities" which is in conflict. Currently there are many volunteer opportunities in nursing homes, hospitals etc that are considered for-profit businesses that participants would not be able to volunteer at which would be limiting their opportunities for community inclusion/activities.
 - a. Recommend: allow volunteering in all settings (non-profit and for-profit businesses)
7. 78.27(9) e. (1) – how the rules are written currently for time limits is very confusing & feel time limits don't align with national prevocational service models. How will a service provider know if an individual they are supporting is involved in another service providers program?
 - a. Recommend: clarifying how this works in connection with the 90-day completion of a career plan and this is tied to career exploration phase & actual prevocational service end.
 - b. Recommend: How will a service provider know if an individual they are supporting is involved in another service providers program? Please clarify
 - c.
8. 78.27(10) a. (3) - settings definition states it needs to take place in integrated work settings. There are occasions where initial job development services take place in the home during person centered employment planning, development of visual/traditional resumes, benefits planning, and other activities that don't require arrangement of costly transportation or makes sense to utilized getting to know the individual in their natural setting.
 - a. Recommend: the language be changed to allow for a portion of the services to occur in a residential setting
9. 78.27(10) a. (4) - initial on the job training, often takes a significant amount of time, thus taking up a large portion of the service as it relates to funding.
 - a. Recommend: this service be moved to long-term job coaching.
 - b. Career exploration is included in the long list of activities of Individual employment. Is this funded under prevocational or expected to be included in Individual supported employment? Please clarify
10. 78.27(10) e. (3) - limitations for caps on units. Case managers only authorize the service not track how many units service providers utilize so how will a service provider know how many units an individual has remaining? This comes into play a lot when an individual has lost a job and choses another provider to find a new job.
 - a. Recommend: language that allows for additional units for such circumstances & clarify how service providers will track units utilized through other agencies to ensure we don't go over the cap

11. 78.27(10) f. - excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not IVRS will fund for an individual in order that it be documented in the service plan?
12. 78.27(10) f. (6)
 - a. Recommend: wording "volunteer learning and unpaid training activities that prepare a person for entry into the general workforce are addressed through prevocational services and career exploration activities" – please add to prevocational definition
13. 79.1(2) defines reimbursement schedules, but does not include the actual tiered system in the rules. The tiered system dis-incentivizes those wanting to work 30-40 hours per week as well as for those with higher level of support needs. Additionally, the tier system is too tight between the hours worked.
 - a. Recommend: include fee schedule and rates
 - b. Recommend: tiered system expand number of hours available
 - c. Recommend: defines the tier system, but doesn't define the mechanism for how the tiers get assigned. Put in rules the language that states the tiers are assigned according to the service plan and adjusted when higher support needs are determined. The process needs to be fluid and timely.
14. 79.1(15) ITEM 19 & 20. language on age limits, are we not able to support individuals aged 16 -17 as well as people over the age of 65? Does this mean people over the age of 65 can't be supported to work? The demographics of our society show that people are working well past 65 and cutting them off is counter to alignment with societal values of employment. Additionally, rule 83.61(1) states that eligibility is at least 16 years of age with no upper age restriction.
 - a. Recommend: please clarify above questions

We appreciate the opportunity to provide comment on the proposed rules relating to Rebalance Services and Rates related to prevocational and supported employment services in chapters 77, 78, 79, and 83 (ARC 2114C).

Respectfully submitted,



Tiffany Steenblock
Employment/Day Program Director
Link Associates

Rossander, Harry V

From: Renae Blume <rblumhci@gmail.com>
Sent: Friday, September 04, 2015 6:51 PM
To: Policy Analysis
Cc: Diana; Tresa Feldman
Subject: Comments on proposed amendments
Attachments: comments on Medicaid amendments.docx

Mr.
Harry Rossander
Bureau of Policy Coordination
Iowa
Department of Human Services

Please see the attached comments regarding amendments to Medicaid HCBS Supported Employment Services.

Thank you for the opportunity.

--
Renae Blume
Employment Development Manager
Ida, Sac and Calhoun Counties in the
Rolling Hills Region
720.841.6435 cell
712.662.7844 Howard Center Inc.
712.365.4339 Ida Services Inc.

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September 3, 2015

Harry Rossander
Bureau of Policy Coordination
Iowa Department of Human Services

Dear Sir:

This comment is regarding changes to Medicaid HCBS Supported Employment Services specifically 78.27 (10) E Limitations. Although the tiered system being proposed seems to have great merit, it is my concern as an employment/job developer, that there is an obvious disincentive in assisting individual job seekers in obtaining employment working over 20 hours per week.

Many of the individuals we assist in obtaining supported employment will work less than 20 hours per week, although many job developers have assisted individuals in finding employment working 30 and 40 hours per week when appropriate for that job candidate. The cost of training and coaching individuals in the initial phases of a job are usually very expensive, especially if the job candidate needs full-time coaching at a job working 20 to 40 hours per week for a month or two. (At only 20 hours per week or 80+ hours per month, we are already over the \$3029 limit.)

This upfront cost is not addressed in this tier system. Once again, there is a "cliff" where it becomes too expensive to serve people in community employment, let alone those with more severe disabilities. Once again, employment specialists/job developers may only assist individuals with the less severe disabilities or only search for jobs that are fewer hours per week.

Would it be possible to look at these costs over a longer period of time, for example 6 months to 1 year? In most cases, the higher costs will occur the first months of the supported job with the following months, hopefully, lower. It does need to be said that even the fading period can require many more hours than allotted when a person is working 20-40 hours per week. Maybe it would be possible to adjust the tier system to take into account the number of hours someone is working per month (?)

Secondly, we are concerned with amendments to 77.37 16 d2 Supported Employment Providers: *"Long-term job coaching: associate degree, or high school diploma or its equivalent and two years' experience in delivering services and supports. The person must also hold or obtain, within 12 months of hire, nationally recognized certification in job training and coaching."*

I have included information taken from the APSE website regarding the CESP certification requirements. It stipulates the candidates experience requirement:

"Each applicant must meet one of the following requirements: 1 year of employment support professional (ESP) work experience, which may include up to a maximum of 3 months of internship or practicum time; or 9 months of ESP work experience with training component;"

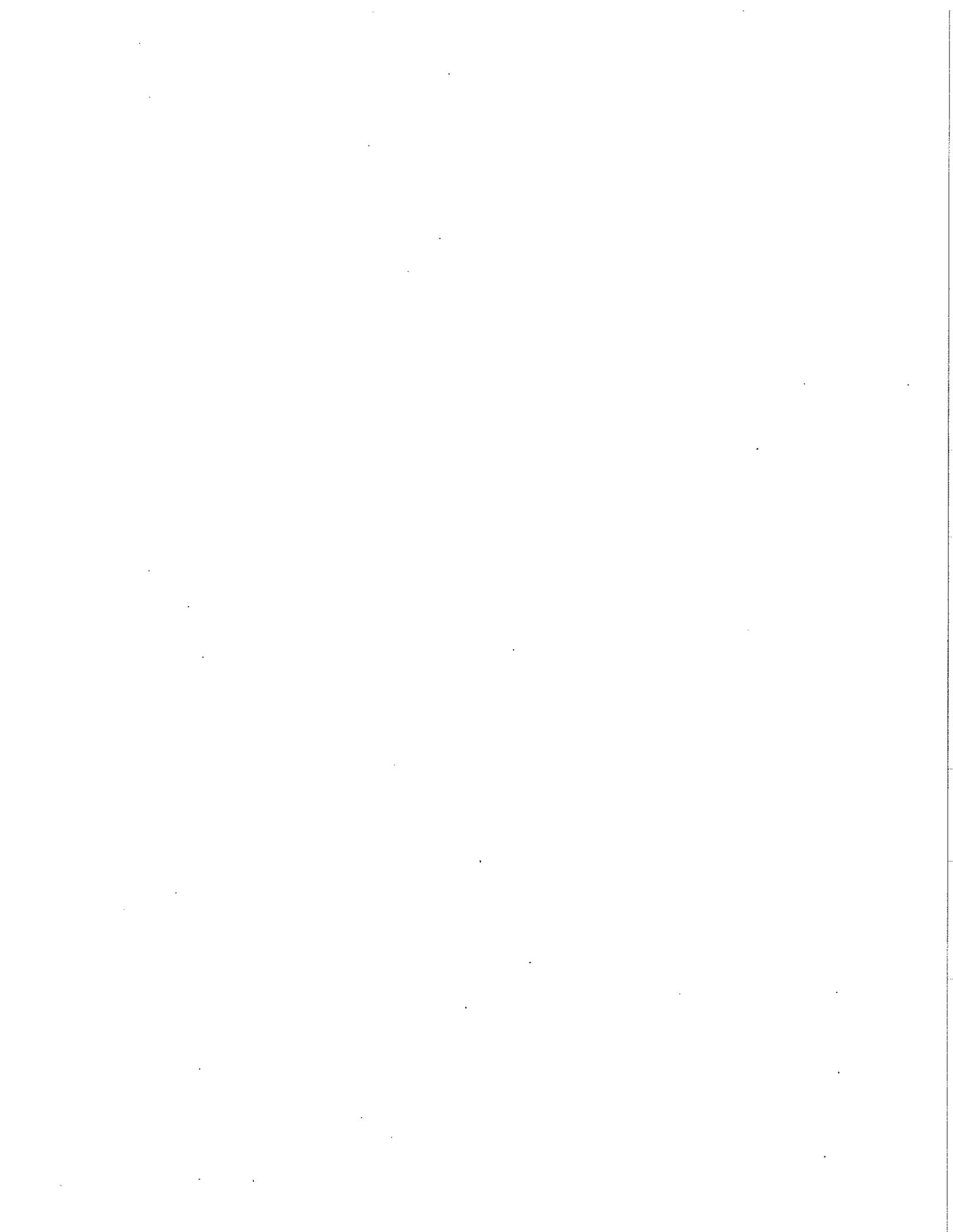
The amendment mentions the national certificate or CESP but doesn't take into consideration CESP's own requirements. (To apply, you have to have that much experience already. It leaves little or no time for application.)

Lastly, in regard to this section, many of the tiny rural communities in this region of Iowa have very limited applicants or do not have individuals/job applicants with experience in providing services and supports. There may be individuals working in the sheltered or day programs, however, they may not be appropriate applicants for job coaching positions as we have seen from experience. We would ask that this be taken into consideration.

Thank you for your attention and assistance.

Sincerely,

Rena Blume
Employment Development Manager
Ida, Sac and Calhoun Counties Rolling Hills Region



Rossander, Harry V

From: Sherry Becker <sherry@nivcservices.org>
Sent: Tuesday, September 08, 2015 8:59 AM
To: Policy Analysis
Subject: Notice of Intended Action - Iowa Administrative Code 441—77-79, 83

Thank you for the opportunity to comment on the new rules and for your time and your commitment to this important effort. The proposed rule changes have the opportunity to reposition our employment services delivery system to benefit lowans with disabilities as well as our state workforce and economy.

As the Executive Director of NIVC Services, Inc., a private, not for profit organization that provides paid work training and job placement supports to over 425 high school students and adults annually I see the value of work on a daily basis. I'm also the parent of an adult child with a disability and a national and state board member of the only employment member organization in the country – APSE, the Association of Persons Supporting Employment First. My vanity license plate is Wrk4All. I tell you this because I want you to know that my advocacy goes beyond my role as the Director of NIVC.

In 2013 I had the privilege to be part of the Iowa Employment Redesign Work Group. I believe that the proposed rules accurately reflect the work of this group and keep pace with the focus on integrated service delivery models that is sweeping the country. Iowa's current employment service rates and structures do not support integrated employment in the general workforce. The rates are based on an antiquated model of services where people with disabilities work in sheltered settings with other people with disabilities, often earning subminimum wages.

Although I have some concerns about the qualifications for employment staff as detailed in the rules and the overall capacity of our system, I will leave those remarks to others. I want to use my input to voice my overall support for this important change in Iowa's delivery system.

Employment for lowans with disabilities is good for all lowans. Work helps people become self-sufficient. It gives life meaning and purpose, but it goes beyond the individual. Helping People Work promotes a healthier economy by increasing state revenues and decreasing expenditures for public benefit programs. When people have the services and supports to be employed in businesses in their community there is a significant return on investment. Last year individuals receiving services from NIVC earned over \$1.8 million dollars.

We can't afford to wait any longer. It is imperative that our service system definitions, rules and rates be realigned before the managed care organizations launch their services. lowans with disabilities want to work, earn money and be engaged members of their community. Iowa needs workers for our state to thrive and flourish. This is truly a win/win. lowans are proudly recognized for their strong work ethic. Shouldn't a state that places a high value on work ethic ensure that all its citizens have the opportunity to realize their dreams of employment?

Please help us get these new rules in place so we can send a message to the Managed Care Organizations about the value Iowa places on the employment of all Iowans.

Thank you.

Sherry Becker

Sherry O. Becker
Executive Director

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www.nivcservices.org |

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Rossander, Harry V

From: Ann Trotter <trotts.ann77@gmail.com>
Sent: Tuesday, September 08, 2015 9:15 AM
To: Policy Analysis; Jochum, Pam [LEGIS]
Subject: ARC 2114C SUPPORTED EMPLOYMENT CHANGES PROPOSED

Harry Rossander,
Bureau of Policy Coordination
policyanalysis@dhs.state.ia.us

Senator Pam Jochum
pam.jochum@legis.iowa.gov

RE: ARC 2114C - Habilitation and brain injury and intellectual disability waiver programs—prevocational and supported employment services, amendments to chs 77 to 79, 83.

Dear Harry Rossander and Pam Jochum,

My name is Ann Trotter and I have held a variety of positions working in employment services for adults with disabilities for over 15 years. I strongly support community employment as the first priority and preferred outcome of people with disabilities. It has been both a rewarding and a challenging experience to be part of the employment movement in Iowa. Providers have realigned programs to increase employment supports and services to Iowans with disabilities, and have done so without adequate reimbursement rates. Therefore, I firmly support re balancing rates and methodologies to promote long-term integrated community-based competitive employment as proposed in Rules of ARC2114c.

I have concerns about the Supported Employment Services Fee Schedule, specifically, “Exceptions to the Long Term Job Coaching Tiers = 25 or more hours per month \$44.71/hr converted to a 15 minute unit \$11.18. Must be reauthorized every 90 days.” The requirement for re-authorization every 90 days is unwarranted for the following reasons:

- The total monthly cost for all supported employment services, remains the same, and not to exceed \$3,029.00 per month. Given the cap of \$3,029.00, Long Term Job Coaching outside of the tiers translates into 68 hours per month or 15.8 hours a week, whereas the proposed rule of 25 hours a month only breaks down into 5.8 hours per week.
- There is room for misinterpretation of the term “exception” coupled with re-authorization every 90 days. This could potentially suggest that 25 hours of support per month is intended to be short-term. This could penalize the very population group that the whole Employment First movement intends to benefit.
- The Long Term Job Coaching Tiers were constructed from an average of 30 hours of support per month. The average was based on past statewide utilization /claims paid using full-year data, and before Iowa implemented statewide efforts to increase the percentage of individuals in competitive employment. The data does not capture individuals who are currently transitioning out of sheltered work and into integrated settings. There are individuals who will require long-term, full support for every hour worked in the community.
- The rate structure should not work against those who are considered “the most significantly disabled” and who require significant long-term supports. The Job Coaching Tiers already incentives fading, and providers are not financially inclined to provide supports outside the tiers. Customized Employment is

rewarded in the IVRS D-code reimbursement structure, and DHS should support the resources needed to maintain such employment up to 68 hours per month without requiring re-authorization every 90 days.

Please remove the authorization of every 90 days and continue to contain cost with the already established cap of \$3,029.00.

Thank you,
Ann Trotter

16-019
#12

Rossander, Harry V

From: Ashlea Lantz <ashlea.lantz@gmail.com>
Sent: Tuesday, September 08, 2015 11:08 AM
To: Policy Analysis
Cc: Ashlea Lantz
Subject: Public Comment: NOIA of Chapters 77-79, 83 of IAC 441.

September 8, 2015

Bureau of Policy Coordination

Department of Human Services

Hoover State Office Building, 5th Floor

1305 East Walnut Street

Des Moines, Iowa 50319-0114

Dear Harry Rossander;

I am writing to comment on the Notice of Intended Action (NOIA) of Chapters 77-79 and 83 of Iowa Administrative Code (IAC) 441.

I first want to extend my sincere gratitude to DHS staff members who spent considerable time taking recommendations from the Supported Employment workgroup that realign public funding to promote community based employment services for people with disabilities and therefore aligning with national expectations as stated in the Workforce Innovation and Opportunities Act, the Olmstead Decision and CMS settings. All people deserve the opportunity to work in mainstream society and proposed rules are a significant step to ensuring all Iowan's with disabilities has the opportunity to pursue that goal if desired. Please consider the following recommendations for refinement.

Self-employment imposed time limit 78.27(10)(a)(2)

Regarding expectations for self employment there are two different time lines suggested, "36 months" and "reasonable amount of time." Chapter 78.27(a)(2) & (11)(6) details the expected outcome of service for self-employment states the, "member earns income that is equal to or exceeds the average income for the chosen business within a reasonable period of time, not to exceed 36 months." However, for long term job coaching it says "reasonable amount of time." It is recommended that "reasonable amount of time" replace "36 months" for the following reason for concern detailed below.

- a. How will this be enforced? What will it be compared to? While 36 months may be preferred, it must be individually based. If someone's business is developed through a customized employment process, it is individually customized and most self-employment ventures are because they meet the individuals specific desires around employment and they have the ownership to make those decision. For example, what if someone comes up with a business that does not compare to another business? Additionally, how would this apply to a business within a business concept?
- b. Individuals who are beneficiaries of Supplemental Security Income have to be a sole proprietorship to utilize Property Essential for Self Support (PESS) vs. LLC or corporation so comparing self-employment ventures to an LLC for Corporation is different. Additionally, sole proprietorship do not pay wages to owners, they take owners draws. Please consider comparing business to business is not always equal and may result in great business ideas that meet the communities needs, but will be null and void if limited by a 36-month comparison.
- c. If the proposed time line goes into effect, will a member lose coaching supports if they are not meeting the 36 mo. expectation?

Provider/Staff Training Qualifications 77.25(8), 77.25(9), 77.37(16), 77.37(26), 77.39(15), 77.39(22)

Requiring staff qualifications and increasing provider rates is a significant move in the right direction and I applaud the state for the desire to set staff qualification measures in place. However, the time frames associated and specific trainings listed are too narrow and risk being outdated. It is recommended to extend the timelines and then in a few years continue to increase the expectation of staff qualifications. One step at a time.

- The required 9.5 hours of employment service training through College of Direct Support, College of Employment Services (CES) online training program. This is a narrow option and currently CES is only offered to providers at no cost because of IACP's allocation to help pay. Not all providers are away they can access the CES training at no cost. Please expand this requirement to nationally certified, accredited or recognized employment training. For example, Relias is an online training databases the offers ACRE certified training. In addition to other national entities that may create nationally recognized online training, additionally does the training have to be online?

- The CESP exam is gaining national attention, however it is only offered one time per year at this time, it also requires that staff have one year of experience. Recommendation is to move the time requirement to 24 months and identify if the exam could be offered more frequently in the state. Additionally, show providers how the rate would meet the cost requirements of \$150/person for the exam and continuing CEU credits. Second request is that a CRC Certified Rehabilitation Counselor (CRC) through the Commission on Rehabilitation Counselor Certification (CRCC) would be equivalent to the CESP and would not require staff to maintain CEU's for both certifications.

Definitions added 78.27(1)

The expansion of service definitions provided is appreciated and will leave less room for individual interpretation of what is included in service delivery. Recommendations to expand these definitions are below.

- Include Discovery definition and allow for under individualized supported employment and/or career exploration.

Definition of Discovery in Alaska Medicaid Waiver: **“Discovery Services (DS):** Discovery is a comprehensive method of learning about how the participant “gets things done”. The Discovery Specialist Vendor (DS) learns about the family’s circumstances by observing everyday activities and interviewing individuals who support them. The DS learns about conditions essential to the client’s success, areas of interests regarding possible work environments and the unique skills and contributions that they will bring to a job. As an alternative to typical vocational assessments, Discovery provides direction that makes sense in relation to the participant’s life while keeping the range of employment opportunities and income options open. Informational notes gathered in Discovery are used to develop a written narrative, which provides direction for negotiated employment or other options. (WSPM Section 1023).”

Additionally, activities around Discovery such as career exploration should be available to take part in the members home initially. The first visit in Discovery per expert consultants from Griffin Hammis Associates, Inc. and Marc Gold and Associates is in the members home. A place where we are all most comfortable. To provide this level of customized service, starting in the members home is necessary.

- Provide definitions around the “benefits information” and “benefits planning” and staff training requirements.
 - Benefits’ planning is a convoluted service to provide; essentially it means you are counseling someone to understand how employment impacts their Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI). It is unrealistic to believe that entry-level staff providing “career exploration” services could provide benefits information, without training.

- Below are examples of training in benefits planning;
 - Brief Overview Training Examples (recommendation to use this level of training for benefits information).
 - Relias On-line Learning: SSI & SSDI Overview courses developed by Griffin-Hammis Associates (www.reliaslearning.com)
 - Benefits Liaison Training (previous offered by Iowa WIPA staff Suzie Paulson and Sheila Stoeckel)
 - Extensive Training Example (recommendation to use this level of training for benefits planning services paid under Individualized Supported Employment (ISE) at an hourly rate).
 - Virginia Common Wealth University – 4 day training with 1 year of assignments, curriculum approved by Social Security Administration (all WIPA staff attend this training) and it is offered across the country primarily for WIPA projects.
 - Cornell University: In depth training similar to VCU
- Additionally, asking providers to offer this service is costly. Traditionally benefits planners who attend a certified training, such as VCU will have an annual salary of upwards \$60k/year. It would be recommended that benefits planning services be an hourly rate that is commensurate or higher to ISE at \$65.47/hour. If this cannot be a standalone service, please ensure that extended authorization process can be used easily when needed for benefits planning services. Additionally, resources such as the WIPA project could be sought out first, if not available or cannot meet capacity extended authorization could be used for intensive benefits planning services. Additionally, seek out guidance from Iowa E1st leadership groups such as Iowa Coalition of Integrated Employment and IA APSE regarding recommendations around benefits planning services/expectations.

Prevocational Service Requirements

Prevocational services are group employment settings that are typically housed within a segregated facility based settings. Facility based, group settings hinder the ability to provide individualized services that result in competitive paid employment for a person. When a person is employed in the community there is a cost savings for the state for a variety of reasons see (<http://ppc.uiowa.edu/sites/default/files/mepd.pdf>).

To incentivize individualized employment services, which are in alignment with federal policy and expectation, the state should consider a ratio for prevocational services that defines a staff to member ratio. The

recommendation would be no more than eight members to one staff. This ratio would be in alignment with group employment settings. However, best practice would suggest no more than six members to one staff. This would ensure the rate for prevocational services does not exceed the hourly rate for individualized supported employment and most importantly provide a higher quality of service with fewer staff to client ratio.

Tiered Rate Structure

The job coaching hourly rate of \$44.71 is significant increase from the current rate cap currently in place. However, the proposed tiered rate could provide some complications. Prior to implementation the state should consider the potential barriers the tier model could present.

- a.) Who will determine what tier the member falls into?
 - a. Concerns in determination: Should not rely on the assessment tools for determination such as the SIS. Job coaching is highly individualized and traditional assessments do not capture the individuality of employment and are traditionally based from supported community living assessments and employment questions are included as additional sub-category.
 - b. Concerns for determination: Allowing a managed care organization to have full decision making powers regarding job coaching. This should not be left up to one entity to decide. The member, their family and support team should always be included.
- b.) How will the tier level be authorized? Currently case managers authorize the service and the authorization gives the provider permission to provide the service. However authorizations for supported employment job coaching vary greatly and how much the provider bills vary greatly. It is not unlikely that an employment provider bill for units lower than the authorization or request higher authorizations in a quick amount of time (1 week notice) due to a member receiving a promotion in the workplace, change in hours, unexpected crisis, etc.
 - a. Authorizations should be able to be changed and implemented quickly based on the member's need for services.

Thank you again to the workgroup and the state for increasing expectations for employment for people with disabilities. This is truly a move in the right direction. I'm happy to provide any additional information regarding my comments.

My sincere appreciation,

Ashlea J. Lantz

319-361-0214

16-019
#13

Rossander, Harry V

From: Maria Walker <M.Walker@PCHSIA.org>
Sent: Tuesday, September 08, 2015 11:47 AM
To: Policy Analysis
Subject: Comment for ARC 2114C
Attachments: PCHS Comments Employment Waiver Proposed Rules.pdf

Please find attached, a copy of our comments to the proposed rules. I've also pasted the contents below. Thank you.

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, IA 50319-0114

To Whom It May Concern:

Polk County Health Services would like to provide comment for ARC 2114C, which proposes to Rebalance Services and Rates related to prevocational and supported employment services in chapters 77, 78, 79, and 83. While we support the spirit and intent behind the rule changes, many are too narrow and will significantly limit the supported employment and community prevocational programs now provided in the Polk Region.

Our specific comments are as follows:

77.25(8) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. Additionally, there are Polk County providers that utilize other online training curriculums and have signed costly three year training agreements in an effort to improve access of training in an effort to improve the quality of their staff. If these rules go into effect as written, the training would be useless and have a major financial impact in ability to continue services. We urge that the language be changed to require any state or nationally recognized training.

77.25(9)c.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to higher those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.

77.25(9)c.(2) is too narrow and is not realistic in many areas of the state, including the Des Moines area. It is very difficult to find candidates with this level of education and experience and will limit the access of supported employment

because of the workforce shortage. We recommend that the minimum qualifications be changed to "preferred minimum qualifications". We like the ability to utilize a variety of recognized training programs.

77.25(9)c.(3)) identifying training for small group supported employment is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. We recommend that the language be changed to require any state or nationally recognized training.

77.37(16) d.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to higher those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.

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77.39(15) d.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to higher those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.

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77.39(22) (3) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. Additionally, there are Polk County providers that utilize other online training curriculums and have signed costly three year training agreements in an effort to improve access of training in an effort to improve the quality of their staff. If these rules go into effect as written, the training would be useless and have a major financial impact in ability to continue services. We urge that the language be changed to require any state or nationally recognized training.

Chapter 78 Scope of Changes general comments: It's our understanding that changes to the structure of services was with the general concept that current prevocational services are provided in a sheltered setting. We believe that the proposed rules conflict with a variety of current emerging and best practices of providing community based prevocational services. In Polk County there have been considerable advancements and changes over the past five years to provide prevocational services in a community based setting using nationally recognized models for the purpose of gaining general employment skills that lead to individualized employment. The development of these programs have been for the specific purpose of transitioning from a sheltered setting to community based prevocational settings. There has been significant progress and currently one of the prevocational sheltered settings is set to close in the spring of 2016. These models do not involve vocational skill-specific curricula, rather the curricula and program models focus on general skill building. There are currently six programs that, under proposed rules are at risk of closing as the programs now receive significant prevocational funding. We believe that it's not the intent of the state to conflict with movement to community prevocational settings that promote individualized employment. The specific comments are geared toward specific language that conflict with these models.

78.27(1) and 78.27(9) where Customized Employment is defined as "based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. It appears that the discovery process fits within the definition of Career Exploration, however the Setting states that Prevocational services can only take place in non-residential settings. Discovery services often begin by getting to know the individual, often in their home. Please clarify.

78.27(9)d.(1) excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

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78.27(9)e(1) and 78.27(9)e(2) states time limitations under prevocational services. Current prevocational services provided in Polk County in the community use national models that are six – nine months in length. The written rules are confusing and it's unclear how this all works in connection to the 90 day completion of a career plan and connection

of how it's funded during the career exploration phase and actual prevocational services. We are very concerned that the national models of prevocational services don't fit within the time limits.

78.27(10)a.(3) settings definition states it needs to take place in integrated work settings. There are occasions where initial job development services take place in the home during person centered employment planning, development of visual/traditional resumes, benefits planning, and other activities that don't require arrangement of costly transportation or makes sense to utilize getting to know the individual in their natural setting. We urge the language be changed to allow for a portion of the services to occur in a non-residential setting along with self-employment.

78.27(10)a.(4) refers to initial on the job training. This often takes a significant amount of time, thus taking up a large portion of the service as it relates to funding. We urge that this service be moved to Long-term job coaching. Career exploration is included in the long list of activities of Individual employment. Is this funded under prevocational or expected to be included in Individual supported employment?

78.27(10)a.(4) Does initial on the job training have to be done by the bachelor degree leveled staff for Individual supported employment or can the job coach provide this service? This is an additional reason for moving this service to job coaching.

78.27(10)a.(4)b. We urge that Long term job coaching be changed to Job coaching, and tiers be adjusted to reflect change.

78.27(10)d.(4) allows for concurrent services in a person's service plan. Often, services are provided by more than one service provider which makes it impossible to make sure the services aren't billed during the same time period, especially when activities may be billed on behalf of the individual. An example of this is an individual that is engaged in prevocational services with provider A while provider B is conducting Individual supported employment on behalf of the same individual during the same time.

78.27(10)e. discusses limitations for caps on units. Case managers indicate it's not easy to determine units among the various services as well as providers have no way of knowing if they have units available to them within time limits, especially if a member lost a job and chose another provider to find a new job. We urge language that allows for additional units for such circumstances.

78.27(10)f excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

79.1(2) defines reimbursement schedules, but does not include the actual tiered system in the rules. How does a provider know the tiered system structure, or where can it be found? The tiered system dis-incentivizes those wanting to work 30-40 hours per week as well as for those with higher level of support needs. Additionally, the tier system is too tight between the hours worked. We urge that the tiered system expand number of hours available.

79.1(2) defines the tier system, but doesn't define the mechanism for how the tiers get assigned. We urge language that states the tiers are assigned according to the service plan and adjusted when higher support needs are determined. The process needs to be fluid and timely.

79.1(15) ITEM 19. Amends the rule to include language on age limits. We currently support individuals aged 16 and above as well as people over the age of 65. Does this mean people over the age of 65 can't be supported to work? The demographics of our society show that people are working well past 65 and cutting them off is counter to alignment with societal values of employment. Additionally, rule 83.61(1) states that eligibility is at least 16 years of age with no upper age restriction.

83.61(2) excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

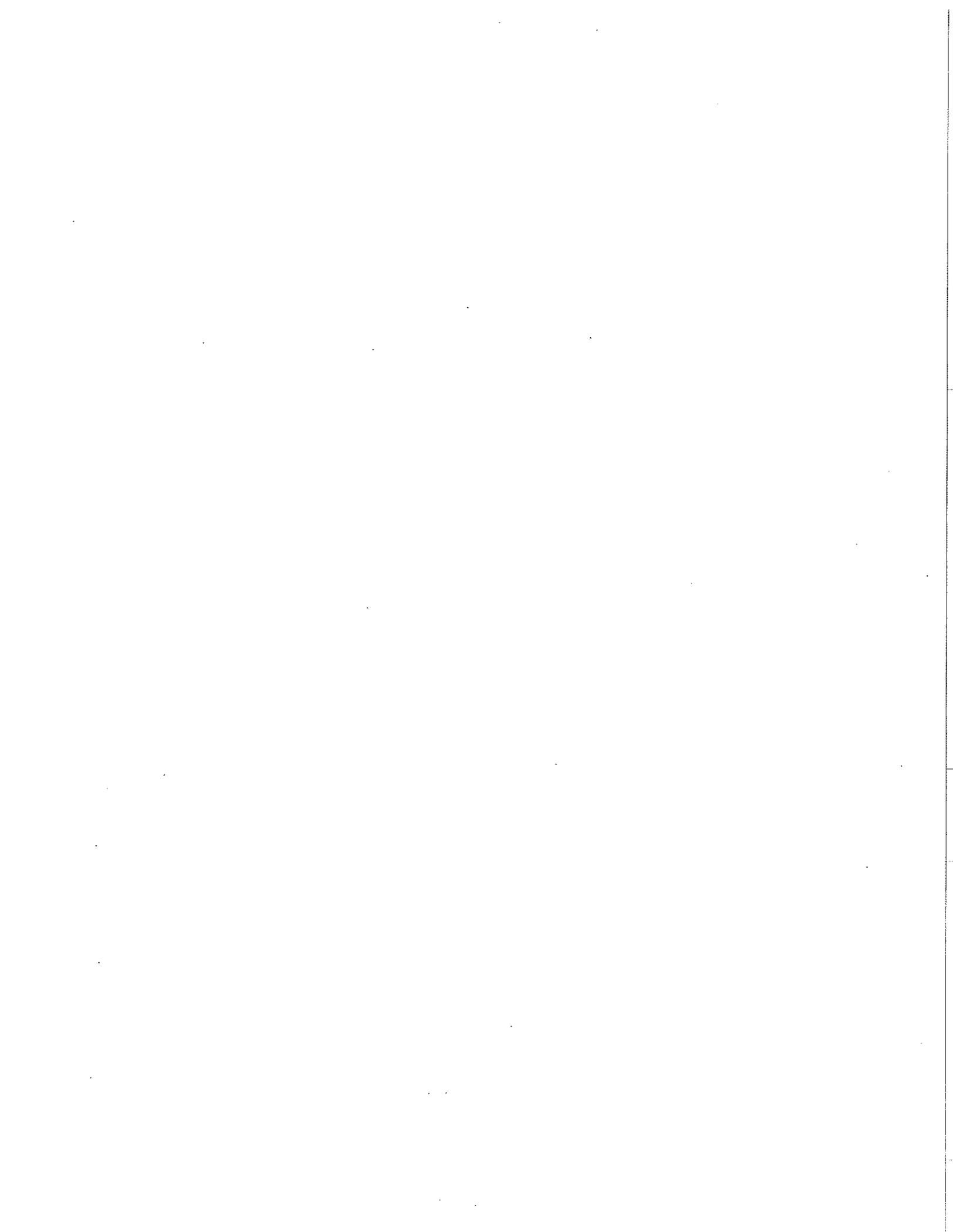
Thank you for the opportunity to comment on the above rules.

Respectfully submitted,

Maria Walker
Employment Program Planner
Polk County Health Services

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Polk County Health Services, Inc.
Polk County River Place
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P O L K | C O U N T Y
H E A L T H | S E R V I C E S



Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, IA 50319-0114

To Whom It May Concern:

Polk County Health Services would like to provide comment for ARC 2114C, which proposes to Rebalance Services and Rates related to prevocational and supported employment services in chapters 77, 78, 79, and 83. While we support the spirit and intent behind the rule changes, many are too narrow and will significantly limit the supported employment and community prevocational programs now provided in the Polk Region.

Our specific comments are as follows:

77.25(8) Identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. Additionally, there are Polk County providers that utilize other online training curriculums and have signed costly three year training agreements in an effort to improve access of training in an effort to improve the quality of their staff. If these rules go into effect as written, the training would be useless and have a major financial impact in ability to continue services. We urge that the language be changed to require any state or nationally recognized training.

77.25(9)c.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to higher those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we

concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.

77.25(9)c.(2) is too narrow and is not realistic in many areas of the state, including the Des Moines area. It is very difficult to find candidates with this level of education and experience and will limit the access of supported employment because of the workforce shortage. We recommend that the minimum qualifications be changed to "preferred minimum qualifications". We like the ability to utilize a variety of recognized training programs.

77.25(9)c.(3) identifying training for small group supported employment is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. We recommend that the language be changed to require any state or nationally recognized training.

77.37(16) d.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to higher those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.

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access of training in an effort to improve the quality of their staff. If these rules go into effect as written, the training would be useless and have a major financial impact in ability to continue services. We urge that the language be changed to require any state or nationally recognized training.

Chapter 78 Scope of Changes general comments: It's our understanding that changes to the structure of services was with the general concept that current prevocational services are provided in a sheltered setting. We believe that the proposed rules conflict with a variety of current emerging and best practices of providing community based prevocational services. In Polk County there have been considerable advancements and changes over the past five years to provide prevocational services in a community based setting using nationally recognized models for the purpose of gaining general employment skills that lead to individualized employment. The development of these programs have been for the specific purpose of transitioning from a sheltered setting to community based prevocational settings. There has been significant progress and currently one of the prevocational sheltered settings is set to close in the spring of 2016. These models do not involve vocational skill-specific curricula, rather the curricula and program models focus on general skill building. There are currently six programs that, under proposed rules are at risk of closing as the programs now receive significant prevocational funding. We believe that it's not the intent of the state to conflict with movement to community prevocational settings that promote individualized employment. The specific comments are geared toward specific language that conflict with these models.

78.27(1) and 78.27(9) where Customized Employment is defined as "based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. It appears that the discovery process fits within the definition of Career Exploration, however the Setting states that Prevocational services can only take place in non-residential settings. Discovery services often begin by getting to know the individual, often in their home. Please clarify.

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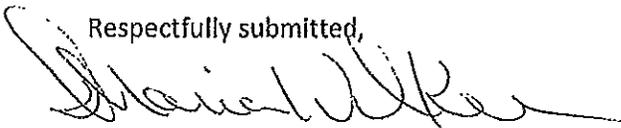
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Thank you for the opportunity to comment on the above rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maria Walker", written over a light blue horizontal line.

Maria Walker
Employment Program Planner
Polk County Health Services

16-019
#14

Rossander, Harry V

From: Bacon, Robert <robert-bacon@uiowa.edu>
Sent: Tuesday, September 08, 2015 11:51 AM
To: Policy Analysis
Subject: Comments on proposed rules changes for employment services
Attachments: SKMBT_60115090810440.pdf

Thank for the opportunity to comment on this exciting rules change. See the attached.

Bob

Robert Bacon, Director
Iowa's University Center for Excellence on Disabilities
Center for Disabilities and Development
100 Hawkins Dr,
Iowa City, IA 52242
319-356-1335

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September 8, 2015

Harry Rossander, Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114.

Dear Mr. Rossander:

The Center for Disabilities and Development, Iowa's University Center for Excellence on Disabilities is very pleased to be commenting on these administrative rule amendments which are a giant step in the transformation of Iowa Medicaid's employment supports and services to an Employment First (E1st) approach. The rules advance Iowa's implementation of *Olmstead* and support DHS's Employment Vision:

"Employment in the general workforce is the first priority and the expected and preferred outcome in the provision of publically funded services for all working age Iowans with disabilities"

CDD recognizes the significance and complexity of this systems change and wishes to thank the Department for moving forward!

CDD has participated with many partners and stakeholders in Employment 1st efforts over an extended period of time beginning prior to 2010 with the Medicaid Infrastructure Grant, the State Employment Leadership Network (SELN), and Iowa APSE. Activities through the next several years--including the Iowa Coalition for Integrated Employment (ICIE), MHDS systems redesign, and the Employment First State Leadership Mentoring Program (BFSLMP)--built on these initial efforts and contributed to widespread stakeholder involvement. The proposed rules also reflect ongoing policy initiatives at the national level involving Department of Justice *Olmstead* activities, CMS's employment service guidance and HCBS settings rules, and the Workforce Innovation and Opportunity Act.

Not only do Employment 1st policies improve community inclusion of Iowans with disabilities, a 2012 study by the University of Iowa's Public Policy Center showed reduced health claims costs for Medicaid members whose eligibility comes through Medicaid for Employed Persons with Disabilities (MEPD) compared to Medicaid members whose eligibility comes through Supplemental Security Income (SSI). In fact, this study predicts 21% lower per member per month claims for the MEPD coverage group when compared to the SSI-related Medicaid members. The MEPD coverage group members are employed by definition.

CDD takes special note of these highlights in the rules package:

- The change to allow providers to bill for time of behalf of members is very important.

This is widely popular with the stakeholder group and will allow for providers to be paid for the time spent in job development and with employers.

- The fee for service rates, built based on staff costs both for salary and benefits as well as related administrative time, allow a provider to support a qualified workforce to deliver the individualized services desired by Medicaid.
- The inclusion of the Career Exploration activity in the Pre-Vocational and other service definitions will address the uncertainty of some members and families about community-based opportunities and provide for informed choice. It is important that this service be delivered in a person-centered and individualized way. However, it should not prevent the provider from conducting, and billing for, activities with members such as small benefits planning or financial literacy classes and business tours.

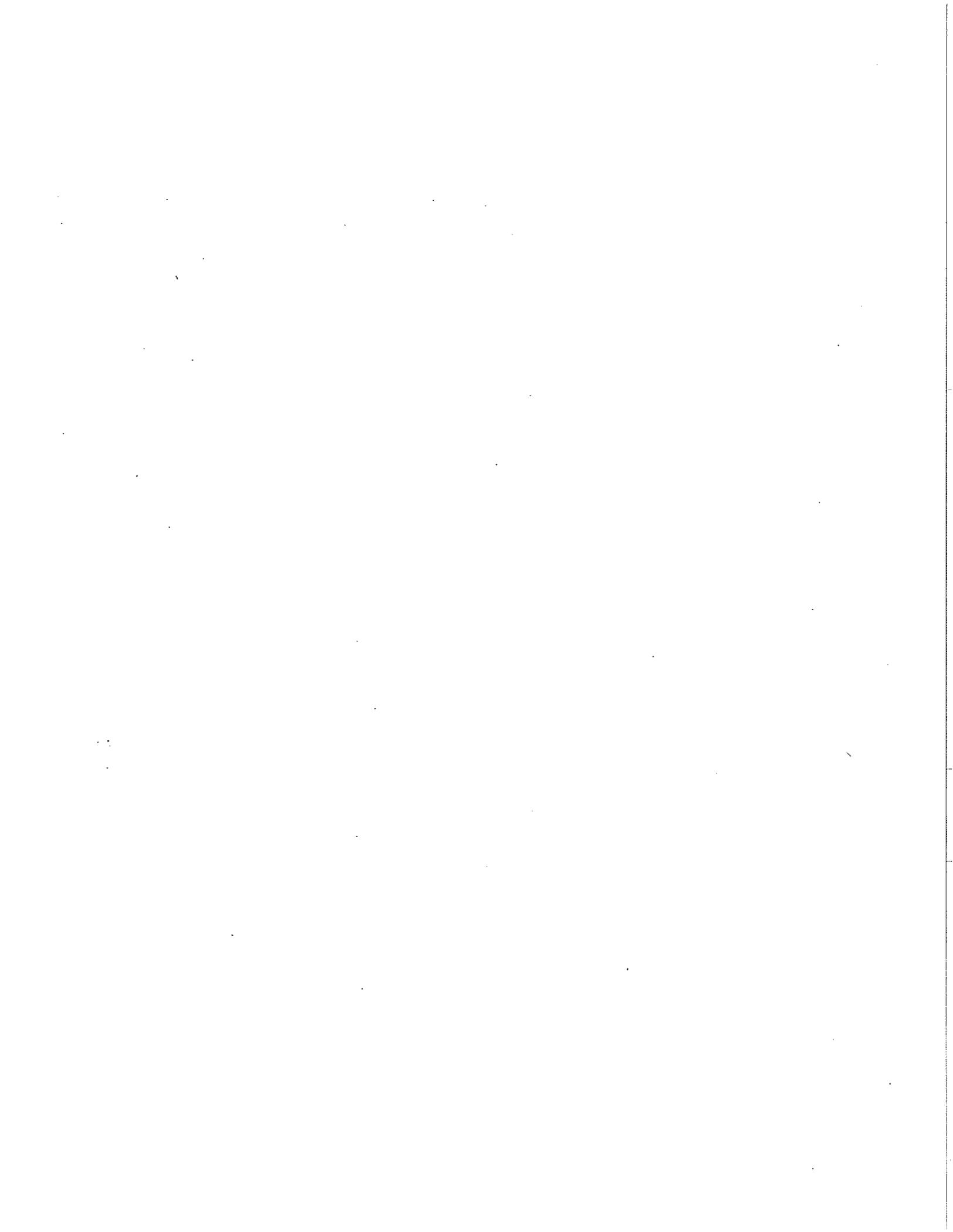
The following improvements are suggested:

- The Department should consider how to fund the training that will need to be available systemwide to implement the rules. Delivering supported employment services is significantly different from delivering services in facility-based settings. Technical assistance should also be made available to facility-based providers wanting to transform their operations to offer supported employment.
- Item 8, 10, and 13 - the Pre-Vocational Service definition in 78.27(9), 78.41(7), and 78.43(11)- should specify the size limit on the number of members served under the supervision of one direct support staff to a ratio of no more than ten (10) individuals to one staff person. It is difficult to imagine that a person-centered skill building service would be effective in groups of more than ten (10).
- Item 20 - Section 83.61(1)h. For small group supported employment services - change (3) to read "Have documented in the waiver service plan a goal to achieve or to sustain individual employment and an expectation that this service will result in community employment" and delete (4). Section 83.61(1)i. For Pre-Vocational Services: - should include: (4) Have documented in the waiver service plan a goal to achieve or to sustain individual employment and an expectation that this service will result in community employment.
- Item 21 - 83.82(1)o - For small group supported employment services - change (3) to read "Have documented in the waiver service plan a goal to achieve or to sustain individual employment and an expectation that this service will result in community employment" and delete (4). 83.82(1)p - For Pre-Vocational Services: - change (3) to read "Have documented in the waiver service plan a goal to achieve or to sustain individual employment and an expectation that this service will result in community employment."

Thank you for the opportunity to comment.



Robert Bacon, Director
Iowa's University Center for Excellence on Disabilities





Honoring Opportunities for Personal Empowerment
515-331-4142
3850 Merle Hay Rd. #606, Des Moines, IA 50310

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Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, IA 50319-0114

To Whom It May Concern:

HOPE Agency would like to provide comment for ARC 2114C, the amendment to Rebalance Services and Rate Restructure related to prevocational and supported employment services in chapters 77, 78, 79, and 83. HOPE Agency supports the intent and purpose behind the rule changes, however we find some are too constricted and will significantly limit our ability to continue to provide high quality supported employment and prevocational community services in Polk County.

Our specific comments are as follows:

77.25(8) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. We urge that the language be changed to require any state or nationally recognized training.

77.25(9)c.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to hire those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We have found that Supported Employment staff with a variety of backgrounds provide a better-rounded field of experience from which to draw from in working with clients that portray a variety of abilities and strengths. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings from APSE will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.



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77.39(15) d.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic in many areas of the state, including the Des Moines area. While our providers strive to hire those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We have found that Supported Employment staff with a variety of backgrounds provide a better-rounded field of experience from which to draw from in working with clients that portray a variety of abilities and strengths. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings from APSE will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire, as well as the required continuing education requirements under this certification. We recommend that the specificity of who provides the training be omitted and state any state or nationally recognized training be allowed.

77.39(15) d.(2) is too narrow and is not realistic in many areas of the state, including the Des Moines area. It is very difficult to find candidates with this level of education and experience and will limit the access of supported employment because of the workforce shortage. We recommend that the minimum qualifications be changed to "preferred minimum qualifications". We like the ability to utilize a variety of recognized training programs.

77.39(15) d.(3) identifying training for small group supported employment is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. We recommend that the language be changed to require any state or nationally recognized training.

77.39(22) (3) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. Additionally, there are other recognized training resources currently available and/or in development and adopting these rules would prohibit their use. We urge that the language be changed to require any state or nationally recognized training.

Chapter 78 Scope of Changes general comments:



Honoring Opportunities for Personal Empowerment

515-331-4142

3850 Merle Hay Rd. #606, Des Moines, IA 50310

78.27(1) and 78.27(9) where Customized Employment is defined as “based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery.” It appears that the discovery process fits within the definition of Career Exploration, however the Setting states that Prevocational services can only take place in non-residential settings. Discovery services often begin by getting to know the individual, often in their home. Please clarify.

78.27(9)d.(1) excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

78.27(9)d.(4) excludes volunteering in for-profit businesses. There are currently volunteer opportunities in well-known volunteer capacities such as hospitals, nursing homes, pet centers, etc. Is there specific legislation that prevents volunteer opportunities in for-profit settings? If not, we would ask that you reconsider including well-known volunteer opportunities in these situational for-profit settings.

78.27(9)e(1) and 78.27(9)e(2) states time limitations under prevocational services. Current prevocational services provided in Polk County in the community use national models that are six – nine months in length. The written rules are confusing and it’s unclear how this all works in connection to the 90 day completion of a career plan and connection of how it’s funded during the career exploration phase and actual prevocational services. We are very concerned that the national models of prevocational services don’t fit within the time limits.

78.27(10)a.(3) settings definition states it needs to take place in integrated work settings. There are occasions where initial job development services take place in the home during person centered employment planning, development of visual/traditional resumes, benefits planning, and other activities that don’t require arrangement of costly transportation or makes sense to utilized getting to know the individual in their natural setting. We urge the language be changed to allow for a portion of the services to occur in a non-residential setting along with self-employment.

78.27(10)a.(4) refers to initial on the job training. This often takes a significant amount of time, thus taking up a large portion of the service as it relates to funding. We urge that this service be moved to Long-term job coaching. Career exploration is included in the long list of activities of Individual employment. Is this funded under prevocational or expected to be included in Individual supported employment?

78.27(10)a.(4) Does initial on the job training have to be done by the bachelor degree leveled staff for Individual supported employment or can the job coach provide this service? This is an additional reason for moving this service to job coaching.



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78.27(10)a.(4)b. We urge that Long term job coaching be changed to Job coaching, and tiers be adjusted to reflect change.

78.27(10)d.(4) allows for concurrent services in a person's service plan. Often, services are provided by more than one service provider which makes it impossible to make sure the services aren't billed during the same time period, especially when activities may be billed on behalf of the individual. An example of this is an individual that is engaged in prevocational services with provider A while provider B is conducting Individual supported employment on behalf of the same individual during the same time.

78.27(10)e. discusses limitations for caps on units. Case managers indicate it's not easy to determine units among the various services as well as providers have no way of knowing if they have units available to them within time limits, especially if a member lost a job and chose another provider to find a new job. We urge language that allows for additional units for such circumstances.

78.27(10)f excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

79.1(2) defines reimbursement schedules, but does not include the actual tiered system in the rules. How does a provider know the tiered system structure, or where can it be found? The tiered system dis-incentivizes those wanting to work 30-40 hours per week due to lack of full job coaching support, as well as for those with higher level of support needs. Additionally, the tier system is too tight between the hours worked. We urge that the tiered system expand number of hours available.

79.1(2) defines the tier system, but doesn't define the mechanism for how the tiers get assigned. We urge language that states the tiers are assigned according to the service plan and adjusted when higher support needs are determined. The process needs to be fluid and timely.

79.1(15) ITEM 19. Amends the rule to include language on age limits. We currently support individuals aged 16 and above as well as people over the age of 65. Does this mean people over the age of 65 can't be supported to work? The demographics of our society show that people are working well past 65 and cutting them off is counter to alignment with societal values of employment. Additionally, rule 83.61(1) states that eligibility is at least 16 years of age with no upper age restriction.

83.61(2) Excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for



Honoring Opportunities for Personal Empowerment

515-331-4142

3850 Merle Hay Rd. #606, Des Moines, IA 50310

whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

Thank you for the opportunity to comment on the above rules.

Respectfully submitted,

HOPE Agency
3850 Merle Hay Rd Suite 606
Des Moines, Iowa 50310

Rossander, Harry V

From: Carol Warren <carolw@dmgoodwill.org>
Sent: Tuesday, September 08, 2015 1:08 PM
To: Policy Analysis
Subject: comments on ARC 2114C

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building
1305 East Walnut Street
Des Moines, IA 50319-0114

To Whom It May Concern:

Goodwill Industries of Central Iowa would like to provide comment for ARC 2114C, which proposes to Rebalance Services and Rates related to prevocational and supported employment services in chapters 77, 78, 79, and 83. While we support the intent behind the rule changes, many will significantly limit the supported employment and community prevocational programs we provide to Central Iowans.

Specific comments are as follows:

77.25(8) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently available and these rules would prohibit their use and unnecessarily increase our costs. Other sources in which investment has already been made would become useless and again have financial implications for us. We urge that the language be changed to include any state or nationally recognized training.

77.25(9)c.(1) we strongly encourage including language "preferred qualification" of a bachelor's degree be used when outlining qualifications for Individual Supported Employment. While we strive to higher those with business related backgrounds and bachelor degrees, it is difficult to recruit and retain employees to our industry given the pay we are able to provide. Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is unrealistic. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire. We recommend any state or nationally recognized training be allowed.

77.25(9)c.(2) is too narrow and is not realistic. It is very difficult to find candidates with this level of education and experience and will limit the access of supported employment. We recommend that the minimum qualifications be changed to "preferred minimum qualifications," and the flexibility to utilize a variety of recognized training programs.

77.25(9)c.(3) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently in use, and these rules would prohibit their use and unnecessarily increase our costs. Other sources in which investment has already been made would become useless and again have financial implications for us. We urge that the language be changed to include any state or nationally recognized training.

77.37(16) d.(1) we strongly encourage including language "preferred qualification" of a bachelor's degree be used when outlining qualifications for Individual Supported Employment. While we strive to higher those with business related backgrounds and bachelor degrees, it is difficult to recruit and retain employees to our industry given the pay we are able to provide. Additionally, while we concur that the certification offered through the Association of People

Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire. We recommend any state or nationally recognized training be allowed.

77.37(16) d.(2) is too narrow and is not realistic in many areas of the state, including the Des Moines area. It is very difficult to find candidates with this level of education and experience and will limit the access of supported employment because of the workforce shortage. We recommend that the minimum qualifications be changed to "preferred minimum qualifications". We would like the ability to utilize a variety of recognized training programs.

77.37(16) d.(3) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently in use, and these rules would prohibit their use and unnecessarily increase our costs. Other sources in which investment has already been made would become useless and again have financial implications for us. We urge that the language be changed to include any state or nationally recognized training.

77.39(15) d.(1) requiring a bachelor's degree for Individual Supported Employment in the business related background or commensurate experience is too narrow and is not realistic. While we strive to higher those with business related backgrounds, it is often difficult to recruit within the realistic paygrades for this line of business. We recommend that the qualifications be changed to "preferred qualifications". Additionally, while we concur that the certification offered through the Association of People Supporting Employment First (APSE) is an appropriate level of training, the certification within 12 months is too narrow of a requirement. There is no guarantee that the trainings will be offered in a timely manner, in a location of the state that is feasible depending on the timing of the hire. We recommend any state or nationally recognized training be allowed.

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77.39(22) (3) identifying training for those providing direct support services is very narrow and specific. Specifically identifying 9.5 hours can quickly become out of date as training curriculums evolve. Additionally, there are other recognized training resources currently in use and/or in development and adopting these rules would prohibit their use. The College of Direct Support is available for free in Iowa only if a provider is a member of the Iowa Association of Community Providers. There are a number of Medicaid approved providers that are not current members and purchasing the online curriculum is cost prohibitive. Additionally, there are other recognized training resources currently available and these rules would prohibit their use and unnecessarily increase our costs. Other sources in which investment has already been made would become useless and again have financial implications for us. We urge that the language be changed to include any state or nationally recognized training.

Chapter 78 Scope of Changes general comments: It's our understanding that changes to the structure of services was with the general concept that current prevocational services are provided in a sheltered setting. We believe that the proposed rules conflict with a variety of current emerging and best practices of providing community based prevocational services. In Polk County there have been considerable advancements and changes over the past five years to provide prevocational services in a community based setting using nationally recognized models for the purpose of gaining general employment skills that lead to individualized employment. The development of these programs have

been for the specific purpose of transitioning from a sheltered setting to community based prevocational settings. These models do not involve vocational skill-specific curricula, rather the curricula and program models focus on general skill building. Under proposed rules we are at risk of closing a program that now receive significant prevocational funding. We believe that it's not the intent of the state to conflict with movement to community prevocational settings that promote individualized employment.

78.27(9)d.(1) excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

78.27(9)e(1) and 78.27(9)e(2) states time limitations under prevocational services. We are currently using a national model that is nine months in length. The written rules are confusing and it's unclear how this all works in connection to the 90 day completion of a career plan and connection of how it's funded during the career exploration phase and actual prevocational services. We are very concerned that the national models of prevocational services don't fit within the time limits.

78.27(10)a.(4) refers to initial on the job training. This often takes a significant amount of time, thus taking up a large portion of the service as it relates to funding. We urge this service be moved to Long-term job coaching. Career exploration is included in the long list of activities of Individual employment. Is this funded under prevocational or expected to be included in Individual supported employment?

78.27(10)a.(4) Does initial on the job training have to be done by the bachelor degree leveled staff for Individual supported employment or can the job coach provide this service? This is an additional reason for moving this service to job coaching.

78.27(10)a.(4)b. We urge that Long term job coaching be changed to Job coaching, and tiers be adjusted to reflect change.

78.27(10)d.(4) allows for concurrent services in a person's service plan. Often, services are provided by more than one service provider which makes it impossible to make sure the services aren't billed during the same time period, especially when activities may be billed on behalf of the individual. An example of this is an individual that is engaged in prevocational services with provider A while provider B is conducting Individual supported employment on behalf of the same individual during the same time.

78.27(10)e. discusses limitations for caps on units. Case managers indicate it's not easy to determine units among the various services as well as providers have no way of knowing if they have units available to them within time limits, especially if a member lost a job and chose another provider to find a new job. We urge language that allows for additional units for such circumstances.

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79.1(2) defines reimbursement schedules, but does not include the actual tiered system in the rules. How does a provider know the tiered system structure, or where can it be found? The tiered system dis-incentivizes those wanting to work 30-40 hours per week as well as for those with higher level of support needs. Additionally, the tier system is too tight between the hours worked. We urge that the tiered system expand number of hours available.

79.1(2) defines the tier system, but doesn't define the mechanism for how the tiers get assigned. We urge language that states the tiers are assigned according to the service plan and adjusted when higher support needs are determined. The process needs to be fluid and timely.

79.1(15) ITEM 19. Amends the rule to include language on age limits. We currently support individuals aged 16 and above as well as people over the age of 65. Does this mean people over the age of 65 can't be supported to work? The demographics of our society show that people are working well past 65 and cutting them off is counter to alignment with societal values of employment. Additionally, rule 83.61(1) states that eligibility is at least 16 years of age with no upper age restriction.

83.61(2) excludes services to the individual under the Rehabilitation Act. Most individuals that qualify for Chapter 78 services also qualify under the Rehabilitation Act. What will be the process of determination for whether or not Iowa Rehabilitation Vocational Services (IVRS) will fund for an individual in order that it be documented in the service plan?

Thank you for the opportunity to comment on the above rules.

Respectfully submitted,

Carol L. Warren

Vice President

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"Bringing out the best in people"

16-019
17

Rossander, Harry V

From: John Gish <JGish@driowa.org>
Sent: Tuesday, September 08, 2015 1:32 PM
To: Policy Analysis
Cc: Jane Hudson; Cyndy Miller
Subject: Comments to NOIA IAC 441-77-79, 83
Attachments: DRI Comments to DHS Proposed Rulemaking.pdf; WIOA.pdf; EFLSMP Application.pdf; CMS HCBS Waiver Technical Guidance.pdf; StalledFinalReport 12-13-14.pdf; WIOA NPRM, 34 CFR Parts 361, 363, and 397.pdf

Mr. Rossander,

I am emailing you on behalf of Disability Rights Iowa in order to submit comments regarding the proposed rules for Iowa Administrative Code 441, Chapters 77-79 and 83. I have attached our comments as well as cited documents for your convenience.

Respectfully,

John Gish
Staff Attorney

Disability Rights IOWA
Law Center for Protection and Advocacy*

400 East Court Ave., Ste. 300
Des Moines, Iowa 50309

Phone: 515-278-2502, ext. 15
Toll Free: 1-800-779-2502
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Disability Rights IOWA

Law Center for Protection and Advocacy™

September 8, 2015

Mr. Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, IA 50319-0114

Re: Notice of Intended Action
Iowa Administrative Code 441—77-79, 83

Dear Mr. Rossander:

Disability Rights Iowa (DRI) welcomes the opportunity to comment on the Notice of Intended Action of Chapters 77-79 and 83 of Iowa Administrative Code 441 (collectively the "Proposed Rules" or "NOIA"). DRI is a civil rights law center for people with disabilities. It is a federally mandated Protection and Advocacy agency, and serves solely to defend and promote the human and legal rights of Iowans with disabilities.

The Proposed Rules Represent Necessary Changes.

DRI recognizes the efforts taken by the Iowa Department of Human Services (DHS) and numerous stakeholders to rewrite and redefine employment services. This includes describing and outlining the staff positions that are necessary for successful employment outcomes of individuals with disabilities.

Some of the relevant changes include added and revised definitions. In particular, the realignment of Prevocational Services is necessary in order to bring Iowa into compliance with federal law. Integrated employment at a competitive wage must be an expected outcome, and the services must be in an integrated setting.

The grouping of services under a broader monthly supported employment services cap will hopefully encourage providers to expand services, and is expected to provide flexibility to organizations that will allow them to bill for various services they provide "on behalf of" a client.¹

¹ See e.g., NOIA IAC 441—78.27(10)(a) (2015).

Our Mission: To defend and promote the human and legal rights of Iowans with disabilities.

Oversight and Quality Assurance are Necessary for the Proposed Rules to Accomplish the Desired Goals.

For years, the State of Iowa's funding and management of employment services has been out of compliance of the integration mandate of Title II of the Americans with Disabilities Act ("ADA"), as amended, and the U.S. Supreme Court decision of *Olmstead v. L.C.*² In particular, the State's funding for facility-based employment services has significantly out-paced funding for community-based employment services.³ In other words, State-funded services have perpetuated segregation for many people with disabilities.

The Proposed Rules attempt to correct the disparity in funding for employment services. In a policy briefing regarding these proposed rules, DHS projected "a 50/50 balance in Medicaid expenditures for facility[-]based and community[-]based employment services as of Year 4, and tip the scales toward integrated services as of Year 5."⁴ A correction in the funding imbalance is long overdue and required by federal law.

DRI is concerned, however, about oversight and quality assurance as the State attempts to re-balance its funding for employment services. For example, it is unclear whether providers will strive to meet the expectations set forth throughout the Proposed Rules. There are no clear rewards for service providers to meet the expectations; nor are there clear repercussions for service providers that fail to meet the expectations. Moreover, there is uncertainty whether providers will be able to afford community-based employment services under the monthly cap on employment services (compared to the prior 15-minute incremental cap).

In light of Medicaid services transitioning to the four Managed Care Organizations (MCOs), DRI recommends annual reviews of funding for employment services are conducted by DHS, and use pre-determined benchmarks of facility-based and community-based funding to review whether the "50/50" goal by year four can be achieved. By measuring compliance, DHS can make adjustments to rates, adjust policies, or take other action necessary for success. Without measuring success at least annually, Iowa runs the risk of prolonging its compliance with the ADA's integration mandate.

The most effective measure of success would be for the State to enforce contractual compliance from each MCO. Under the Request for Proposal (RFP), the MCOs that were awarded contracts have agreed to be available for inspection by DHS, including information available for all future laws and regulations.⁵ DRI recommends DHS require MCOs to make records available for inspection each year. The information in these records should include the following: (a) the number and percentage of members who

² 527 U.S. 581 (1999).

³ *Stalled on the Road to Olmstead Compliance*, DRI, p. 4 (December 2014) (88% of State and county funding goes towards segregated employment services).

⁴ *Employment Funding and Policy 2015 Briefing*, Iowa DHS, p. 4 (July 2015).

⁵ *RFP MED-16-009 Incorporating Amendment 7*, DHS, p. 43, 51 (July 31, 2015).

are receiving prevocational services and average length of services per member; (b) the number of members who have transitioned from prevocational services to competitive integrated employment, their hourly wage, weekly hours of work, employer(s) of record, and length of employment; (c) the number and percentage of members receiving day habilitation services; (d) the number and percentage of members who have transitioned from day habilitation services to competitive integrated employment and their hourly wage, weekly hours of work, and the employer(s) of record; and (e) the cost for each employment service provided under the rules. This oversight requirement should also be incorporated in the the DHS-MCO contracts. DRI recommends this data be provided to DHS at the end of each fiscal year and upon request. Furthermore, this information should be made available on the DHS disability employment services website.⁶ Publicly disclosing the MCOs' information about funding for employment services is essential to demonstrate that the State is no longer violating the integration mandate in the ADA and *Olmstead*.

Prevocational Services Should Have a Fee Cap.

Under the Proposed Rules, there are time limitations on how long an individual can remain on prevocational services, but there is no cap on how much can be spent in a month on prevocational services. In contrast, supported employment services have a monthly cap of \$3,029.

Ultimately, DRI and numerous service providers believe the cap for supported employment services should be increased beyond \$3,029. To make that increase financially feasible, DHS should place a monthly cap on prevocational services and thereby reduce allocated dollars for prevocational services. In the end, this adjustment would foster access to more competitive integrated employment services.

Exceptions to Policy Should be Tailored to Promote Competitive Integrated Employment.

For years, some service providers in Iowa have relied upon DHS's discretionary authority to grant exceptions to policy, allowing providers to receive higher rates for community-based employment services. It would be a mistake for DHS, in the face of new rates, to take the opposite stance and grant exceptions to policy that would allow providers to bill more for facility-based services.

DHS should liberally grant exceptions to policy when providers aim to provide community-based services beyond the proposed caps. Such practices would encourage providers to create person-centric plans. Furthermore, some service providers, particularly those without experience in community-based employment services, may require more training and time, and ultimately, greater flexibility from DHS as they develop the skills and personnel necessary to achieve outcomes in competitive integrated employment for people with disabilities.

⁶ <http://dhs.iowa.gov/mhds/disability-services/employment>.

Some Changes For Definitions Are Still Needed.

While some of the additional definitions seek to bring Iowa into compliance with federal law and recent practices, there is more that should be done. In order to reflect and comply with the Workforce Innovation and Opportunity Act (WIOA), DHS must use the phrase "competitive integrated employment" in place of "integrated community employment" in subrule 78.27(1). The use of "competitive" reflects the expectation that employment will not just be integrated, but with wages and opportunities that allow an individual to compete for promotion with their peers.⁷ In addition, DRI recommends the use of "competitive integrated employment" throughout the rules as a replacement for "individual integrated employment", a phrase which is not defined.

Similar to the use of competitive, the rules use "sustained employment" in portions of 78.27(10) when describing the expected outcome of services. DRI recommends the definition of "sustained employment" be added to the list of terms and defined in a way that reflects federal law. DRI again looks to WIOA for reference. In the Notice of Proposed Rulemaking on supported employment services, the Department of Labor recommended 90 days as a benchmark for a successful employment outcome following the placement of supports and use of services.⁸ A comparable benchmark would be appropriate for the State's definition of "sustained employment".

While the Proposed Rules define several terms relating to "supported employment", the term itself is still undefined. DRI recommends adding the definition of "supported employment" from the Centers for Medicare and Medicaid Services (CMS) Technical Guidance Manual.⁹ This phrase is instrumental to employment services, and must be defined in the Proposed Rules.

Some Individuals With Disabilities Will Continue to Fall Through the Gaps Under the Proposed Rules.

All individuals with disabilities should expect "sustained employment, or self-employment, paid at or above the minimum wage...in an integrated setting in the general workforce."¹⁰ Indeed, the policy briefing from DHS on the Proposed Rules begins: "People with disabilities, including the most significant disabilities, can work and want to work." Even under the Proposed Rules, however, some individuals with disabilities will likely have little or no access to community-based employment services.

Most significantly, the State of Iowa does not provide employment waiver services to individuals with development disabilities, such as autism spectrum disorders, one of the fastest-growing disabilities in America. Although some individuals with development disabilities may qualify for waiver services (e.g., intellectual disability, brain injury, or

⁷ See P.L. 113-128, § 404(5) (2014).

⁸ *State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage*, 34 CFR 363.54, FR DOC# 2015-05538, p. 21143 (April 16, 2015).

⁹ *Instructions, Technical Guide and Review Criteria*, CMS, p. 152-53 (November 2014).

¹⁰ NOIA, IAC 441—78.27(10)(a)(2) and (b)(2).

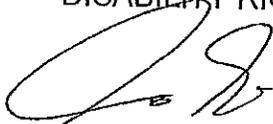
habilitation waivers), there are many lowans who will not qualify notwithstanding a significant disability. As a result, many people with developmental disabilities who could benefit from supported employment services will not be able to access them.

The re-balancing approach for employment services in the Proposed Rules should be included in Chapter 82 of IAC 441, where Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/ID) services are described. Competitive integrated employment services are lacking in ICF/ID. This is apparent at Woodward Resource Center, for example, where more than 100 individuals are receiving facility-based, segregated employment services, while zero individuals are being guided towards competitive integrated employment. These individuals should also have the opportunity to participate in supported employment services to facilitate their transition to home and community-based settings.

The above changes to the Proposed Rules would ensure "all working age lowans with disabilities, regardless of the level of disability", are able to pursue competitive integrated employment.¹¹

Sincerely,

DISABILITY RIGHTS IOWA



John Gish
Staff Attorney

¹¹ Employment First Leadership State Mentor Program (EFLSMP) Application, p.2 (Governor Terry Branstad: "Our state does plan to continue in the pursuit of integrated community employment as the preferred outcome in the provision of publicly funded services for all working age lowans with disabilities, regardless of the level of disability.") (February 16, 2012).

16-019
comment # 18

Rossander, Harry V

From: John Gish <JGish@driowa.org>
Sent: Tuesday, September 08, 2015 2:28 PM
To: Policy Analysis
Cc: kelly@nivcservices.org; eva.castillo@hopehavencorp.com; Russo, Lee Ann [DVRs]; Sherry Becker (sherry@nivcservices.org); Ashlea Lantz (ashlea.lantz@gmail.com); Sue Ann Morrow (sueann.morrow@gmail.com); Witte (switte@hopehaven.org); Daryn Richardson (daryn@vodec.org); Paul Kiburz (pkiburz@arceci.org); kayleen.symmonds@gmail.com; gfarrier@cassinincorporated.org
Subject: Comments to Proposed DHS Rules
Attachments: APSE-HCBS-Non-Residential-Recommendations.pdf; CESP-Certification-Handbook.pdf; CMS HCBS Waiver Technical Guidance.pdf; Comments to DHS Proposed Rules (FINAL).pdf; WIOA.pdf

Good afternoon,

I am submitting the attached comments on behalf of the Iowa Association of People Supporting Employment First in regards to the proposed rules for Iowa Administrative Code 441, Chapters 77-79 and 83 (ARC 2114C). I have also included several attachments which were cited for your convenience.

Thank you,

John Gish
Staff Attorney

Disability Rights IOWA
Law Center for Protection and Advocacy™

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TO: Barbara Coulter Edwards; Director, Disabled and Elderly Health Programs Group, CMS Ralph Lollar; Director, Division of Long Term Services and Supports, CMS

FROM: Association of People Supporting EmploymentFirst (APSE)

RE: APSE's Recommendations Regarding Home and Community-Based Service (HCBS) Program Sub-Regulatory Guidance Applicable to Non-Residential Settings

DATE: July 24, 2014

APSE is writing to express our strong support of recent actions taken by CMS for advancing employment for individuals with significant disabilities and to provide recommendations for sub-regulatory guidance regarding the application of the final Medicaid Home and Community Based Services (HCBS) rule to non-residential HCBS settings. As the *only* national organization with an *exclusive* focus on integrated employment and career advancement opportunities for individuals with disabilities, we commend CMS for its ongoing efforts in supporting states to encourage more individuals with disabilities to achieve competitive integrated-employment. We applaud the September 2011 guidance on this issue and subsequent follow-up actions. With the January 16, 2014 publication of the final rule on HCBS setting requirements, CMS has further clarified its commitment to full implementation of the American's with Disabilities Act and more particularly, the Supreme Court's Olmstead vs. L.C. ruling, and is a clear statement about protecting the rights of citizens with significant disabilities, ensuring they have opportunities for maximum integration and inclusion in the community, leading full and rich lives like other citizens. We are confident that the upcoming guidance on non-residential HCBS settings will reinforce this Final Rule in terms of placing a priority on integrated employment in the general workforce as the first and preferred option for individuals served under the HCBS Waiver Program, and with a priority for supports and settings during non-work hours that are fully integrated in generic settings in the community.

Background on Recent Federal Actions

The April 2014 U.S. Department of Justice (DOJ) settlement agreement with Rhode Island has provided an example that should be useful as CMS considers sub-regulatory HCBS setting guidance for non-residential settings. That agreement occurred in response to DOJ's ADA Olmstead investigation which found an over-reliance on segregated and facility-based services to the exclusion of integrated alternatives. The U.S. District Court for the district of Rhode Island has entered the settlement agreement as a court-enforceable consent decree. The reference to appropriate service settings states, "Supported Employment Placements made available under this Consent Decree cannot be in sheltered workshops, group enclaves, mobile work crews, time-limited work experiences (internships), or facility-based day programs." (U.S. District Court,



Case No. 14-175, Section V., Sub-section G.). In describing the agreement, Acting Assistant Attorney General Jocelyn Samuels stated it would allow Rhode island citizens with disabilities to “find, get, keep and succeed in real jobs with real wages – typical jobs out in the community, the kind of jobs available to people without disabilities: jobs that pay a competitive wage, jobs that are individual jobs (not “group” employment, as we see sometimes with respect to people with I/DD),” (Press conference remarks made April 8, 2014, Providence, Rhode Island).

The definition of integrated employment presently being used by the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP) provides additional guidance on appropriate employment settings:

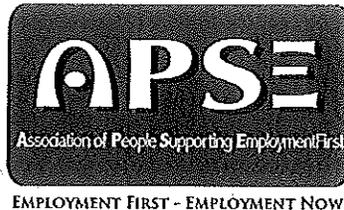
“Integrated employment refers to jobs held by people with disabilities in typical workplace settings where the majority of persons employed are not persons with disabilities, where individuals earn the greater of prevailing or minimum wages with related employment and health benefits, are paid directly by the employer, are preferably engaged full-time, and have the opportunity for professional and career advancement” (ODEP’s State Employment Resource Rebalancing Initiative).

Of note in this definition is “typical workplace settings where the majority of persons employed are not persons with disabilities” and “are paid directly by the employer.” The latter phrase specifically eliminates group employment settings as they are contractual arrangements between an agency and the business that do not allow for direct payment.

In her recent comments on the 15th anniversary of the Olmstead ruling, Assistant Secretary of Labor for Disability Employment Policy, Kathy Martinez stated, “While progress has been made since Olmstead, much work remains to be done and we won’t stop until the Employment First philosophy is adopted nationwide,” and “We must ensure they advance *workplace* inclusion, a key component of full community inclusion” (Employment First: A Key Component in Community Inclusion, June 25, 2014). Workplace inclusion and Employment First increasingly defines regular employment with supports as the goal, not a program within a segregated setting or an artificially created congregate setting within a business.

APSE believes that the HCBS final rule, recent *Olmstead* guidance, and other actions from CMS and the Obama Administration all promote the concept of Employment First: that employment in the general workforce should be the first and preferred outcome in the provision of publicly funded services for all working age citizens with disabilities, regardless of level of disability (see APSE’s full statement on Employment First, attached to this letter). To be clear:

- Employment First does **not** mean “employment only.” Employment First does **not** mean “forced employment” – only that integrated community employment is the first and preferred option, before other options are considered.
- Employment First does **not** limit individual choices but rather increases personal choices, expands opportunities, and enhances self-determination through greater access to the workforce, jobs, earned income, and community.

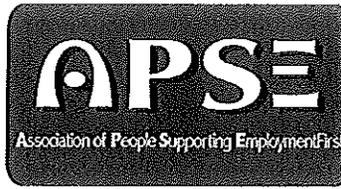


APSE recommends that CMS reaffirm this support by providing a clear presumption of competence in the sub-regulatory guidance for non-residential settings. Close to 30 states have some type of Employment First Policy and transformation of a multitude of systems and services funded by CMS Medicaid funds are underway. We do not want future guidance to slow this progress or worse yet reverse these efforts across the United States to improve integrated employment opportunities for individuals with disabilities. We believe this guidance would be strengthened by illustrating the distinctive characteristics of a home and community-based setting specific to employment, that have been successful in the implementation of Employment First.

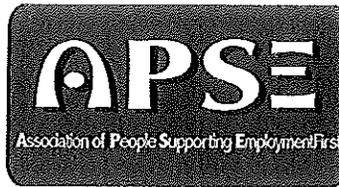
Specific Recommendations

The following are APSE's recommendations for language within the sub-regulatory guidance for non-residential settings. As noted, in order to assure consistency across federal agencies, language from the recently passed Workforce Innovation and Opportunity Act (H.R. 803) is used as appropriate (excerpts attached).

1. Working in competitive integrated settings is one of the primary mechanisms for engaging in community life and controlling personal resources. Individuals with disabilities have the right to have increased incomes, financial assets, and economic wealth. As such, integrated employment is the first and preferred option when exploring goals and a life path for individuals with disabilities, with employment in competitive integrated settings considered the preferred outcome for individuals served under the HCBS waiver program.
2. Level of disability does not preclude work in competitive integrated settings; individuals are to have opportunities to be employed in the community regardless of the severity of disability and assistance required.
3. Work in competitive integrated settings may require ongoing supports via supported employment for successful employment in such a setting. Work in competitive integrated settings may also include jobs that are developed via customized employment strategies including— (i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs; (ii) developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location; (iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and (iv) providing services and supports at the job location. *(Note: the language on Customized Employment is taken from the definition in the Workforce Innovation and Opportunities Act.)*
4. The specific characteristics of the preferred employment setting for individuals served via the HCBS waiver programs include the following *(Note: the language in a), c), and d) below is primarily taken from the definition of competitive integrated employment in the Workforce Innovation and Opportunities Act.)*
 - a) Employment is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are



- providing services to such employee) to the same extent that individuals who are not individuals with disabilities
- b) The position is an individual job, not an enclave or mobile work crew.
 - c) Individuals are paid by the employer (not the service provider), and receive minimum wage or higher, at a pay rate that is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.
 - d) For individuals who are self-employed, the business is owned by the individual, and not by a service provider, and yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.
 - e) The employment setting and job is one that is reflective of the individual's person-centered plan, and based on the strengths, interests, and needs of the individual.
5. Employment of individuals with disabilities in businesses operated by service providers is not a preferred outcome, even when paying minimum wage or higher. Such business models are at odds with the integration mandate of Olmstead – i.e., the majority of employees are individuals with disabilities, and interaction with the general public in mobile crew and similar arrangements is insufficient to meet the integration mandate. Such models also reinforce stigma of people with disabilities, and having individuals work for the entity that is also responsible for provision of assistance and support is an inherent conflict of interest.
 6. Within the person-centered planning process, integrated employment is to be given full consideration and explored. If a decision is made to not consider employment for an individual, the underlying reasons and rationale are to be fully documented and addressed in service provision. (*See attached Ohio Employment First Form as an example.*) This decision is to be re-evaluated on at least an annual basis.
 7. Individual preferences and choices will be driven by a person-centered planning process and informed choice. In line with US Department of Justice guidance (www.ada.gov/olmstead/q&a_olmstead.htm), simply asking individuals their preferences regarding where they want to spend their days is insufficient. Affirmative steps must be taken to ensure that individuals have an opportunity to make an informed choice, including providing information about the benefits of integrated employment settings; facilitating visits or other experiences in such settings; and offering opportunities to meet with other individuals with disabilities who are working and receiving services in integrated settings, with their families, and with community providers. Public entities also must make reasonable efforts to identify and address any concerns or objections raised by the individual or another relevant decision-maker.
 8. Assessments are to be conducted primarily via community settings. A comprehensive assessment that determines the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment of

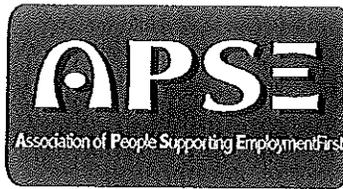


the eligible individual will not be recognized, if conducted in segregated facility-based program including but not limited to sheltered workshops.

9. In line with the requirements in the final HCBS Rule, qualifications for agents performing independent assessments and plans of care must include training and knowledge in best practices in employment and non-work supports for individuals with significant disabilities, including current knowledge of available resources, service options, providers, and best practices to improve quality of life outcomes.
10. In order to make informed decisions, individuals are to have access to high quality work incentives counseling services, which provide guidance on management of benefits in a way that maximizes employment opportunities and asset development.
11. As with the general population, individuals who pursue and acquire employment are to have access to the appropriate supports needed to succeed in the workplace. Funding is to be sufficient so that quality services and supports are available as needed for long-term employment success.
12. As with employment services and supports, services provided to individuals requiring assistance and support during non-work hours will similarly facilitate full inclusion and integration of individuals into the community. The preferred setting for services provided to individuals requiring assistance and support during non-work hours will be fully integrated within the community, with a preference for generic settings and services used by the general population, over disability specific services and settings, and avoiding congregate facility-based service settings. Non-work services and settings will be determined based on individual preferences and choices, and an individually-driven person-centered planning process. Non-work services are to be deliberate and purposeful in nature, and align with an individual's goals.
13. HCBS funds may not be used to unnecessarily segregate individuals with disabilities from the general (non-disabled) population, in such settings as sheltered workshops, facility-based pre-vocational programs, and facility-based day activity programs.
14. States are in no way required to provide settings for day and employment services that are solely for people with disabilities, and states have the option of providing all services and supports fully integrated within the community.

In addition to the above proposed language for sub-regulatory guidance, APSE also recommends the following:

- A. APSE recommends that CMS provide grants and resources with enhanced rates, focused solely on day and employment services and directed at individuals who have long been provided day or employment services in settings that could be presumed not to be in compliance with the new Final Rules and sub-regulatory guidance, such as sheltered workshops or congregate day habilitation centers. This will assist states in building capacity (bridge resources for providers to retool their business models, invest in training workforce to assure competency in delivering quality individualized employment and habilitation supports, etc.) to come into compliance with the intent of the new HCBS regulations,



EMPLOYMENT FIRST - EMPLOYMENT NOW

- B. CMS should institute requirements for inclusion of outcome data for employment services in service utilization reports from states. Such data would specify the number of people working who are being served under the HCBS program in integrated employment positions, regardless of service type, as well as the number of individuals in facility-based and non-work programs.

Definitions from the Workforce Innovation and Opportunities Act of 2014 (H.R. 803)

COMPETITIVE INTEGRATED EMPLOYMENT

The term 'competitive integrated employment' means:

(A) Work that is performed on a full-time or part-time basis (including self-employment) for which an individual is compensated at a rate that:

(a) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and

(b) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(c) is eligible for the level of benefits provided to other employees;

(B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons;

(C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.''

SUPPORTED EMPLOYMENT

The term 'supported employment' means competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—

a) for whom competitive integrated employment has not historically occurred; or

b) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

c) who, because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition described in paragraph (13)(C), in order to perform the work involved

CUSTOMIZED EMPLOYMENT

The term 'customized employment' means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as—

'A) job exploration by the individual;

(B) working with an employer to facilitate placement, including—

- (i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
- (ii) developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
- (iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and
- (iv) providing services and supports at the job location.



APSE Statement on Employment First

Employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working age citizens with disabilities, regardless of level of disability.

Underlying Principles

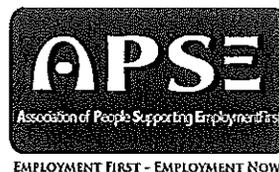
- The current low participation rate of citizens with disabilities in the workforce is unacceptable.
- Access to “real jobs with real wages” is essential if citizens with disabilities are to avoid lives of poverty, dependence, and isolation.
- It is presumed that all working age adults and youths with disabilities can work in jobs fully integrated within the general workforce, working side-by-side with co-workers without disabilities, earning minimum wage or higher.
- As with all other individuals, employees with disabilities require assistance and support to ensure job success and should have access to those supports necessary to succeed in the workplace.
- All citizens, regardless of disability, have the right to pursue the full range of available employment opportunities, and to earn a living wage in a job of their choosing, based on their talents, skills, and interests.
- Implementation of Employment First principles must be based on clear public policies and practices that ensure employment of citizens with disabilities within the general workforce is the priority for public funding and service delivery.
- Inclusion or exclusion of the specific term “Employment First” does not determine whether a public system or agency has adopted Employment First principles. Such a determination can only be made in examining whether the underlying policies, procedures and infrastructure are designed for and ultimately result in increased integrated employment in the general workforce for citizens with disabilities.

Characteristics of Successful Implementation of Employment First

- There are measurable increases in employment of citizens with disabilities within the general workforce, earning minimum wage or higher with benefits.
- Greater opportunities exist for citizens with disabilities to pursue self-employment and the development of microenterprises.
- Employment is the first and preferred option when exploring goals and a life path for citizens with disabilities.
- Citizens with disabilities are employed within the general workforce, regardless of the severity of disability and assistance required.

- Young people with disabilities have work experiences that are typical of other teenagers and young adults.
- Employers universally value individuals with disabilities as an integral part of their workforce, and include people with disabilities within general recruitment and hiring efforts as standard practice.
- Individuals with disabilities have increased incomes, financial assets, and economic wealth.
- Citizens with disabilities have greater opportunities to advance in their careers, by taking full advantage of their individual strengths and talents.
- Funding is sufficient so that quality services and supports are available as needed for long-term employment success.
- A decision not to consider employment in the community for an individual is re-evaluated on a regular basis; the reasons and rationale for this decision are fully documented and addressed in service provision.

Adopted by the APSE Executive Board on October 11, 2010.



www.apse.org

OHIO DEPARTMENT OF DEVELOPMENTAL DISABILITIES

Employment First Form

Name: _____ Waiver Span: _____

What is Employment First?

It is the policy of the Self-empowered Life Funding (SELF) waiver that emphasizes employment as the priority and preferred outcome for working-age adults with disabilities. Employment First recognizes the social and economic benefits of meaningful work for all individuals. Everyone, regardless of disability, should have the opportunity to earn at least minimum wage in integrated, community-based settings.

Each working-age adult enrolled in SELF is encouraged to consider integrated or supported employment before any other day service option. Through the waiver, you may receive help with:

- Developing a plan to get a job in the general workforce that pays at least minimum wage
- Finding a job that fits your strengths/interests
- Getting an internship or apprenticeship
- Starting a new business
- Initial and ongoing training to help you maintain your job
- Transportation to help you find and keep a competitive job in your community

Employment and Benefits:

- Medicaid Buy-in for Workers with Disabilities (MBIWD)

MBIWD is an Ohio Medicaid program that provides health care coverage to working Ohioans with disabilities. Historically, people with disabilities were often discouraged from working because their earnings made them ineligible for Medicaid coverage. MBIWD was created to enable Ohioans with disabilities to work and still keep their health care coverage. For more information visit <http://www.ifs.ohio.gov/ohp/mbiwd.stm> or contact your local Job and Family Services office.

- Social Security Incentives

Special rules make it possible for people with disabilities receiving Social Security or Supplemental Security Income (SSI) to work and still receive monthly payments and Medicare or Medicaid. Social Security calls these rules "work incentives." For more information regarding these incentives, visit <http://www.socialsecurity.gov/disabilityresearch/wi/generalinfo.htm> or contact your local Social Security office.

Other day service options available through the waiver:

- Adult Day Services – non-work activities provided outside of one's residence
- Vocational Habilitation – services designed to teach and reinforce concepts related to work.

If you choose to receive Adult Day Services or Vocational Habilitation through SELF, a reason for this choice is required. Please provide information requested on the back of this form.

Chosen service(s): _____

Why did you select this service over Integrated Employment or Supported Employment-Enclave?

Have you ever had the opportunity to participate in a community-based assessment for employment?

Do you see any barriers keeping you from Integrated Employment or Supported Employment-Enclave?

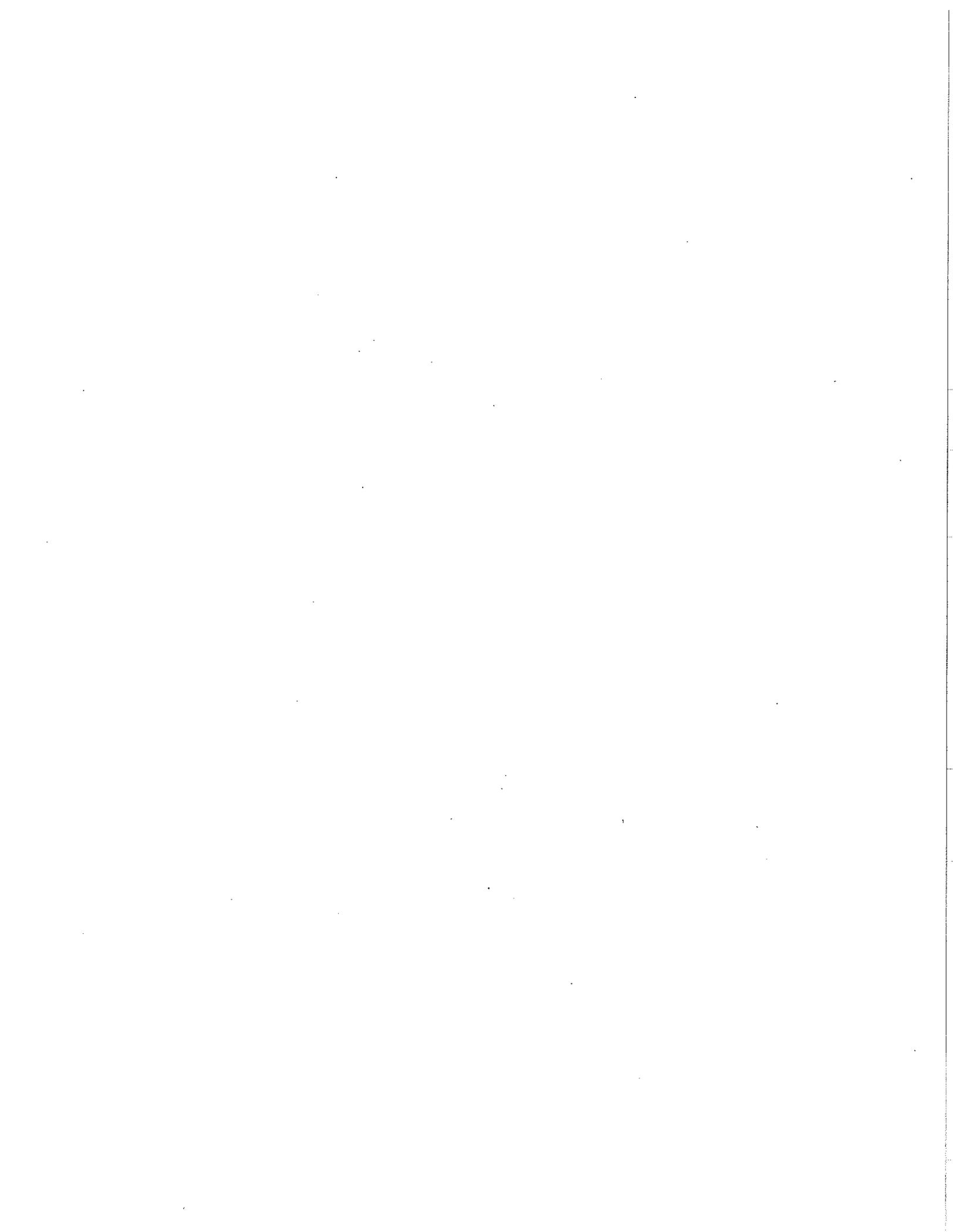
What additional supports are needed for you to consider Integrated Employment or Supported Employment-Enclave?

Individual/Guardian

Date

County Board Representative

Date



16-019
comment #19

Rossander, Harry V

From: Sue Ann Morrow <sueann.morrow@gmail.com>
Sent: Tuesday, September 08, 2015 3:12 PM
To: Policy Analysis
Subject: Comments to Iowa Administrative Code 441--77-79, 83 ARC 2114C
Attachments: Comments regarding Iowa Administrative Code 441—77.pdf; ATT00001.htm

Hello,

Attached please find my comments regarding the proposed Rule changes. There are many positive and welcomed changes in them. Thank you for this opportunity to express my opinion.

SueAnn Morrow, Ph.D.

Comments regarding Iowa Administrative Code 441—77-79, 83
ARC 2114C

SueAnn Morrow, Ph.D.

Qualifications of Staff:

1. I encourage you to keep the Bachelors degree as a requirement. However, perhaps broaden the course of study in which the degree can be.
2. Any training that is recognized by the State Agency should have the curriculum certified by the Association of Community Rehabilitation Educators (ACRE) and have at least some instructor led/face-to-face components.

Item 9, e Limitations (3) Individual supported employment is limited to 240 units per calendar year.

1. Given that the definition of individual supported employment now includes activities to obtain and maintain employment and a transition to long-term job coaching, this stark limit on units could have severe consequences. It breaks down to 60 Units a year or 5 Units a month. That is basically 1 hour a week to help a person find a job plus the initial job coaching until transitioned to long-term job coaching. If a provider helps a person find a 25-hour a week job, one hour a week initial assistance will typically not be enough. This could have the untended consequence of providers securing jobs with few hours or serving individuals with few support needs.
2. The limitation of \$3029.00 on long-term job coaching limits a person to receive approximately 68 hours of support a year. This is approximately 5 units a month. I understand the need for good job matches and fading, however, an untended consequence might again be, jobs with fewer hours or serving individual with minimal support needs.
3. The limit of 40 units a week for small group supported employment incentivizes this type of employment. A person could work full time in a small group, but then when he/she secures individual employment, not be able to be supported with such few hours of support allowed under individual supported employment.

Item 20 83.61(1) h (3)

"Have documented in the waiver service plan a goal to achieve or sustain individual employment" should be deleted. (4) is clear enough. I understand CMS's push to have everyone in individual employment, however group employment is a viable option for individuals who do not receive waiver services therefore people receiving waiver services should not be denied that option.

Other comments:

There are monthly limitations on integrated supported employment services—both group and individual. There are no monthly limitations on prevocational or day habilitation services. This seems discriminatory. It does not seem consistent with federal regulations to support individuals for life in a segregated setting and not afford them the same life-long support in integrated settings.

The 90-day time limit of Pre-vocational services after career exploration should be 90 service days to avoid confusion.

16-019
comment # 20

Rossander, Harry V

From: Scott Witte <switte@hopehaven.org>
Sent: Tuesday, September 08, 2015 3:15 PM
To: Policy Analysis
Subject: Public Comment - Iowa SE rules (9-8-15)
Attachments: Public Comment - Iowa SE rules (9-8-15).pdf

Dear Mr. Rossander:

Attached is a document containing Hope Haven, Inc's public comments regarding the Notice of Intended Action which spells out Iowa Department of Human Service's proposed amendments for Supported Employment Services provided through HCBS Waiver and HCBS Habilitation. Thank you for the opportunity to provide comments to these proposed rules.

I would appreciate it if you could acknowledge receipt of my email and are able to open the attachment. Please feel free to contact me with any questions you might have. Thank you.

To: Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, 5th Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114

From: Scott Witte, Director of Partnership & Service Development
Hope Haven, Inc.
P.O. Box 70
Rock Valley, IA 51247

Re: Public Comments on the Notice of Intended Action: Supported Employment Rules
Date: 9-8-2015

I am writing to comment on the "Notice of Intended Action: Supported Employment Rules amendments."

Strengths of the Proposed Supported Employment Rules Amendments

Hope Haven, Inc. was involved as a member of the statewide Iowa Employment Services Redesign workgroup back in the Summer and Fall of 2013. We are pleased that the state is moving ahead with a significant rules modification which promotes and supports an increase in access to and usage of integrated employment services for persons with disabilities in Iowa. It will also more adequately fund provision of those services, presenting greater opportunity for service providers to offer and build capacity to provide integrated employment services.

There are many positives in the noticed rules from our perspective as a provider. To briefly highlight several of these points:

- This package represents a move forward in promoting the provision of integrated employment services in Iowa! This aligns with the efforts of DHS, IVRS, Employment First, and the Iowa Coalition for Integrated Employment over the past several years, and is consistent with the nation-wide demand for employment services that are provided in integrated, competitive settings.
- Rates for employment services are built from staff costs. Significant progress is being made in funding of individual supported employment services provided by both professional (Employment Specialist) and para-professional (Long Term Job Coach) staff.
- Tiered system for individual site, long term job coaching appear to be reasonable from our agency's standpoint.
- Individual service authorizations will be based upon level of need.
- Consumer transportation funded separately.
- Time that staff provides "on behalf of" the consumer is billable.

Concerns and Recommendations to Strengthen the Rules:

The following comments are made following the order of the "Notice of Intended Action" document:

ITEM 1.

Recommend: Habilitation and ID Waiver services (77.25 & 77.37) be consistent with BI Waiver (77.39) services. This is the same credentials that are required for pre-vocational services in all service categories.

ITEM 2.

h.(1): Currently, CESP exams in Iowa are offered only 1x per year. This would make it difficult to meet this requirement from a timeliness and testing group size capacity. I do not believe Iowa's system nor the national CESP system capacity is currently capable of meeting this demand. In addition, CESP requires one year of experience before one can sit for the CESP Exam. In light of these points:

Recommend: Employment Specialist/Job Developer obtain C.E.S.P. or other national certification within 24 months of hire.

We as a state, especially in rural areas where potential pool of qualified employees is limited, do not want to be overly prescriptive & limiting when it comes to job qualifications. CRPs need latitude to hire the right people to get the job done rather than be concerned about what degree types are "acceptable."

Recommend: After "Individual Supported Employment" add the language "Minimum of Bachelor's degree in the following areas of study including, but not limited to....." followed by a listing of the examples of types of degrees.

Recommend: Rule needs to include "Human Services" degree, "Special Education" degree, and "Social Sciences" degree as acceptable types of bachelor's degrees.

h.(2) & (3): Rural Iowa unemployment levels are extremely low; agencies like ours are struggling to recruit and hire "entry level" staff with little or no prior work experience, let alone staff with experience in delivering services and supports. Added requirements only makes this more difficult and have not been proven to improve outcomes for people receiving the services. Providers need to be given the latitude to hire both Job Coaches and Direct Support Staff with little / no experience and train as an alternative to 2 years of experience.

Recommend: Remove from rule "two years experience in delivering services and supports."

I do not believe Iowa's system for making available nationally recognized certification in job training and coaching can meet the demand for capacity for job coaches receiving training and certification within twelve months of hire.

Recommend: Both Long-term and Small Group Supported Employment Job Coaches receive nationally recognized certification in job training and coaching within 24 months of hire.

ITEM 3:

The same comments and recommendations apply here as in ITEM 2 above.

ITEM 4:

No comments nor recommendations.

ITEM 5:

The same comments and recommendations apply here as in ITEM 2 above.

ITEM 6:

No comments nor recommendations.

ITEM 7:

No comments nor recommendations.

ITEM 8:

a.(1): An important and useful part of Career Exploration (also known as Discovery) is often a Workplace Readiness Assessment conducted in the community at one or more work sites in businesses or industries that are integrated. The purpose is to assist the job candidate in determining vocational options, direction, goals and training strategies. The CRP arranges for the evaluation to occur at a business that is representative of the type of work agreed upon; the CRP and employer provide the training, assessment, and supervision at the worksite; the individuals with disabilities work alongside non-disabled individuals; the job candidate learns the positives and negatives of the community work site and expresses those to the team; he job candidate better defines employment interests for future programming; the CRP works with the employer to identify customized employment options; and the CRP and the employer assess the job candidate's strengths and needs relative to those of a competitive worker and document the results.

Recommend: Add "Workplace Readiness Assessment" as one of the activities that may be provided as a part of Career Exploration.

Recommend: Please clarify that "90 days" means 90 service days (not calendar days).

d.(5): Currently CMS site rules do not totally exclude Prevocational services from being provided in facility based settings, but does exclude services where individuals are supervised for the primary purpose of producing goods or performing services and/or where services are aimed at teaching skills for specific types of jobs rather than general skills.

*Recommend: Please clarify under what circumstances an individual **may** receive services in a facility based setting. We suggest replacing the word "primary" with "sole."*

e.(2): As I read the proposed rule, for persons currently in Prevocational services, the only time limitation is 90 (service days) following the completion of career exploration. There is no deadline for when a person must enter career exploration.

Recommend: Please clarify if there is a "deadline" for persons currently served (at the time of rule implementation) in Prevocational services to enter career exploration services. If a deadline is clarified, we recommend it be no sooner/earlier than allowed by federal CMS rule.

ITEM 9:

a.(2): Regarding "supported self-employment," I am concerned about how the determination that income earned through self-employment is "equal to or exceeds the average income for the chosen business within a reasonable period of time, not to exceed 36 months. It is also not clear who (with what level of business expertise) will make this determination.

Recommend: Please strengthen this by clarifying both the process/criteria for determining the acceptable level of self-employment income for the business/job type the person is in and who (with what level of business expertise) will make this determination.

a.(4): *Recommend: Correct typo – there should be a semi-colon after individual placement and support, followed by "and" prior to supported self-employment.*

a.(4): In rural Iowa, providers are often traveling 15 – 45 miles (30 to 90 miles round trip), with 15 minutes to 2 hours on the road to conduct ISE activities on behalf of a job seeker. There is a significant inequity that exists between rural and metro service providers. Obviously, this is a significant cost for providing individual supported employment.

Recommend: Add an item to the list of allowed individual employment strategies:

"20. Travel time for staff member providing individual supported employment on behalf of the job seeker." In addition, allow for the possibility for exception to exceed cap of 240 units of service per year if rural transportation hours can be proven to be an excessive drain on the time spent per individual.

An alternative recommendation to this would be to add more hours for non-billable time (recommend 10 per week) and number of miles (Recommend 10,000/yr be used in the rate model – our actual based upon Feb- July '15 data was 10,600 miles per Employment Specialist) to the "rate model used to set rates for individual placement and support.

a.(4): As Iowa transitions to increased integrated community employment, much time will need to be spent in recruiting and educating Iowa employers.

Recommend: In rate setting model, need more hours for "non-billable job development" as we are building capacity in Iowa's business and industry employer base (recommend at least 5 hours per week).

b.(4): In rural Iowa, providers are often traveling 15 – 45 miles (30 to 90 miles round trip), with 15 minutes to 2 hours on the road to conduct long term job coaching activities on behalf of a job seeker. There is a significant inequity that exists between rural and metro service providers. Obviously, this is a significant cost for providing long term job coaching.

Recommend: Add an item to the list of allowed individual employment strategies:

"14. Travel time for staff member providing long term job coaching on behalf of the person receiving long term job coaching services."

An alternative recommendation to this would be to add more hours for non-billable time (recommend 8 per week) and number of miles (Recommend 8,000/yr be used in the rate model) to the "rate model" used to set rates for individual placement and support.

e.(3): *In rural Iowa, much time may be spent on travel in job development.*

Recommend: Allow for the possibility for exception to exceed cap of 240 units of service per year if rural transportation hours can be proven to be an excessive drain on the time spent per individual.

ITEMs 14 & 15:

Fee Schedule & Rates comments: Please note that these comments and recommendation apply to both Items 14 and 15.

Individual Supported Employment: See notes above under a.(4)

Long Term Job Coaching: See notes above under b.(4). In addition, we recommend the following to strengthen the model:

Recommend: Adjustment tiers as follows:

- *Tier 0 / Tier 1: Under 2 hrs per month may well be multiple job coaching contacts per month, can't just assume under 2 hours will be "one contact." Two possible suggestions to manage this: 1) Leave the Tier as is, but apply a "2.0 factor" rather than the proposed "1.5" – this then would also create more incentive to move to under 2 hours per month (preferred); or 2) Change the low end of Tier 1 to 1hr per month rather than 2 hrs per month.*
- *For highest Tier, change name to some other term rather than "Exception" so as not to confuse with "Exception to Policy". Perhaps "Special", "Negotiated", or simply "Tier 4."*
- *Comment: Based upon application of hours to the Tiered system, this concept will work for our agency if the funder will be willing to approve services at the "Exception" level for those who require levels of job coaching beyond 24 hours per month.*

Small Group Supported Employment: I understand that we do not want G.S.E. to become the outcome placement for people, that I.S.E. is to be the goal. However, G.S.E. could certainly be a bit incentivized. At proposed rates, it is a cut for providers. G.S.E. is integrated and can serve for some – especially those with more significant support needs – as a stepping stone into community work settings and then from there into I.S.E. for some (hopefully, many!)

As the state and its providers transition to increased services in community based settings: 1) G.S.E. should be viewed as a positive, desirable service setting, not a bad, undesirable setting. 2) Rates for G.S.E. need to reflect that it is at least as – preferably more – desirable than facility based employment. Rates should not be reduced beyond current. 3) Rates should be tiered based upon group size to reflect the value that the smaller the employment group size, the better opportunity to integrate in the Employer’s work setting. 4) We should keep in mind that last year’s Iowa ODEP Subject Matter Expert for “Organizational Transformation”, Nancy Gurney’s company 100% of those served are in integrated employment – 60% in ISE, but 40% are in G.S.E. – When asked about that, she indicated that without G.S.E. many of those folks would not be employed.

We need to incentivize G.S.E. provided in smaller group sizes. With all this as a backdrop:

Recommend: A three-tiered method of funding group supported employment that would look something like the following:

- *Group of 2-3 Workers: \$14.80/hour x 3 = \$44.40 per group*
- *Group of 4-6 Workers: \$7.25/hour x 6 = \$43.50 per group*
- *Group of 7-8 Workers: \$5.31/hour x 8 = \$42.48 per group*

Prevocational Services: Given the critical importance of the C.E. process, its tie to Person Centered Planning, and the need to recruit and develop employers for use as job shadow and community workplace readiness assessment sites – C.E. rate needs to reflect the fact that a significant percentage of the service may best be done by an Employment Specialist. In Career Exploration, as I read it, it does not preclude delivery of that service in small groups. If allowed to provide parts of Career Exploration in small groups, it should provide CRPs the latitude to utilize professional-level staff for some aspects of the C.E. process.

Recommend: Clarify the rule to specify that Career Exploration can be delivered either individually or in small groups.

The “Fee Schedule” is not stated in the proposed rules.

Recommend: Please state the fee schedule in the rules.

ITEM 16.

No comments nor recommendations.

ITEM 17.

No comments nor recommendations.

ITEM 18.

No comments nor recommendations.

ITEM 19.

No comments nor recommendations.

ITEM 20.

No comments nor recommendations.

ITEM 21.

i. "Eligibility for Prevocational Services" does not include language that a person should: 1) have a goal to achieve and/or sustain individual employment, and 2) have documented in the waiver service plan that the choice to receive individual supported employment services was offered and explained in a manner sufficient to ensure informed choice, after which the choice to receive prevocational services was made.

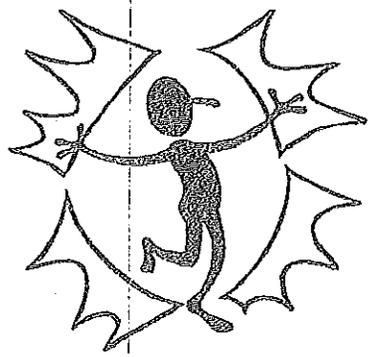
Recommend: Add: (4) Have documented in the waiver service plan a goal to achieve and/or sustain individual employment; and (5) Have documented in the waiver service plan that the choice to receive individual supported employment services was offered and explained in a manner sufficient to ensure informed choice, after which the choice to receive prevocational services was made.

ITEM 22.

No comments nor recommendations.



16-019 comment # 21



MORROW

Lonny and SueAnn
2927 Old Highway 218
319-385-1365

A Fax for You: Harry Rossander, Policy Analysis

From: Lonny W. Morrow, Ed.D.

Phone Number: 319-931-5781 Fax Number: 515-281-4980

Date: Setpmer 8, 2015

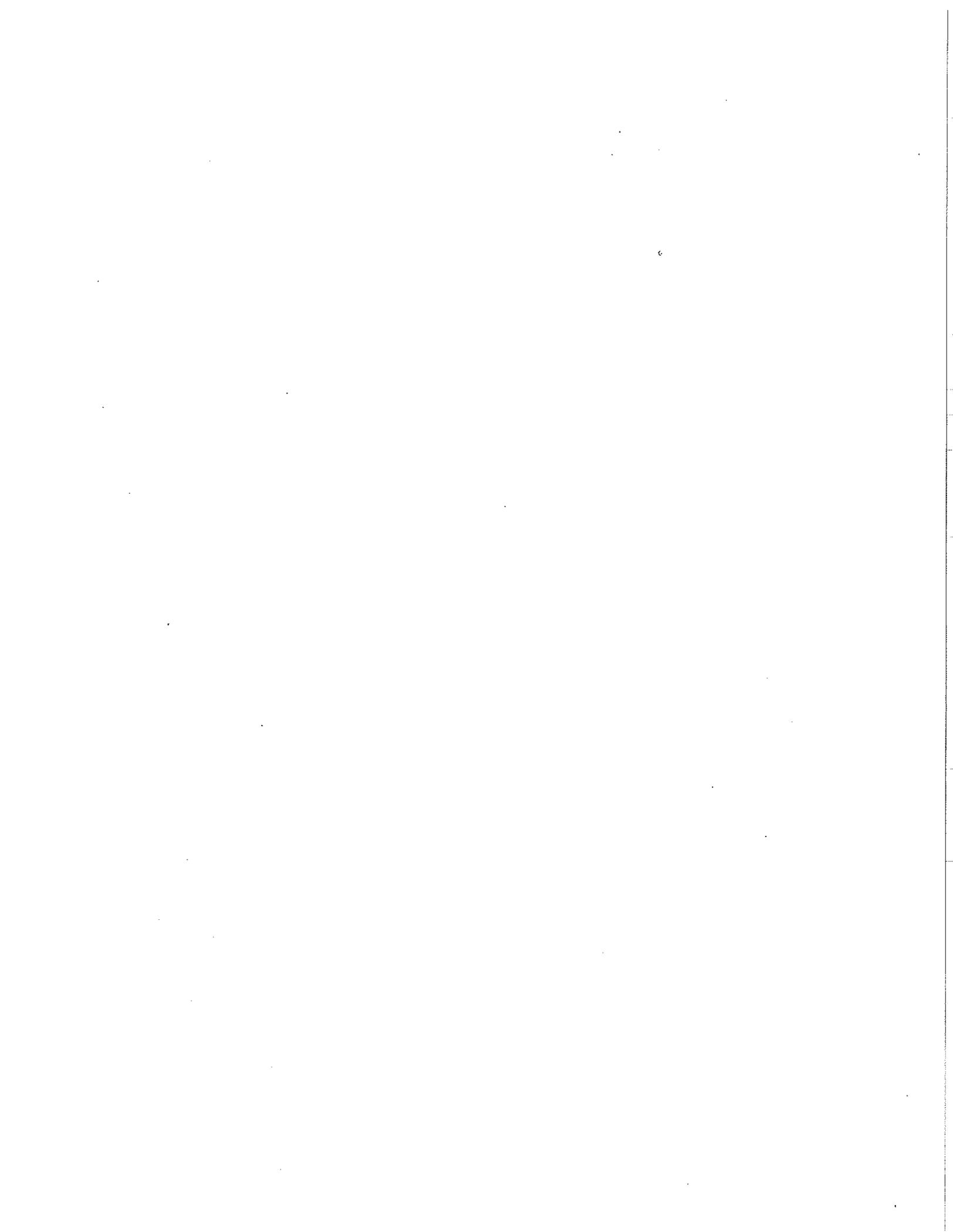
515-242-6036

Message....

I have reviewed the proposed changes to Iowa Administrative Code 441-79-78, 83. Thank you for making many changes that will advance integrated employment opportunities for Iowans with disabilities. I was happy to see, and hope it remains, in the rule the requirement that employment specialists have a bachelors degree. For too long individuals with disabilities have been served by very unqualified staff. Additionally, I hope the training requirements for all staff remain.

Lonny W. Morrow, Ed.D.

Number of pages including this sheet: 1



16-019

22

Rossander, Harry V

From: Iowa Olmstead Consumer Taskforce <iowaolmsteadtf@gmail.com>
Sent: Tuesday, September 08, 2015 4:25 PM
To: Policy Analysis
Subject: Attn: Harry Rossander
Attachments: OCTF Comments on Medicaid HCBS Employment Services Proposed Admin Rules.pdf

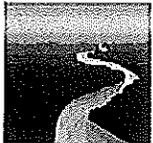
Dear Mr. Rossander,

Attached are comments from the Olmstead Consumer Taskforce on the proposed amendments to chapters 77 to 79, and 83 regarding prevocational and supported employment services. We appreciate the opportunity to comment.

Sincerely,

June Klein-Bacon

--



June Klein-Bacon

Chair, Olmstead Consumer Taskforce

website: olmsteadrealchoicesia.org email: iowaolmsteadtf@gmail.com

The Olmstead Consumer Taskforce is working to promote implementation of the U.S. Supreme Court's 1999 *Olmstead* decision in public policies and programs at the state and local level, and to raise awareness of what this means for Iowans with disabilities and mental illness. The Court found that people with disabilities are entitled to receive services in the most integrated setting consistent with their needs. People in Iowa need more choices regarding where to live, learn, work, and play.



Iowa's Olmstead Consumer Task Force

September 8, 2015

Mr. Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114

RE: Notice of Intended Action: 2114C – Amendments to 441 IAC Chapters 77 to 79 and 83
Habilitation and brain injury and intellectual disability waiver programs
Prevocational and supported employment services

Dear Mr. Rossander,

I am writing on behalf of the Olmstead Consumer Taskforce, whose mission is to promote full community inclusion for individuals with disabilities by advocating for policies and systems change initiatives that promote choice, equity, accessibility, and availability of individualized services and supports.

The Taskforce applauds the Department of Human Services for taking such an important step towards transforming Iowa Medicaid's services and funding so that employment in the general workforce is the first and preferred outcome for all working age Iowans with disabilities, regardless of level of disability. The above-referenced proposed rules advance Iowa's implementation of the U.S. Supreme Court's *Olmstead* decision, and we appreciate the opportunity to offer comment.

Direct Support Staff Qualifications and Requirements

Including minimum requirements for direct support staff is important and recognizes the value of a well-qualified and well-trained workforce. However, given the ongoing direct support professional shortage, which is particularly challenging for the many providers who serve rural counties, we are concerned that some of the proposed rules may unintentionally limit the applicant pool and hinder providers' ability to hire quality staff.

Proposed subrules 77.25(9)(c)(1), 77.37(16)(d)(1), and 77.39(15)(d)(1) outline the minimum educational requirement for staff providing individual supported employment services as "bachelor's degree in (or commensurate experience in) human resources, marketing, sales, or business." We believe this is too limiting, and could unnecessarily exclude qualified applicants with a wide variety of relevant educational backgrounds or work histories. We suggest either simplifying the language to "bachelor's degree or commensurate experience" or expanding the list of acceptable degrees and experience to include human services and education.

In the same subrules we suggest refining the credential requirements for individual supported employment staff. While we certainly support the credentialing of staff, the Association of People Supporting Employment First training and exam are currently only offered once a year and require an individual to have a year of experience before sitting for the exam. We recommend broadening the requirement to include any certification process approved by the Association of Community Rehabilitation Educators, which would allow providers to select from a bigger menu of nationally recognized training options and have more flexibility of dates and location. We also recommend expanding the timeline for certification to at least 18, but ideally 24 months; and adding language to make it clear that a Certification in Rehabilitation Counseling, which requires the completion of a master's degree and exam, should be considered commensurate. We suggest amending the language in subrules 77.25(9)(c)(1), 77.37(16)(d)(1), and 77.39(15)(d)(1) as follows:

“The person must hold a certified employment support professional credential approved by the Association of Community Rehabilitation Educators or be willing to earn this credential within 24 months of hire. A Certification in Rehabilitation Counseling shall be considered commensurate.”

We support the requirement that all direct support staff should be trained within six months of hire or the effective date of the proposed rules for current employees outlined in sections 77.25(8)(c)(3), 77.25(9)(c)(3), 77.37(16)(c)(3), 77.37(26)(d), 77.39(15)(d)(3), and 77.39(22)(c)(3). However, we suggest removing the directive that training must be through the College of Direct Support, College of Employment Services as it unnecessarily restricts providers from using other nationally recognized training programs. Similar to our recommendation above, we suggest expanding the language to include any commensurate training programs approved by the Association of Community Rehabilitation Educators.

Prevocational Service Requirements

The Taskforce is extremely supportive of the time limits for prevocational services. Setting a 24-month limit for members who begin prevocational services after the effective date of the proposed rules is a vital step in rebalancing the system. It recognizes the importance of those services in helping individuals prepare for community integrated employment rather than taking its place.

However, there is no staff to client ratio specified under the definition of prevocational services in subrule 78.27(9), which could lead to inappropriate ratios that work around the intent of these rules to rebalance the system to promote individualized services and community integration. We recommend specifying a size limit of one staff to no more than eight members in order to ensure services can truly be delivered in a person-centered manner.

Supported Employment Service Definitions

The Taskforce commends the Department for adding time on behalf of members to the definitions of supported employment services, allowing providers to bill for time spent in job development and working with employers. This is one of the many included provisions that makes providing individualized services more feasible for providers, which will significantly propel the system transformation.

The Taskforce also applauds the Department for recognizing supported self-employment as a viable option, including it in the service definitions, and taking care to outline requirements that ensure self-employment is integrated and competitive. The expected outcome for supported self-employment is outlined in subrule 78.27(10) twice as “the member earns income that is equal to or exceeds the average income for the chosen business within a reasonable period of time” and twice as “the member earns income that is equal to or exceeds the average income for the chosen business within a reasonable period of time, not to exceed 36 months.” We suggest aligning the expected outcomes and removing the 36-month time limit from the definitions in 78.27(10)(a)(2) and 78.27(10)(d)(6). We believe the time limit is unnecessarily restrictive, especially as the process of building a viable business varies considerably based on industry, location, economy, etc. By simplifying the requirement to “a reasonable period of time” services can be planned and provided based on the individual needs of the person and their business.

Benefits Planning Service Definitions

Subrules 78.27(9) and 78.27(10) list “benefits information” as an activity available through career exploration and small group supported employment services, and “benefits planning” as an activity through individual supported employment and long-term job coaching. Benefits planning is a complex service to provide as it entails counseling an individual on how employment impacts their Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI), and Medicaid; it is unrealistic to expect that an entry level staff person providing career exploration services could effectively deliver that information without comprehensive training.

In order to ensure services are delivered in the manner they are intended, we recommend requiring training for staff providing benefits information and benefits planning, and providing clarity on what each service encompasses and who can provide them. For staff providing benefits information we suggest at least a brief overview training on SSI and SSDI, such as Relias On-Line Learning or Benefits Liaison Training. Staff providing benefits planning should be required to obtain more extensive training, either through or equivalent to programs available through Virginia Commonwealth University and Cornell University.

Because of the complexity of providing benefits planning services, the higher average salary for staff who provide the services, and the expense of the training we recommend benefits planning services be an hourly rate that is commensurate to, or higher than the ISE rate of \$65.47 per hour.

Sincerely,



June Klein-Bacon, Chair

Rossander, Harry V

From: Tami Fenner <tfenner@truevalue.net>
Sent: Friday, September 11, 2015 9:50 AM
To: Policy Analysis
Subject: Notice of Intended Action Chapter 77-79

Dear Harry Rossander;

I am writing to comment on the Notice of Intended Action (NOIA) of Chapters 77-79 and 83 of Iowa Administrative Code (IAC) 441.

I first want to extend my sincere gratitude to DHS staff members who spent considerable time taking recommendations from the Supported Employment workgroup that realign public funding to promote community based employment services for people with disabilities and therefore aligning with national expectations as stated in the Workforce Innovation and Opportunities Act, the Olmstead Decision and CMS settings. All people deserve the opportunity to work in mainstream society and proposed rules are a significant step to ensuring all Iowan's with disabilities has the opportunity to pursue that goal if desired. Please consider the following recommendations for refinement.

Self-employment imposed time limit 78.27(10)(a)(2)

Chapter 78.27(a)(2) details the expected outcome of service for self-employment states the, "member earns income that is equal to or exceeds the average income for the chosen business within a reasonable period of time, not to exceed 36 months" but then, in long term job coaching it says "reasonable amount of time" and then in Chapter 78.27(11)(6) Compensation..."member earns income that is equal to or exceeds the average income for the chosen business within a reasonable period of time, not to exceed 36 months"

a. How will this be enforced? What will it be compared to? While 36 months may be preferred, it must be individually based.

b. Individuals who are beneficiaries of Supplemental Security Income have to be a sole proprietorship to utilize Property Essential for Self Support (PESS) vs. LLC or corporation so comparing self-employment ventures to an LLC for Corporation is different. Additionally, sole proprietorship do not pay wages to owners, they take owners draws. Please consider comparing business to business is not always equal and may result in great business ideas that meet the communities needs, but will be null and void if limited by a 36-month comparison.

3. If the proposed time line goes into effect, will a member lose coaching supports if they are not meeting the 36 no. expectation?

My daughter has a significant congenital disability. She owns and operates her own main street business, Em's Coffee Co. She employs two other individuals with disabilities as well. She performs all the tasks involved with running her business but requires the assistance of a full time job coach. Her business has been operating now for five and half years and is doing well. She is providing a great place for her community, employment for herself and others, and paying taxes. Unfortunately due to the nature of her disability her need for a job coach will be on going. The 36 month expectation does not take into consideration life long disabilities that are out of an individuals control. My daughter is very capable of many things but also very dependant on a support person.

Lami Fenner, proud mother of Emilea Hillman

705 13th St NE

Independence, IA 50644

319)361-0667

Rossander, Harry V

From: Rich Byers <rbyers@miwi.org>
Sent: Monday, November 23, 2015 1:04 PM
To: Policy Analysis
Cc: Smith, Mark [LEGIS]; 'Jack Allen'; 'LeAnn Fleming'; Al Fagerlund
Subject: ARC 2114C

I encourage the administrative rules review committee to not approve the proposed changes to ARC 2114C. Basically this proposal reduces the rate paid to providers of pre-vocational services while at the same time increases staff training requirements. It appears that by reducing the fee paid for the service while increasing costs to providers to continue the services is an effort to eliminate this service. There will not be providers willing to continue to provide the service if the rules are adopted. The most alarming fact is that members receiving the services will need to be moved to more costly services or not have service choices at all. I am all for Employment First and the increased effort to place these individuals in competitive jobs. However, as with the new VR rules, ARC 2114C does not incent employers to hire these individuals. All of these DHS and VR initiatives rely on providers like us to make the placements. We have successfully placed five individuals in the past year in competitive jobs from our pre-vocational program. It is not an easy task. The WIOA is great on paper as well but again the main player in the success is employers and they are not even included as part of the initiatives. Please understand the pre-vocational services under current rules work very well for the recipients in helping them achieve opportunities for working towards competitive placement. Don't change something that works. Thank you.

Rich Byers
President & CEO

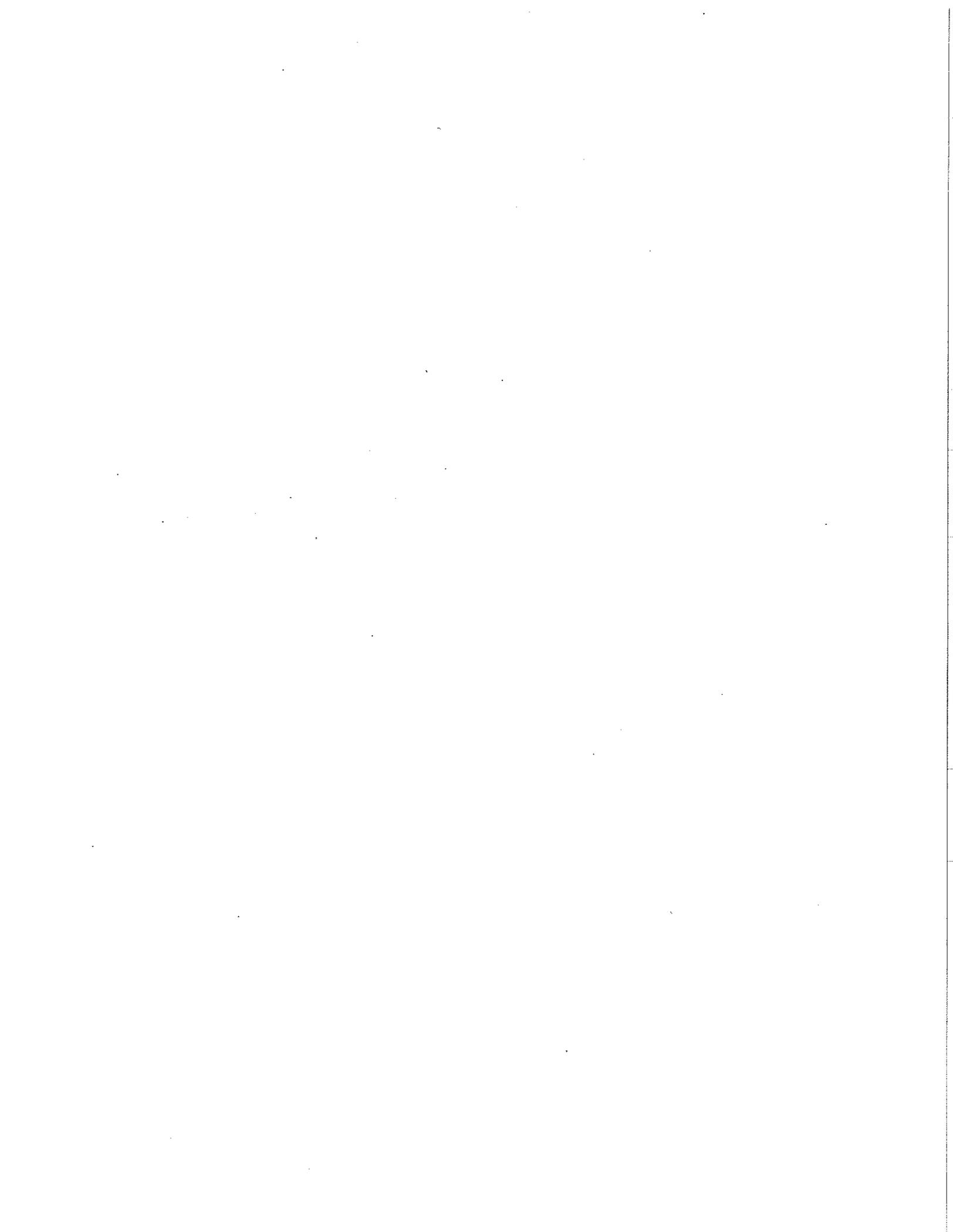
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Employment services for individuals with disabilities

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Rossander, Harry V

From: no-reply@iowa.gov
Sent: Thursday, August 20, 2015 5:43 PM
To: Rossander, Harry V
Cc: mariekrebs4@gmail.com
Subject: Public Comment Received on ARC 2114C

A new public comment has been received on **ARC 2114C**. The comment and contact information are listed below.

Comment

I am contacting you to voice my concerns regarding the amendments to both chapters 79 and 83. From what I understand, the amendment will place an aggregate cap on the funding for people receiving services under the Medicaid Waiver. This appears to be moving forward as a way to reduce expenses. I work for an organization that cares for individuals with intellectual disabilities. For the last year and a half, I have worked with people who are behavioral. They can be violent. Some of them require funding of twice the amount that this amendment will cap out at. Under the new amendment, these people will not be able to safely remain in the care of this organization. Where will they go? What will happen to them? Will they be placed in institutions? While I understand that cuts need to be made and believe there is space to make cuts, I don't think those signing off on this amendment truly understand the implications of what will happen as an end result of this particular amendment. While it may appear to save money on paper, will it truly save money if these people have to be institutionalized and/or heavily medicated? Because of my experience in this field, I know that you cannot safely staff these people in a 1:6 ratio. Some of these individuals require 2 staff at times, just for their cares and safety. Has anything been proposed on how to care for these individuals? I'm curious because after working with these types of people for a year and a half, I view them more so as people rather than a funding concern. I implore you to take the time to further research these matters before implementing generalized legislative amendments on a group of people who, 1. Cannot speak for themselves in some cases. 2. Are a varied group of individuals who need to be cared for as such. This is not a one size fits all circumstance. Thank you for your time.

Contact Information

Name: Marie Krebs
Email: mariekrebs4@gmail.com
Phone: (319) 936-1573

