

IN THE SENATE

SENATE BILL NO. 1399

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE EXTENDED EMPLOYMENT SERVICES PROGRAM; REPEALING CHAPTER 63, TITLE 33, IDAHO CODE, RELATING TO THE EXTENDED EMPLOYMENT SERVICES PROGRAM; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 56, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH THE EXTENDED EMPLOYMENT SERVICES PROGRAM IN THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR PROGRAM ELIGIBILITY AND ADMINISTRATION, TO ESTABLISH PROVISIONS REGARDING COVERED SERVICES AND INDIVIDUAL PROGRAM PLANS, AND TO ESTABLISH PROVISIONS REGARDING PROGRAM PROVIDERS AND PROVIDER AGREEMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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 That Chapter 63, Title 33, Idaho Code, be, and the same is hereby repealed.

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

CHAPTER 17

EXTENDED EMPLOYMENT SERVICES PROGRAM

56-1701. 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:

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

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

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

6 (d) That is supported by authorized activities needed to sustain paid  
7 work by persons with disabilities, including but not limited to super-  
8 vision and training.

9 (5) "Individual program plan" means a plan for extended employment ser-  
10 vices appropriate for an individual participant based on the participant's  
11 needs and personal goals.

12 (6) "Participant" means a person eligible for and enrolled in the pro-  
13 gram established pursuant to this chapter.

14 (7) "Program" means the extended employment services program estab-  
15 lished by this chapter.

16 (8) "Provider" means a community rehabilitation program services  
17 provider approved by the department to provide extended employment ser-  
18 vices.

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

24 56-1702. PROGRAM ESTABLISHED. (1) There is hereby established in the  
25 department an extended employment services program for the purpose of in-  
26 creasing employment opportunities for program participants. The program  
27 shall be administered by the department. Extended employment services of-  
28 fered under this program are separate and apart from any federal program but  
29 may be collaborative with and supportive of federal programs.

30 (2) Program services shall be:

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

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

37 (3) The department will determine the process for identifying compara-  
38 ble services.

39 56-1703. PROGRAM ELIGIBILITY AND ADMINISTRATION. (1) A person is eli-  
40 gible to participate in the program if the person:

41 (a) Has a disability that constitutes a barrier to maintaining paid em-  
42 ployment without long-term vocational support;

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

44 (c) Is an Idaho resident.

45 (2) Program participants may request that the program conduct an addi-  
46 tional case review to evaluate service level needs at any time. The process  
47 will be collaborative with the participant and other stakeholders, as appro-

1 priate, and include the exchange of information on the array of employment  
2 type options.

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

5 (b) Individuals may be referred to other programs that provide employ-  
6 ment or other supports that the extended employment services program  
7 does not provide.

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

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

17 (4) Eligible program participants receiving services in any category  
18 may choose to receive services in a different category if criteria estab-  
19 lished by the department are met.

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

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

- 28 (a) The participant has moved out of state;
  - 29 (b) The participant has retired from employment;
  - 30 (c) The participant no longer needs program services;
  - 31 (d) The participant is eligible for or utilizing medicaid waiver em-  
32 ployment supports for competitive integrated employment;
  - 33 (e) The employer is providing long-term supports;
  - 34 (f) The employment type transfer;
  - 35 (g) The participant is no longer interested in pursuing employment;
  - 36 (h) The participant is not medically released to work for an extended  
37 period of time;
  - 38 (i) The participant is noncompliant, not following through with pro-  
39 gram requirements, or no longer able to utilize the program; or
  - 40 (j) The program manager is unable to locate or contact the participant.
- 41 (7) Applicants will be placed on a waiting list by date of program eli-  
42 gibility.

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

46 56-1704. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to  
47 available funding, the program shall provide the following services to par-  
48 ticipants, as appropriate:

- 49 (a) Individual community-based supported employment;

- 1 (b) Group community-based supported employment;  
2 (c) Work services; and  
3 (d) Transportation.
- 4 (2) The services provided to a participant shall be based on the partic-  
5 ipant's individual program plan.
- 6 (3) Program services must:
- 7 (a) Be individually planned by using person-centered principles and  
8 person-first or people-first language;
- 9 (b) Provide assistance to participants as unique individuals with  
10 varying interests, preferences, and aptitudes;
- 11 (c) Be appropriate to the needs of a participant and consistent with the  
12 choice of the participant regarding services, providers, and goals;
- 13 (d) Provide the participant compensation, where applicable, for work  
14 performed pursuant to federal and state wage and hour laws;
- 15 (e) Safeguard participants against conflicts of interest; and
- 16 (f) Allow a participant to pursue an alternate employment type and  
17 assist the participant with referral to the applicable state agency or  
18 program provider. Any changes to the employment type must be approved  
19 by the department.
- 20 (4) Individual community-based supported employment services include:
- 21 (a) Focused mentoring and extended or ongoing job coaching to sustain  
22 employment;
- 23 (b) Offsite job coaching, which may be included in an individual's  
24 program plan when determined by the individual, provider, and program  
25 staff to be the most appropriate strategy to meet the participant's  
26 needs;
- 27 (c) Provider-directed supervision of a participant, which will be ap-  
28 proved when the general community employer requires it as part of the  
29 terms of the participant's employment; and
- 30 (d) Opportunity for the participant to increase independence in the  
31 participant's employment with the competitive employer.
- 32 (5) Group community-based supported employment allowable activities  
33 are limited to:
- 34 (a) Promoting and advocating for increasing the participant's indepen-  
35 dence, inclusion, integration, and community employment goals;
- 36 (b) Supervising, observing, and job coaching of the participant to  
37 maintain employment; and
- 38 (c) Training for specific job duties and tasks.
- 39 (6) Work services area allowable activities are:
- 40 (a) Promoting and advocating for increasing the participant's indepen-  
41 dence, inclusion, integration, and community employment goals;
- 42 (b) Supervising, observing, and job coaching of the participant to  
43 maintain employment;
- 44 (c) Training for specific job duties and tasks;
- 45 (d) Training in other skills that increase the participant's employ-  
46 ability for group community-based supported employment or individual  
47 community-based supported employment;
- 48 (e) Providing onsite personal assistance;

1 (f) Providing simulated work training and work activities, including  
 2 career counseling and information and referral to other support ser-  
 3 vices by the department; and

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

8 (7) Preapproval is required for needed supports that exceed the indi-  
 9 vidual program plan service level, including:

10 (a) Short-term additional supports; and

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

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

14 (a) The participant and provider will develop the participant's indi-  
 15 vidual program plan using the program template. The individual program  
 16 plan will include a brief summary of the participant's involvement.

17 (b) Individual program plans must be signed by the participant, or le-  
 18 gal guardian if applicable, and the provider staff who assisted with the  
 19 plan preparation.

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

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

24 (e) An individual program plan must use person-centered principles and  
 25 people-first language and detail vocational goals, corresponding mean-  
 26 ingful measurable objectives, and the participant's desired employment  
 27 outcomes. A participant's individual program plan goals will be dis-  
 28 cussed, modified, revised, and updated yearly, based on data from the  
 29 participant's progress reports to help the participant achieve employ-  
 30 ment goals.

31 (f) The participant and provider will review progress toward voca-  
 32 tional goals and next steps necessary to meet vocational goals. The  
 33 participant will sign the progress report to acknowledge review of the  
 34 report. The provider will submit progress reports in the timeline es-  
 35 tablished by the department.

36 56-1705. PROGRAM PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL  
 37 -- AGREEMENT REVIEW. (1) Extended employment services providers must be ap-  
 38 proved by the department prior to participation in the program. The depart-  
 39 ment shall enter an agreement with each approved provider. The agreement  
 40 shall specify:

41 (a) Minimum provider requirements:

42 (i) The provider must be accredited by an approved national or re-  
 43 gional accrediting body, specific to vocational supports for in-  
 44 dividuals with disabilities. Approved program accrediting bodies  
 45 will be published annually to the department's website; and

46 (ii) The providers must remain in good standing with their accred-  
 47 itor;

48 (b) Services to be offered by the provider;

49 (c) Scope of work under the agreement;

- 1 (d) Service fees;  
2 (e) Provider appeal process; and  
3 (f) Other terms, conditions, and provisions as determined by the de-  
4 partment.  
5 (2) The department may terminate or revoke the approval status and dis-  
6 continue authorizing or purchasing services from providers for actions in  
7 violation of the agreement or program requirements.  
8 (3) A provider agreement shall be reviewed annually by the department,  
9 in collaboration with the providers, and is subject to revision as required  
10 by the department.  
11 (4) Providers must maintain program participant files for five (5)  
12 years from the last date of service.  
13 (5) The department may audit billing records and other documentation  
14 submitted by providers to verify the accuracy of such records.  
15 (6) The department may deny, revoke, or recover service payments if the  
16 provider fails to comply with the terms of the provider agreement.

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