

Testimony
Human Services Interim Committee
April 9, 2014

Good afternoon Chairman Damschen and members of the Committee. My name is Trina Gress, I am Vice President of Employment Services at Community Options, Inc. We currently serve 35 individuals in the pre-vocational skills and mentoring services contract with the Department of Human Services. There are an additional 5 individuals on a waiting list. The waiting list continues to grow each month. These 35 individuals are throughout North Dakota and our contract amount is \$58,344 for the biennium. This amount translates into approximately 1 meeting per month per individual. For the purpose of this testimony, I will reference this contract as the "Pre-Vocational Skills program."

We have many strides in past legislative sessions to recognize and improve services to survivors of brain injuries. However we have more steps to take to improve the continuum of care for individuals living with a brain injury in North Dakota. Below are four areas Community Options would like to call your attention to for the next legislative session: ³

- First, Community Options would support and encourage you to recognize all brain injuries, acquired and traumatic in all future legislation. Since we began the Pre-Vocational Skills program, we have had to turn away some individuals because their brain injuries were acquired not traumatic. This would allow Community Options to work with a larger population of people in the Pre-Vocational Skills Program.
- Secondly, Community Options would support and encourage you to consider increasing the number of "Extended Services" slots for people with a brain injury. Currently there are only 6 Extended Services slots available. This will pose a huge problem in a short period of time when the 35 individuals transition from Community Options Pre-Vocational Skills program to Vocational Rehabilitation - Supported Employment Program because there will not be extended services available for them. See handout titled "Supported Employment Guidelines and Payment Rates – Effective 7/1/2013" page 3 middle of the page. Note – Supported employment training will not begin unless extended services have been identified and are available for the individual.
- Finally, Community Options would support and encourage you to consider increasing the budget for the Pre-Vocational Skills Program so we could (1) serve more individuals overall and (2) provide one meeting per week to the existing individuals. Currently, the staff coordinate one meeting per month per individual. One meeting per month is simply not enough and is not consistent enough to assist individuals with a brain injury to retain the information from month to month. As you know, many brain injuries affect short term memory. Meeting weekly to address pre-vocational skills, will not only increase the individual's engagement in the program but also their overall pre-vocational skill retention thus improving long term recovery and successful integration into the community.

In conclusion, as an active systems partner serving individual with brain injuries, Community Options encourages you to consider the above bullets to improve North Dakota's continuum of care for survivors of brain injuries.

Thank you for your time, are there any questions?

Sincerely Submitted, Trina Gress

Supported Employment Guidelines and Payment Rates
ND Division of Vocational Rehabilitation
Effective: July 1, 2013

I. BELIEFS – VALUES – PRACTICES

Supported Employment is intended to provide services that lead to employment for people with the most significant disabilities who have traditionally been excluded from consideration for community employment. Supported employment services are authorized through the federal Rehabilitation Act, as amended. Official North Dakota Vocational Rehabilitation policy regarding supported employment is located in Administrative Code 75-08-01. This document reflects guidelines for implementing supported employment policy and does not in any way pre-empt official policy.

Supported employment emphasizes the following beliefs and values:

- People with disabilities are capable of being employed.
- People with disabilities who want to work have the same right to work and earn a living wage as people who do not have a disability.
- Facilitating community employment allows people (who have traditionally been excluded from community life) the fullest community participation.
- People learn a job best on the job, not in simulated segregated environments.
- Employment options are based upon preferences, skills and needs of the applicant.
- Jobs may be carved or created to fulfill the specific needs of an employer and the specific skills of the employee.
- Employer/employee consultation and support is provided after a job has been found for as long as the employer and employee feel it is necessary.

II. WHAT IS THE DIFFERENCE BETWEEN “EMPLOYMENT” AND “MEANINGFUL ACTIVITY”?

There is a distinction between the terms employment and meaningful activity. The intent and focus of Supported Employment is on employment and not on meaningful activity. The definitions of both terms are as follows:

Definition of Employment

- The activity looks like work to the ‘person on the street’,
- The activity must produce a product or service which someone would be employed to do even if a supported employment relationship was not in place,
- An employer/ employee relationship exists, or a producer/customer relationship exists,
- Constant intervention is not required,

- The cost of job coaching should not exceed the earnings of the individual,
- The essential functions of the job must be performed by the individual,
- The employment relationship is not time limited, and
- The setting is not primarily a learning, evaluative or experiential activity.

Definition of Meaningful Activity

- There is a personal outcome in which the product or pay is not necessarily significant or consequential,
- The product may be significant to someone but there is no significant market for the product, or
- The setting is primarily learning, experiential, or evaluative activity for the individual.

III. WHO SHOULD BE CONSIDERED FOR THE SUPPORTED EMPLOYMENT PROGRAM?

In identifying potential participants for the Supported Employment Program, it is best to describe the characteristics of those who achieve the desired outcome. Then, the potential participant can be assessed to determine what supports and services would be necessary to become successful in an employment setting.

The ultimate goal of the Supported Employment Program is for the individual with a most significant disability to be working in an integrated setting where, with wages and benefits, they reduce or eliminate their need for public financial support. This should always be the first choice of the individual and those supporting him or her. Since this is not always possible, there must be some options in place to accommodate the individual's informed choice and/or the impediments caused by the physical or mental impairment.

At a minimum:

- The individual should be employed at least 50 hours per month.
- The cost for the individual to maintain employment should not exceed their earnings at entrance to Extended Services.
- The individual earns at least minimum wage or a wage commensurate with people without a disability performing the same or similar tasks.

Exceptions to any of the above issues may be made with the concurrence of the individual (or guardian), case management, and funding agents.

Additional Factors to Consider

Since training, stabilization, and continued employment occur at a place of business, case managers must also consider the following additional factors prior to referral to the Supported Employment Program. The presence of any of the factors does not automatically preclude someone from receiving services.

- Does the individual demonstrate control over unacceptable behaviors such as theft of property, self-stimulation, physical/verbal aggressiveness, etc.?
- Does the individual take all necessary medication?
- Does the individual demonstrate the ability to take care of personal needs such as toileting and feeding, or are there accommodations in place such as personal assistance services when necessary?
- Can the individual communicate wants and needs to employers, fellow employees, job coaches, etc.?
- Does the individual want to be employed or just have something to do?
- If the individual cannot demonstrate the ability to perform certain, expected tasks, can the appropriate supports be put into place to make the accommodations?

Moving from SE Training & Stabilization to Extended Services

- The individual requires 20% or less intervention for at least two months prior to receiving extended services or has stabilized in the employment situation at a level over 20% but less than 50% for four months.

Note: Supported employment training will not begin unless extended services have been identified and are available for the individual.

IV. PRE-PLACEMENT AND JOB DEVELOPMENT SERVICES

Depending on the extent of information available and the experiences of the service providers, case managers, counselors, or others with the individual, it may be necessary to purchase Pre-Placement Services in addition to Job Development. Pre-placement services are short-term services. Job Development Services may be used though out the case.

The purpose of *Pre-Placement Services* is to identify at least one vocational goal and two alternatives as well as what supports will be required during the training, stabilization, and employment of the individual.¹

The services may include assessment of such issues as:

- Availability and use of transportation
- Strengths and weaknesses in social behaviors
- Daily living skills
- Communication skills
- Grooming
- Money management

¹ Situational Assessments are not be confused with Trial Work. If an individual's disability may be too severe to benefit from DVR services, a Trial Work Plan (SFN 239 6-2011) must be written. Refer to ND DVR Policy Manual N.D.A.C. 75-08-01-20 for Trial Work Plan requirements.

- Self-concept/motivational skills/understanding of personal skills and abilities
- Problem-solving abilities
- Dealing with conflict
- Identification of barriers and support options
- Identify opportunities for natural supports
- Target intervention levels
- Cost of supports/earnings
- Interests and transferable skills
- On-site situational assessments – On-site assessments will be required if a vocational goal and an alternative has not been able to be identified.

VR may also purchase formal assessments as necessary, from appropriate sources.

Job Development consists of securing employment consistent with the findings of the assessment and the informed choice of the individual.

Payment for **Pre-Placement Services and Job Development** will be made in one of the following ways:

- An authorization for \$1040 will accompany the referral to the provider if assessment information is requested by the VR Counselor. The provider can bill \$312 when the services start, bill \$312 when the report of the results of the assessments has been received by Vocational Rehabilitation, and bill the remaining \$416 when the individual begins employment.
- An authorization for \$728 will accompany the referral to the provider if a job goal has already been identified and no additional assessment information is requested by VR. The provider can bill \$312 when the services start and bill the remaining \$416 when the individual begins employment.

V. PAYMENT RATES FOR SUPPORTED EMPLOYMENT TRAINING

The provider will receive reimbursement for Supported Employment Training at the following rates. This includes placements where the provider has made arrangements with an employer to have a co-worker as the job coach, and when natural supports are arranged.

A. Reimbursement for Individual Placements:

It is expected that intervention will decrease throughout the training. **No later than the end of Month 3, the VR counselor and provider will review the placement and progress to determine if they are appropriate and should continue.**

Progress reports must be received by VR by the 15th of the month before any payment may be made.

Payment Schedule:

Pre-Placement & Job Development \$728 or \$1040

Billed in 2 or 3 installments per Page 4

Training:

Month 1	\$1040	Month 6	\$260
Month 2	\$780	Month 7	\$260
Month 3	\$780	Month 8	\$156
Month 4	\$520	Month 9	\$156
Month 5	\$520	Additional Months	\$156
		Final Payment	\$1560

No provider shall receive payment at the Month 1 & Month 2 rate for the same individual more than twice during a 36 month period.

If the VR counselor agrees that more than 9 months of training is needed prior to transition to Extended Services, payment for additional months will be made at the Month 9 rate.

Prior to transitioning to Extended Services, the agency funding extended services must concur that the percentage of intervention is at an acceptable level.

Providers will receive final payment only after VR is able to confirm that all closure criteria is met and the case can be closed as successfully employed, Status 26. If final payment is made and VR is unable to close the case Status 26, the provider must refund the full amount of final payment to VR.

B. Reimbursement for a Group Placement such as a Crew or Enclave

Reimbursement for an individual in a group placement will be paid at a percentage of the rate for individual placements. The percentage payment is as follows:

# of people typically in the crew	% of individual placement rate
2	50%
3	33%
4	25%
5 or more	15%

Progress reports must be received by VR by the 15th of the month before any payment may be made.

No provider shall receive payment at the Month 1 & Month 2 rate for the same individual more than twice during a 36 month period.

Prior to transitioning to Extended Services, the agency funding extended services must concur that the percentage of intervention is at an acceptable level.

Final payment for group placement is the same as final payment for an individual placement. **Providers will receive final payment only after VR is able to confirm that all closure criteria is met and the case can be closed as successfully employed, Status 26.** If final payment is made and VR is unable to close the case Status 26, the provider must refund the full amount of final payment to VR.

VI. RE-EMPLOYMENT FOR INDIVIDUALS IN EXTENDED SERVICES

Re-employment will be paid by the Extended Services funding agency at the Extended Service rate. However, supported employment training and stabilization may be used for re-employment if a different disability is involved or the disability becomes more severe, provided that a change in jobs or type of intervention is also required.