MARYLAND DEPARTMENT OF HEALTH

Developmental Disabilities Administration Employment First Webinar Meaningful Day Service Updates

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Meaningful Day Services

For full presentation on Meaningful Day Service descriptions

https://dda.health.Maryland.gov

Time Limited

Updated language:

- Anyone authorized for the Career Exploration (facility, small and large group) between now and July 1, 2020 will create an employment goal within their Person-Centered Plan during their annual team process that outlines their trajectory and transition timeframe toward competitive integrated employment

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Time Limited

Updated language:

- New people authorized for Career Exploration, after July 1, 2020, can be authorized for up to 720 hours for the plan year. This is to support various career exploration opportunities that can occur at different times during the plan year

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Time Limited

Q: How do we know if a person's employment is competitive integrated employment?

A: They will use the guidance and attestation worksheet outlined in this webinar.

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Time Limited

Q: If a person requests and is authorized for less than 720 hours of Career Exploration July 1, 2020 can they use additional hours up to the full 720 hours in a later year?

A: No. New people after July 1, 2020 will be authorized only once for Career Exploration, no matter how hours are used within their plan year, unless otherwise authorized by DDA.

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Competitive Integrated Employment (CIE)

DDA currently:

- DDA Meaningful Day Services are designed to support a person on their path to CIE (no matter where on that path)

- DDA Employment Services are designed to support a person to explore, obtain and maintain CIE

- DDA is creating policy and guidance related to CIE and authorization of Employment Services

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Competitive Integrated Employment (CIE)

When developing these policies:

- Workforce Innovation and Opportunity Act (WIOA)
- Aligning with Maryland Division of Rehabilitation Services (DORS)
- CMS (final rule and employment guidance)
- Stakeholder feedback
- National subject matter experts
- DDA's Employment First vision

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CIE guidance and attestation

- DDA prioritizes the opportunity for people with developmental disabilities to achieve competitive integrated employment through an array of employment services

- Employment Services are meant to support people in obtaining and sustaining competitive integrated employment

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CIE guidance and attestation

WIOA guidance says:

- Competitive integrated employment (CIE) refers to full or part-time work at minimum wage or higher, with wages and benefits similar to workers without disabilities performing the same work, and fully integrated with coworkers without disabilities.

National Association of State Developmental Disabilities Directors NASDDDS WIOA fact sheet:
http://www.nasddds.org/uploads/documents/Workforce_Innovation_and_Opportunity_Act2.pdf

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CIE guidance and attestation

- When seeking service authorization and/or re-authorization for DDA Employment Services after July 1, 2020, through **Follow-Along Job Supports** and/or **Ongoing Job Supports**, a person's job should have the qualities of CIE. This means the position should have:

  - Competitive wages
  - Integrated location
  - Same opportunities for advancement and benefits as other employees

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CIE guidance and attestation

The guidance provided is meant to assist:

- People with developmental disabilities seeking DDA funded Employment Services, their
- Coordinator of Community Services (CCS) and their
- Chosen support teams

to determine whether the position has the qualities of CIE and to assist in the completion of an attestation form for the person's file.

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CIE guidance and attestation

- If a person's employment does not currently satisfy the criteria of CIE, the person will not be authorized for Follow-Along and/or Ongoing Job Supports, and instead may be appropriate for the time-limited Career Exploration service

- For example, sheltered workshops do not qualify as CIE, because they do not meet the "integrated" criteria. If a position does not meet the criteria of CIE, the person and their team should explore all options with the person in order to decide how to proceed

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CIE guidance and attestation

The following types of positions *may* or *may not* qualify as CIE, depending on the job characteristics and the quality of the person's experience and will be considered on a case-by-case basis:

- The person is working directly for a DDA funded service provider serving as employer of record either:
  - as an employee of the provider organization
  - or as an employee of a provider owned/operated business

- The person is employed through the federal AbilityOne (JWOD), Maryland Employment Works programs

- Other types of contracted employment

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CIE guidance and attestation

		True	N/A
1.	Wages received in the position are competitive		■
2.	Employment position is integrated and complies with HCBS settings rule requirements		■
3.	The person has similar opportunities for advancement and benefits		■
4.	If employed either directly, or via contract, by DDA Employment Service provider, there is an approved Conflict of Interest policy in place		

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CIE guidance and attestation

The position is Competitive when the following elements are present:

❑ The position pays an hourly wage at or above the state or local minimum wage rate, whichever is higher, for the area in which the employment site is located.

NOTE as of March 15, 2019:
- Maryland minimum wage is currently $10.10 per hour.
- Prince George's County is $11.50
- Montgomery County is $12.00 (50 or fewer employees) $12.25 (51 or more)

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CIE guidance and attestation

The position is Competitive when the following elements are present:

❑ The person is not subject to "time studies" to which people with disabilities are not also subject.

❑ The position is open to any qualified applicant as part of the open labor market. The person is not part of a group, is not in a position that is reserved for a person with a disability, and is hired on an individual basis.

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CIE guidance and attestation

The position is Competitive when the following elements are present:

❑ Employment is not contingent upon receiving services from the provider. (Service provision is separate from employment and a service provider has a DDA approved conflict of interest policy is in place.)

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CIE guidance and attestation

<u>The position is Integrated and complies with HCBS settings rule requirements when the following are present:</u>

❑ The job environment is typical of the type of work that is generally being performed.

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CIE guidance and attestation

The position is Integrated and complies with HCBS settings rule requirements when the following are present:

- ❑ The person has the same opportunity to interact with co-workers, other employees, customers and vendors in the work environment as others who do similar tasks, aside from just supervisory staff and people providing services

- ❑ This position reflects the person's individual needs and preferences

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CIE guidance and attestation

The position is Integrated and complies with HCBS settings rule requirements when the following are present:

❑ The setting provides the person with the opportunity to participate in negotiating his/her work schedule, break/lunch times and leave and medical benefits with his/her employer to the same extent as other workers

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CIE guidance and attestation

The position is Integrated and complies with HCBS settings rule requirements when the following are present:

❏ The environment is physically accessible, including access to bathrooms and break rooms or provides appropriate adaptations/accommodations

❏ The environment allows people the freedom to move about inside and outside the setting as opposed to one restricted room or area within the setting to the same degree as other workers

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CIE guidance and attestation

__The person has similar opportunities for advancement and benefits:__

❑ The person is eligible for the level of benefits provided to other employees without disabilities and has been informed of this eligibility

❑ The person has opportunities for advancement that are similar to others performing similar positions, and has been informed of these opportunities

❑ The person has opportunities for cross-training or other professional development activities that are similar to those that exist for other employees without disabilities who have similar positions

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CIE guidance and attestation

Use the guidance questions to assist in accurately answering questions. The DDA may request additional evidence and/or complete a site visit for validation.

Name of employed person:

Employer name:

Supervisor name:

Position title:

Work location(s):

Start date of Employment

Attach to this form: Position description describing essential functions of the jobs, any benefits available, work schedule and any other pertinent information.

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CIE guidance and attestation

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Name and Signature of Person Receiving Services   **Date**

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Name and Signature of   **Date**
Employment Service Provider or
Coordinator of Community Services

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DORS and CIE

- DORS has updated reviews procedures for determining Competitive Integrated Employment as it applies to employment where the CRP is the employer of record or employment may be part of an AbilityOne or Employment Works contract

  - The CRP/AbilityOne/Employment Works employer may submit an online CIE Review Request form with required documentation. An employer must complete and submit the form for review to [www.ciereviewrequest.dors@maryland.gov.](www.ciereviewrequest.dors@maryland.gov) (see next slide for review form's questions/statements)

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DORS and CIE

- An onsite review may or may not be needed to determine CIE

- If CIE is determined, the employer will be notified and the position will be placed on a CIE list on DORS' website (www.dors.maryland.gov). DORS can assist with recruitment if needed

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DORS and CIE

- For more details, see the webinar titled "CIE Review Request Procedures" on DORS' website

- Placement Incentives will no longer be available for positions when the CRP is the employer of record

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DORS and CIE

CIE Review Request Form

- Employer contact information (individual completing form)

- Is this review for a position you are currently recruiting?

- Are you the employer of record?

- Position location (where will the work be performed)?

- Position title?

- Seven true/false statements

- Comment section

- Attach position description

- Is this a set-aside contract position?

- Certification by unauthorized representative of the employer

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DORS and CIE

DORS Disclaimer

- DORS will continue to collaborate with DDA, people in services, and provider agencies to make decisions on a case-by-case basis when necessary

- A decision made by DDA related to CIE, does not substitute for DORS' own service authorization process

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FAQ

Q: When should a person start using the CIE attestation form?

A: The attestation can be used currently in an informal way for people and teams to make decisions related to service alignment. Once DDA distributes the policy formally, it will include a process flow for more formal usage.

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FAQ

Q: What if a person's employment meets some, but not all of the guidance criteria statements outlined?

A: The person can continue in that job, receiving supports through the service called Career Exploration. This will allow the person and their support team to explore all options; including those that may include making changes that would make the job competitive and integrated per the guidance.

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FAQ

Q: What if a person's employment does not meet the CIE and the person wants to continue doing it?

A: Anyone authorized for the Career Exploration between now and July 1, 2020 will create an employment goal within their Person-Centered Plan during their annual team process that outlines their trajectory and transition timeframe toward competitive integrated employment.

DDA will continue working with people to identify barriers as well as potential solutions moving forward. It is not DDA's intent to be disruptive, but instead to work with people to explore all options that support continually getting closer to CIE.

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FAQ

Q: If a person works part of the day in CIE and does other activities the rest of the day how do we know which is the most appropriate service?

A: Until it is possible for a person to choose more than one service in a given day, a person and their team should work together to identify which is the most appropriate service or services to meet a person's needs. All Meaningful Day services require a minimum of 4 hours of service be received in order for the provider to bill for a given day of service.

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FAQ

Q: In the next few months, people will begin planning dates that will include the period starting after July 1,2020. How can people and teams include updated service information in the PCP when the services are not yet available?

A: Services approved in the waiver application for with effective dates of July 1, 2020, will be reflected in the new PCP detail authorization sheet which will be used after July of 2019. Further guidance is coming on this.

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FAQ

Q: What about people that are self-employed or who have customized employment?

A: This guidance is not meant to disqualify types of employment as long as they are competitive and integrated and each should be considered on its own. Self employment is an area in which DDA is currently developing more guidance, including definitions and how it can be supported through DDA funded employment services.

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Conflict of Interest

In order to remove any actual, perceived or potential conflict(s) of interest (COI), there shall be 'firewalls' created between the competitive integrated employment of a person receiving services and any Meaningful Day Services provided to the person.

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Conflict of Interest

To avoid such conflicts of interest, DDA certified Employment Service providers shall have DDA approved policies and procedures and practices in place that outline how they will:

- Provide full disclosure to participants regarding their choice of service providers and that their competitive and integrated employment is not contingent upon them receiving services

- Ensure that the person has continual access to explore competitive integrated employment with employers that are not the service provider

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Conflict of Interest

- Ensure that participants are supported in exercising their right to choose providers

- Provide information to the person about the full range of services available, not just the services furnished by the current service provider

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Conflict of Interest

- Ensure support services provided by the Employment Service provider are separated from any employer/employee relationship

- Examples:
  - Who is the person's supervisor and what natural supports exist at the job site?
  - How job coaching and support is limited to supports not otherwise available through the employer

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Conflict of Interest

- Ensure that Medicaid funds are not used to pay wages for people employed by the provider

- Ensure that Medicaid funds are not used to defray the expenses associated with starting up or operating a business

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Conflict of Interest

DDA will provide more guidance related to the official approval process for any COI policies and will include that guidance in the finalized policy that will be distributed

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Training Requirements

Service Names	Training Recommendations/requirements	Competency Test Required
Discovery (3 milestones) **Job Development** **Self-Employment Development** **Supports**	• **Required:** Basic DDA Required trainings (per COMAR) • **Recommended**: Completion of an Association of Community Rehabilitation Educators (ACRE) Certified Customized Employment Gateway Training www.acreducators.org	**Required:** Must become Certified by completing and passing the Certified Employment Support Professional (CESP) exam through the Association of People Supporting Employment First (APSE). Must maintain active CESP certification

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Training Requirements

Reimbursement is available for providers until the new rates begin for cost of completed training with proof of completion and/or certification

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Resources

DDA Educational Webinar Series (will be recorded and posted)

March 19 - Applying for the DDA Services and Eligibility Determination
March 26 - Person-Centered Planning Tools and Strategies
April 2 - Person-Centered Plan Authorization Process
April 9 - The DDA Waiver Programs (Application and Services)
April 16 - Self-Directed Service Delivery Model
April 23 - Employment and Meaningful Day
April 30 - Behavior Support Services

Register via training calendar on website

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Questions?

Regional Employment Leads:
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*Please copy your regional Employment Lead

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