

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 532

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO EXTENDED EMPLOYMENT SERVICES; AMENDING TITLE 56, IDAHO CODE, BY
2 THE ADDITION OF A NEW CHAPTER 17, TITLE 56, IDAHO CODE, TO DEFINE TERMS,
3 TO ESTABLISH AN EXTENDED EMPLOYMENT SERVICES PROGRAM IN THE STATE DE-
4 PARTMENT OF HEALTH AND WELFARE, TO PROVIDE ELIGIBILITY REQUIREMENTS, TO
5 PROVIDE FOR COVERED SERVICES AND AN INDIVIDUAL PROGRAM PLAN, TO ESTAB-
6 LISH PROVISIONS REGARDING PROVIDERS OF EXTENDED EMPLOYMENT SERVICES,
7 AND TO PROVIDE FOR PROGRAM IMPLEMENTATION.
8

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

10 SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
12 ter 17, Title 56, Idaho Code, and to read as follows:

13 CHAPTER 17

14 EXTENDED EMPLOYMENT SERVICES PROGRAM

15 56-1701. DEFINITIONS. As used in this chapter:

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

17 (2) "Disability" means a developmental disability, a learning disabil-
18 ity, a mental illness, or a traumatic brain injury as defined in this subsec-
19 tion.

20 (a) "Developmental disability" means a chronic disability of a person
21 appearing before the age of twenty-two (22) years that:

22 (i) Is attributable to impairment, such as an intellectual
23 disability, cerebral palsy, epilepsy, or autism, or another con-
24 dition related to or similar to at least one (1) such impairment
25 that requires similar treatment or services, or is attributable to
26 dyslexia resulting from such impairment;

27 (ii) Results in substantial functional limitations in three (3)
28 or more of the following areas of major life activity:

- 29 1. Self-care;
- 30 2. Receptive and expressive language;
- 31 3. Learning;
- 32 4. Mobility;
- 33 5. Self-direction;
- 34 6. Capacity for independent living; or
- 35 7. Economic self-sufficiency; and

36 (iii) Reflects the need for a combination and sequence of special,
37 interdisciplinary, or generic care, treatment, or other ser-
38 vices that are of life-long or extended duration and individually
39 planned or coordinated.

40 (b) "Learning disability" means a disorder in one (1) or more of the
41 psychological processes involved in understanding, perceiving, or us-

1 ing language or concepts. Such a disorder may manifest in problems re-
 2 lated to speaking, writing, spelling, or mathematical calculations and
 3 must seriously limit two (2) or more of the following functional capaci-
 4 ties:

- 5 (i) Mobility;
- 6 (ii) Communication;
- 7 (iii) Self-care;
- 8 (iv) Self-direction;
- 9 (v) Work tolerance; or
- 10 (vi) Work skills.

11 (c) "Mental illness" means at least one (1) of the following condi-
 12 tions, as diagnosed by a qualified professional under the diagnostic
 13 and statistical manual of mental disorders, fourth edition or later:
 14 schizophrenia, schizoaffective disorder, major affective disorder,
 15 delusional disorder, or borderline personality disorder, with the
 16 condition being of sufficient severity to cause a disturbance in role
 17 performance or coping skills in at least two (2) of the following areas:

- 18 (i) Vocational or academic;
- 19 (ii) Financial;
- 20 (iii) Social or interpersonal;
- 21 (iv) Family;
- 22 (v) Basic living skills;
- 23 (vi) Housing;
- 24 (vii) Community; or
- 25 (viii) Health.

26 (d) "Traumatic brain injury" means a brain injury resulting in physi-
 27 cal, cognitive, or psycho-social-behavioral-emotional impairments.

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

35 (4) "Group community-based supported employment" means self-employ-
 36 ment or paid employment that is:

- 37 (a) For a group of no more than eight (8) participants who are paid at
 38 least minimum wage and who, because of their disabilities, need ongoing
 39 support to maintain employment;
- 40 (b) Conducted in a variety of community and industry settings where the
 41 participants have opportunities to interact with coworkers or others
 42 without known paid work supports at least to the extent that those op-
 43 portunities typically exist in that work setting;
- 44 (c) Supported by training and supervision needed to maintain that em-
 45 ployment; and
- 46 (d) Not conducted in the work services area of a provider.

47 (5) "Individual community supported employment" means self-employment
 48 or paid employment:

- 49 (a) For which a participant is paid at least minimum wage;

1 (b) For which the participant, because of the participant's disabili-
2 ty, needs ongoing support to maintain the employment;

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

5 (d) Is supported by authorized activities needed to sustain paid work
6 by persons with disabilities, including, but not limited to, supervi-
7 sion, training, and transportation.

8 (6) "Individual program plan" means a plan for extended employment ser-
9 vices appropriate for an individual participant based on the participant's
10 needs.

11 (7) "Participant" means a person eligible for and enrolled in the ex-
12 tended employment services program established pursuant to section 56-1702,
13 Idaho Code.

14 (8) "Program" means the extended employment services program estab-
15 lished pursuant to section 56-1702, Idaho Code.

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

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

23 56-1702. PROGRAM ESTABLISHED. There is hereby established in the de-
24 partment an extended employment services program for the purpose of increas-
25 ing employment opportunities for program participants. Extended employment
26 services offered under the program are separate and apart from any federal
27 program but may be collaborative with and supportive of federal programs.
28 Administrative costs charged to the EES program shall be limited and based on
29 actual costs subject to audit and review.

30 56-1703. ELIGIBILITY. A person is eligible to participate in the pro-
31 gram if the person:

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

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

35 (3) Is an Idaho resident.

36 56-1704. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to
37 available funding, the program shall provide the following services to par-
38 ticipants, as appropriate:

39 (a) Individual community supported employment;

40 (b) Group community-based supported employment; and

41 (c) Work services.

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

44 56-1705. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL --
45 AGREEMENT REVIEW. (1) The department shall approve any person or entity
46 before such person or entity may provide extended employment services un-

1 der the program. The department shall enter an agreement with each program
2 provider. The agreement shall specify:

- 3 (a) Requirements for the provider;
- 4 (b) Services to be offered by the provider;
- 5 (c) Scope of work under the agreement;
- 6 (d) Service fees; and
- 7 (e) Other terms, conditions, and provisions as determined by the de-
8 partment and agreed to by the provider.

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

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

14 56-1706. PROGRAM IMPLEMENTATION. The department is hereby authorized
15 to take such actions as are necessary to implement the provisions of this
16 chapter, including promulgation of necessary rules.