

1 IN THE SENATE

2 SENATE BILL NO. 1356

3 BY STATE AFFAIRS COMMITTEE

1 AN ACT

2 RELATING TO THE EXTENDED EMPLOYMENT SERVICES PROGRAM; REPEALING CHAPTER 63,
3 TITLE 33, IDAHO CODE, RELATING TO THE EXTENDED EMPLOYMENT SERVICES PRO-
4 GRAM; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17,
5 TITLE 56, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH THE EXTENDED EMPLOY-
6 MENT SERVICES PROGRAM IN THE DIVISION OF MEDICAID, TO PROVIDE ELIGIBIL-
7 ITY CRITERIA, TO ESTABLISH PROVISIONS REGARDING COVERED SERVICES AND
8 INDIVIDUAL PROGRAM PLANS, TO ESTABLISH PROVISIONS REGARDING EXTENDED
9 EMPLOYMENT SERVICES PROVIDERS, AND TO PROVIDE FOR PROGRAM IMPLEMENTA-
10 TION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 63, Title 33, Idaho Code, be, and the same is
13 hereby repealed.

14 SECTION 2. That Title 56, Idaho Code, be, and the same is hereby amended
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
16 ter 17, Title 56, Idaho Code, and to read as follows:

17 CHAPTER 17

18 EXTENDED EMPLOYMENT SERVICES PROGRAM

19 56-1701. DEFINITIONS. As used in this chapter:

20 (1) "Department" means the state department of health and welfare.

21 (2) "Disability" means a developmental disability as defined in 45 CFR
22 1325.3 or a learning disability, mental illness, or traumatic brain injury
23 as defined in department rule.

24 (3) "Division" means the division of medicaid in the department.

25 (4) "Extended employment services" or "EES" means long-term main-
26 tenance services that assist participants in maintaining employment or
27 gaining employment skills in preparation for community employment or that
28 provide assistance to adult participants within an industry or a business
29 setting or a community rehabilitation program intended to maintain paid
30 employment. Extended employment services include individual supported em-
31 ployment, group community-based supported employment, and work services.

32 (5) "Group community-based supported employment" means self-employ-
33 ment or paid employment that is:

34 (a) For a group of no more than eight (8) participants who are paid at
35 least minimum wage and who, because of their disabilities, need ongoing
36 support to maintain employment;

37 (b) Conducted in a variety of community and industry settings where the
38 participants have opportunities to interact with coworkers or others
39 without known paid work supports at least to the extent that those op-
40 portunities typically exist in that work setting;

- 1 (c) Supported by training and supervision needed to maintain that em-
2 ployment; and
- 3 (d) Not conducted in the work services area of a provider.
- 4 (6) "Individual community-supported employment" means self-employ-
5 ment or paid employment:
- 6 (a) For which a participant is paid a competitive wage;
- 7 (b) For which the participant, because of the participant's disabili-
8 ty, needs ongoing support to maintain the employment;
- 9 (c) That is conducted in a community or industry setting where persons
10 without known paid work supports are employed; and
- 11 (d) Is supported by authorized activities needed to sustain paid work
12 by persons with disabilities, including but not limited to supervision,
13 training, and transportation.
- 14 (7) "Individual program plan" means a plan for extended employment ser-
15 vices appropriate for an individual participant based on the participant's
16 needs and personal goals.
- 17 (8) "Participant" means a person eligible for and enrolled in the ex-
18 tended employment services program established pursuant to section 56-1702,
19 Idaho Code.
- 20 (9) "Program" means the extended employment services program estab-
21 lished pursuant to section 56-1702, Idaho Code.
- 22 (10) "Provider" means a community rehabilitation program services
23 provider approved by the division to provide extended employment services.
- 24 (11) "Work services" means activities, including remunerative work,
25 typically conducted on provider premises, intended to assist participants
26 in understanding the value and demands of work and developing functional ca-
27 pacities that increase or maintain the skill sets of participants to achieve
28 and maintain employment.

29 56-1702. PROGRAM ESTABLISHED. There is hereby established in the de-
30 partment's division of medicaid an extended employment services (EES) pro-
31 gram for the purpose of increasing employment opportunities for program par-
32 ticipants. The program shall be administered by the division. Extended em-
33 ployment services offered under the program are separate and apart from any
34 federal program but may be collaborative with and supportive of federal pro-
35 grams. Administrative costs charged to the EES program shall be limited,
36 subject to federal indirect cost rate matching requirements, and subject to
37 audit and review.

- 38 56-1703. ELIGIBILITY. (1) A person is eligible to participate in the
39 program if the person:
- 40 (a) Has a disability that constitutes a barrier to maintaining paid em-
41 ployment without long-term vocational support;
- 42 (b) Is sixteen (16) years of age or older; and
- 43 (c) Is an Idaho resident.
- 44 (2) The division may periodically review a participant's eligibility
45 and service level need for the program.

1 56-1704. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to
2 available funding, the program shall provide the following services to par-
3 ticipants, as appropriate:

- 4 (a) Individual community-supported employment;
- 5 (b) Group community-based supported employment; and
- 6 (c) Work services.

7 (2) The services provided to a participant shall be based on the partic-
8 ipant's individual program plan, as developed according to department rule.

9 56-1705. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL --
10 AGREEMENT REVIEW. (1) The division shall approve any person or entity before
11 such person or entity may provide extended employment services under the
12 program. The division shall enter an agreement with each program provider.
13 The agreement shall specify:

- 14 (a) Requirements for the provider;
- 15 (b) Services to be offered by the provider;
- 16 (c) Scope of work under the agreement;
- 17 (d) Service fees; and
- 18 (e) Other terms, conditions, and provisions as determined by the divi-
19 sion and agreed to by the provider.

20 (2) The division may terminate or revoke the approval status and dis-
21 continue authorizing or purchasing services from providers for actions in
22 violation of the agreement or rules promulgated by the department.

23 (3) A provider agreement shall be reviewed annually and is subject to
24 revision as required by the division in cooperation with providers.

25 56-1706. PROGRAM IMPLEMENTATION. The department is hereby authorized
26 to take such actions as are necessary to implement the provisions of this
27 chapter, including promulgation of necessary rules.

28 SECTION 3. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2022.