TITLE 56
PUBLIC ASSISTANCE AND WELFARE

CHAPTER 18
EXTENDED EMPLOYMENT SERVICES PROGRAM

56-1801. DEFINITIONS. As used in this chapter:

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

(2) "Extended employment services" means long-term maintenance services that assist participants in maintaining employment or gaining employment skills in preparation for community employment or that provide assistance to adult participants within an industry or a business setting or a community rehabilitation program intended to maintain paid employment. Extended employment services include individual community-based supported employment, group community-based supported employment, and work services.

(3) "Group community-based supported employment" means self-employment or paid employment that is:

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

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

(c) Supported by training and supervision needed to maintain that employment; and

(d) Not conducted in the work services area of a provider.

(4) "Individual community-based supported employment" means self-employment or paid employment:

(a) For which a participant is paid a competitive wage;

(b) For which a participant because of the participant's disability needs ongoing support to maintain the employment;

(c) That is conducted in a community or industry setting where persons without known paid work supports are employed; and

(d) That is supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision and training.

(5) "Individual program plan" means a plan for extended employment services appropriate for an individual participant based on the participant's needs and personal goals.

(6) "Participant" means a person eligible for and enrolled in the program established pursuant to this chapter.

(7) "Program" means the extended employment services program established by this chapter.

(8) "Provider" means a community rehabilitation program services provider approved by the department to provide extended employment services.

(9) "Work services" means activities, including remunerative work, typically conducted on provider premises, intended to assist participants in understanding the value and demands of work and developing functional capacities that increase or maintain the skill sets needed to achieve and maintain employment.

[(56-1801) 56-1701, added 2022, ch. 200, sec. 2, p. 651; am. and redesig. 2023, ch. 218, sec. 21, p. 644.]

56-1802. PROGRAM ESTABLISHED. (1) There is hereby established in the department an extended employment services program for the purpose of increasing employment opportunities for program participants. The program shall be administered by the department. Extended employment services offered under this program are separate and apart from any federal program but may be collaborative with and supportive of federal programs.

(2) Program services shall be:

(a) Provided when eligible individuals do not have access to comparable services or when they have fully utilized comparable services for which they are eligible; and

(b) Separate and apart from any delivered vocational rehabilitation services as defined in 29 U.S.C. 705(40) provided by the Idaho division of vocational rehabilitation.

(3) The department will determine the process for identifying comparable services.

[(56-1802) 56-1702, added 2022, ch. 200, sec. 2, p. 652; am. and redesig. 2023, ch. 218, sec. 21, p. 645.]

56-1803. PROGRAM ELIGIBILITY AND ADMINISTRATION. (1) A person is eligible to participate in the program if the person:

(a) Has a disability that constitutes a barrier to maintaining paid employment without long-term vocational support;

(b) Is sixteen (16) years of age or older; and

(c) Is an Idaho resident.

(2) Program participants may request that the program conduct an additional case review to evaluate service-level needs at any time. The process will be collaborative with the participant and other stakeholders, as appropriate, and include the exchange of information on the array of employment type options.

(a) Case file reviews, interviews, and other methods may be used to determine an individual's service-level needs.

(b) Individuals may be referred to other programs that provide employment or other supports that the extended employment services program does not provide.

(c) In order to receive extended employment services, a participant must either take part in an annual case review or request that the program assume the responsibility for developing an individual program plan with the participant.

(3) Each participant has the right to select the provider used, as applicable to the type and level of services identified, and may choose to receive services from a different provider at any time, subject to provider availability. A participant will contact the program manager to request services from a different approved provider.

(4) Eligible program participants receiving services in any category may choose to receive services in a different category if criteria established by the department are met.

(5) An individual who is unable to participate in program services for any period exceeding the department's timeline will be placed into interrupted service status.

(6) Case closures require written notification to the participant by the provider. A good faith effort must be made to notify the participant if the case is closed. Cases will be closed from the program if one (1) or more of the following reasons are met and documentation in the case record supports such reason:

(a) The participant has moved out of state;

(b) The participant has retired from employment;

(c) The participant no longer needs program services;

(d) The participant is eligible for or utilizing medicaid waiver employment supports for competitive integrated employment;

(e) The employer is providing long-term supports;

(f) The employment type transfer;

(g) The participant is no longer interested in pursuing employment;

(h) The participant is not medically released to work for an extended period of time;

(i) The participant is noncompliant, not following through with program requirements, or no longer able to utilize the program; or

(j) The program manager is unable to locate or contact the participant.

(7) Applicants will be placed on a waiting list by date of program eligibility.

(8) The department will review program service rates and contract with third-party vendors to conduct cost surveys at a minimum of every five (5) years.

[(56-1803) 56-1703, added 2022, ch. 200, sec. 2, p. 652; am. and redesig. 2023, ch. 218, sec. 21, p. 645.]

56-1804. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:

(a) Individual community-based supported employment;

(b) Group community-based supported employment;

(c) Work services; and

(d) Transportation.

(2) The services provided to a participant shall be based on the participant's individual program plan.

(3) Program services must:

(a) Be individually planned by using person-centered principles and person-first or people-first language;

(b) Provide assistance to participants as unique individuals with varying interests, preferences, and aptitudes;

(c) Be appropriate to the needs of a participant and consistent with the choice of the participant regarding services, providers, and goals;

(d) Provide the participant compensation, where applicable, for work performed pursuant to federal and state wage and hour laws;

(e) Safeguard participants against conflicts of interest; and

(f) Allow a participant to pursue an alternate employment type and assist the participant with referral to the applicable state agency or program provider. Any changes to the employment type must be approved by the department.

(4) Individual community-based supported employment services include:

(a) Focused mentoring and extended or ongoing job coaching to sustain employment;

(b) Off-site job coaching, which may be included in an individual's program plan when determined by the individual, provider, and program staff to be the most appropriate strategy to meet the participant's needs;

(c) Provider-directed supervision of a participant, which will be approved when the general community employer requires it as part of the terms of the participant's employment; and

(d) Opportunity for the participant to increase independence in the participant's employment with the competitive employer.

(5) Group community-based supported employment allowable activities are limited to:

(a) Promoting and advocating for increasing the participant's independence, inclusion, integration, and community employment goals;

(b) Supervising, observing, and job coaching of the participant to maintain employment; and

(c) Training for specific job duties and tasks.

(6) Work services area allowable activities are:

(a) Promoting and advocating for increasing the participant's independence, inclusion, integration, and community employment goals;

(b) Supervising, observing, and job coaching of the participant to maintain employment;

(c) Training for specific job duties and tasks;

(d) Training in other skills that increase the participant's employability for group community-based supported employment or individual community-based supported employment;

(e) Providing on-site personal assistance;

(f) Providing simulated work training and work activities, including career counseling and information and referral to other support services by the department; and

(g) Increasing the participant's understanding of various career pathways and expectations of general community employers. These activities will include a component in the greater community, away from the provider-owned facility.

(7) Preapproval is required for needed supports that exceed the individual program plan service level, including:

(a) Short-term additional supports; and

(b) Transportation as approved in the individual plan. One (1) unit of transportation equals one (1) round trip.

(8) Development of individual program plans shall be as follows:

(a) The participant and provider will develop the participant's individual program plan using the program template. The individual program plan will include a brief summary of the participant's involvement.

(b) Individual program plans must be signed by the participant, or legal guardian if applicable, and the provider staff who assisted with the plan preparation.

(c) The provider will not receive payment for any services provided without an approved individual program plan.

(d) Providers are not required to provide services after an individual program plan expires.

(e) An individual program plan must use person-centered principles and people-first language and detail vocational goals, corresponding meaningful measurable objectives, and the participant's desired employment outcomes. A participant's individual program plan goals will be dis-

cussed, modified, revised, and updated yearly based on data from the participant's progress reports to help the participant achieve employment goals.

(f) The participant and provider will review progress toward vocational goals and next steps necessary to meet vocational goals. The participant will sign the progress report to acknowledge review of the report. The provider will submit progress reports in the timeline established by the department.

[(56-1804) 56-1704, added 2022, ch. 200, sec. 2, p. 653; am. and redesig. 2023, ch. 218, sec. 21, p. 646.]

56-1805. PROGRAM PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL -- AGREEMENT REVIEW. (1) Extended employment services providers must be approved by the department prior to participation in the program. The department shall enter an agreement with each approved provider. The agreement shall specify:

(a) Minimum provider requirements:

(i) The provider must be accredited by an approved national or regional accrediting body, specific to vocational supports for individuals with disabilities. Approved program accrediting bodies will be published annually to the department's website; and

(ii) The providers must remain in good standing with their accreditor;

(b) Services to be offered by the provider;

(c) Scope of work under the agreement;

(d) Service fees;

(e) Provider appeal process; and

(f) Other terms, conditions, and provisions as determined by the department.

(2) The department may terminate or revoke the approval status and discontinue authorizing or purchasing services from providers for actions in violation of the agreement or program requirements.

(3) A provider agreement shall be reviewed annually by the department, in collaboration with the providers, and is subject to revision as required by the department.

(4) Providers must maintain program participant files for five (5) years from the last date of service.

(5) The department may audit billing records and other documentation submitted by providers to verify the accuracy of such records.

(6) The department may deny, revoke, or recover service payments if the provider fails to comply with the terms of the provider agreement.

[(56-1805) 56-1705, added 2022, ch. 200, sec. 2, p. 655; am. and redesig. 2023, ch. 218, sec. 21, p. 648.]