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Report Prepared in Response to Chapter 570, H.P. 1351-L.D.  
1910: “An Act to Create Employment Opportunities for People  
with Disabilities”

Part B: Employment Opportunities for Individuals with  
Developmental Disabilities

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to the  
Joint Standing Committee of the 123<sup>rd</sup> Maine Legislature Having  
Jurisdiction Over Labor Matters

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## Section 1. Executive Summary

Chapter 570, H.P. 1351-L.D. 1910: “An Act to Create Employment Opportunities for People with Disabilities”, was passed in response to the desire to enact legislation to increase the numbers of people with disabilities employed in the state of Maine.

Representative Arthur Lerman sponsored LD 570. This report is in response to section B of PL 570, section B being directed specifically at increasing supported employment opportunities for people with developmental disabilities. The methodology included a stakeholder’s meeting specifically organized to review this legislation. The methodology also included reviews of task forces’ efforts on intersecting issues as well as research and analysis of other states’ policies.

### Summary of Findings of the Report

1. **Ways to enhance employment opportunities:** Better and earlier planning for students; improved recruitment of potential employers and businesses leaders; improved streamlined coordination of efforts between the Department of Labor (DOL) and The Department of Health and Human Services (DHHS).
2. **Data on Day Habilitation funding vs. Supported Employment:** Currently there are 1,409 adults receiving MaineCare Section 24 (Free Standing Day Habilitation) costing \$15,000,000 total per year, or \$10,645 per person. 773 people receive employment support at a cost of \$4,000,000 total per year, or \$5,471 per person. Additionally approximately 135 new graduates access services per year through entitlement of MaineCare Section 24 at a cost of an additional \$2,300,000 per year.
3. **Conversion of MaineCare Section 24 (Free Standing Day Habilitation) to a new jobs program.** Conversations have begun between DHHS and Centers for Medicare/Medicaid Services (CMS) to create a new waiver effective July 1, 2007 which would allow both Supported Employment and Day Habilitation services as outcomes. Currently, employment services are disallowed through Free Standing Day Habilitation.
4. **Relative merits of administrating Supported Employment funding through the Department of Labor:** The primary intent and federal statutory authority of the public VR program within the Department of Labor provides for time-limited vocational rehabilitation services. DHHS provides whole life planning and coordination of support, embedding long-term employment support within an array of community living services. Moving of funding to VR would fragment this service delivery.
5. **Plans for Achieving Self Support (PASS):** This Social Security Administration program provides people who receive SSI an incentive to achieve self-sufficiency. This is done through the preservation of some necessary benefits while pursuing a well-defined vocational goal. Many work incentives exist, including the PASS, that are currently

underutilized in Maine. This is in part due to the complex application process. The creation of more Benefits Counselors will increase usage of these programs.

6. **Review of other States Policies that support outcomes of employment:** A review of high performing states as identified by the Institute for Community Inclusion at Boston Children's Hospital shows that Maine has in place a Vocational Policy that encourages growth in Supported Employment.
7. ***Pros and Cons of mandating employment for graduating students beginning in 2007:*** A general agreement exists that proactively seeking employment for people with disabilities is the right thing to do. Some of the most important reasons are social and economic in nature. There are some concerns over system readiness for increased demand because of too rapid of a growth of people wanting employment. Issues also occur around the conflict between personal autonomy (related to choosing supports) and mandating employment.
8. **Resources needed for shift to more employment:** Philosophical and cultural shifts will be required to enable collaboration between systems. More flexible funding will be required, along with attitudinal shifts from service providers and the business community.

#### **Recommendations:**

1. Encourage and support continued interdepartmental (DHHS and DOL) coordination of employment supports for people with developmental disabilities in order to improve ease of access to services.
2. Promote and support Best Practices in Supported Employment by all providers within the state focused on the shared value of competitive, inclusive, community based employment.
3. Re-examine current Vocational Policy and work towards full implementation.
4. Clarify outcome expectations for employment and collect, analyze and use relevant data to increase outcomes of employment.
5. Create a stakeholder group comprised of employers, providers, family, people in services, VR and DHHS to develop strategies to increase competitive employment for people with developmental disabilities.
6. Continue the work that has begun regarding implementation of a new waiver in July 2007 to expand employment as an alternative for people currently receiving MaineCare, Section 24.
7. Develop a strategy to inform people with disabilities, families, and providers about the expansion of available services through the Benefits Counseling Program.

## Section 2: History and Purpose of this Report

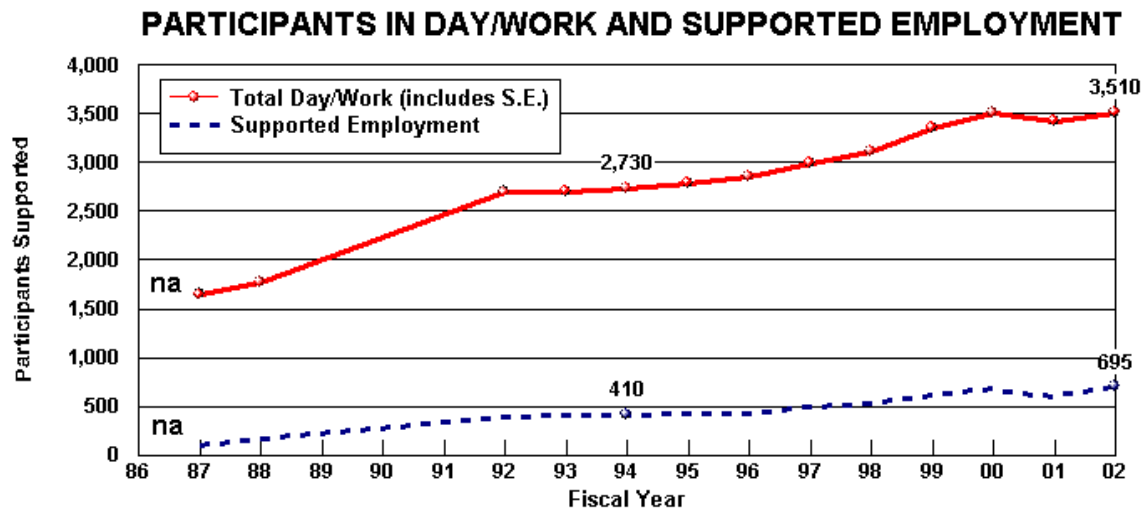
### A. History

Chapter 570, H.P. 1351-L.D. 1910: “An Act to Create Employment Opportunities for People with Disabilities”, was passed in response to the desire to enact legislation to increase the numbers of people with disabilities employed in the state of Maine. In the words of Governor John Baldacci “Working together, we can improve the employment and economic potential of all Mainers with disabilities.”

The Commission on Disability and Employment states “There is widespread community expectation that persons with disabilities can and will participate in the labor force to the maximum extent possible”<sup>1</sup>

However, this data from the Coleman Institute 2006 “State of the States” report paints a different picture of the reality of what is currently happening in Maine<sup>1</sup>:

Of the 3,510 people the state is supporting in various daytime pursuits, at a cost of \$19,448,162, only 695 (19%) are receiving supported employment services. Of that total cost (which includes federal matching funds), only \$4,166,916 is dedicated to supported employment services. This is illustrated in the graph below:



### B. Introduction

The Department of Labor and the Department of Health and Human Services have a strong history of supporting people who receive employment services. Over the past ten years, the number of people with developmental disabilities becoming valued employees of local businesses has increased. However, the struggle to maximize employment opportunities continues. Through the use of employment incentives, restructured funding and early planning with youth and families, the two Departments renew their

commitments to working together to ensure employment for people who have developmental disabilities.

This report highlights the response to PL 570 and highlights the two Departments' joint commitment to reevaluate and engage stakeholders in increased employment opportunities for citizens with developmental disabilities.

PL 570 also presents the two Departments with the opportunity to recommit State resources, eliminate barriers and increase outcomes of employment of people with disabilities.

### **C. Summary of the Law**

Public Law 2005, chapter 570 creates a new Part 29 entitled "Employment of Individuals with Disabilities" in Title 5 of the Maine Revised Statutes and requires each state agency to:

1. Periodically review the adequacy of hiring and advancement practices in the agency with respect to individuals with disabilities;
2. Develop a plan by January 1, 2007 for increasing the opportunities for individuals with disabilities to be employed by the agency;
3. Encourage the employment of individuals with disabilities in its outside contracts;
4. Expand its outreach efforts to make individuals with disabilities aware of available employment opportunities at the agency; and
5. Increase its efforts to accommodate individuals with disabilities.

The law directs the Department of Administrative and Financial Services, Bureau of Human Resources to reinstate, based on the availability of financial resources, the activities and functions previously associated with the position of Disability Employment Services Coordinator. This reinstating will be done in order to provide oversight and facilitation of duties relative to the employment of workers with disabilities in state agencies. The law also requires the Department of Health and Human Services and the Department of Labor to produce a report (in consultation with several disabilities services agencies and interested parties) regarding employment opportunities for individuals with developmental disabilities. Finally, the law directs the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, to submit a report with recommendations regarding the funding and implementation of a media campaign. This campaign will be designed to increase statewide awareness of employment-related issues affecting individuals with disabilities. The campaign will also include an employer outreach campaign designed to engage employers in discussions and



information exchange about issues, services and support systems related to the employment of individuals with disabilities.

**D. Content of Public Law 570, Part B:**

**Sec. B-1. Report.** The Department of Labor jointly with the Department of Health and Human Services shall submit, no later than January 1, 2007, to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding employment opportunities for individuals with developmental disabilities. The departments shall produce the report in consultation with the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, established in the Maine Revised Statutes, Title 26, section 2006; Speaking Up For Us of Maine; the Maine Developmental Disabilities Council; the Disability Rights Center of Maine; the Maine Association of Community Service Providers; the Brain Injury Association of Maine; and other interested parties. The report must address the following issues:

1. Ways to enhance access to employment opportunities for adults with developmental disabilities and a strategy to make supported employment services the primary form of support services available to adults with developmental disabilities, especially when they graduate from high school;
2. Data on the number of individuals who receive freestanding day habilitation funding versus supported employment funding and the amount of funding involved, including state grant funds, state seed funds and federal funds. The report also must address data on the number of newly graduating high school students who received services through the freestanding day habilitation entitlement in each of the past 2 years, the cost associated with this entitlement, the projected cost of this entitlement in fiscal year 2006-07 and fiscal year 2007-08 and the location within the budget where funds for this entitlement are located;
3. The possibility of using currently earmarked freestanding day habilitation funds for supported employment, including the possibility of converting the state match for the current day habilitation services to a new jobs program under a new Medicaid waiver;
4. The relative merits of administering state supported employment services to individuals with developmental disabilities through the Department of Labor as opposed to the Department of Health and Human Services;
5. The extent to which individuals who receive supported employment services have a plan for achieving self-support approved by the Social Security Administration;
6. A review of other states' policies regarding supported employment, including the State of Washington;

7. The reasons for and against implementing a new state policy modeled after the State of Washington policy that mandates supported employment services for the class of 2007 high school graduates; and
8. The resources that need to be available to existing providers of supported employment and day habilitation services in order to successfully shift their emphasis to job development for adults with developmental disabilities.

*The complete body of Chapter 570, H.P. 1351-L.D. 1910, An Act to Create Employment Opportunities for People with Disabilities, is contained in Appendix A.*

## **E. Methodology**

Many concurrent efforts are working to address this issue.

- First and foremost is the “Working Together” strategic plan, a year-long effort sponsored and guided by both the Department of Health and Human Services and the Department of Labor. Other key partners are the Maine Jobs Council and the Maine Commission on Disability and Employment. The “Working Together” planning process included data collected from many stakeholders, sorted into specific areas of focus, and led to the adoption of 6 strategic priority areas. The priority areas apply as much to persons with developmental disabilities as they apply to any target group of persons with disabilities. One section in “Working Together” addresses employment supports for individuals with developmental disabilities. It contains comments from stakeholders related to strengths, weaknesses, opportunities and threats within this system.
- The Governor’s Task Force<sup>ii</sup> to examine cost drivers recommends “For youth transition from school to adult services, post-secondary education or training opportunities, employment and other community inclusion services must be the primary expectations”
- The Developmental Disabilities Council is in the process of finalizing their strategic assessment and annual plan.
- A working group was formed involving representatives from the Department of Labor, the Department of Health and Human Services, and the Muskie Institute. This group met several times over a period of months to determine a plan of action for responding to the legislators’ request for a report on PL 570 Part B. Members of this work group included Jane Gallivan, David Goddu, and Lisa D. Sturtevant of the Department of Health and Human Services; Karen Fraser of the Department of Labor; Larry Glantz of the Muskie Institute for Health Policy; Mary Kelley and Nadine Edris of the Muskie Institute for Public Sector Innovation; and Jonathan Leach, consultant.

On October 25, 2006, a PL570 Part B Stakeholders Forum was held at The Cohen Center in Hallowell, Me. In attendance were representatives from ABIAC/SRC, the Brain Injury Association, the Center for Community Inclusion & Disability Studies, Developmental Services, Children's Behavioral Health Services (DHHS), the Disability Rights Center, KFI, the Maine Association of Community Service Providers, the Maine Department of Labor, the Maine Jobs Council, the Maine Parent Federation, the Maine Support Network, the Maine Developmental Disabilities Council, the Muskie School, the Southern Maine Advisory Council on Transition, the State of Maine House of Representatives, STRIVE-U, and Speaking Up For Us. Representative Arthur Lerman, sponsor of the Bill, was attendance and presented to the group. (Also invited, but not in attendance, were representatives from Alpha One, the Maine Chamber of Commerce, State of Maine Special Education Services, and Portland Public Schools.) A 'carousel' model was used to generate ideas from the participants in the forum, whereby the whole group was divided into four facilitated groups to focus on specific topics. In this manner, feedback on each of the focus topics was obtained from all participants in the forum. This information was gathered in response to specific requirements of PL 570 Part B and is included in the body of this report.

- Other methods included internal data collection and analysis by both DHHS and DOL, review of other states' policies and procedures via the Internet, literature reviews, and interviews with vested parties.

### **Section 3. Enhancing Employment Opportunities**

#### ***A. Ways to enhance access to employment opportunities for adults with developmental disabilities.***

The following are the ideas generated during the brainstorming sessions conducted during the stakeholder's forum described in the 'methodology' section in the introduction for potential methods to enhance access to employment opportunities for adults with developmental disabilities.

#### **THEMES:**

##### **1. ENHANCE JOB PREPARATION AND SKILL DEVELOPMENT:**

- Transition age youth (starting at age 14) could benefit from experiencing a variety of different jobs, having better planning/preparation for the job market in high school (including interview skills, resume/vocational inventory development, and development of the right skills for the right jobs)
- Planning should be more individualized, based on person's desires and incorporating informed choice to assure long-term success (Include employers, parents, teachers in working together for employment planning)
- Provide benefits counseling: assure proactive planning on work incentives to offset changes to people's existing benefits
- Focus on specific need/growth areas in employment, i.e. more people with disabilities going into the nursing field
- Support more people to go through driver's education and acquire driver's licenses to improve ability to get to work and decrease reliance on systems' support

##### **2. CHANGES IN FUNDING**

- Implement funding strategies that favor the provision of Supported Employment over Day Habilitation: Make it an incentive for people to get out and get a job: consider making job search efforts a prerequisite for continued funding of other services
- Develop incentives and opportunities for creative approaches to job development
- More flexibility in how funding can get used: i.e., the existing parameters around day habilitation are restrictive
- Implement a self determination model that encourages people with developmental disabilities to choose how funding is spent on services
- Eliminate existing disincentives to employment – loss of healthcare, SSA, and/or other benefits

### **3. SYSTEMS/PROVIDER CHANGES**

- Increase pay levels of staff people to improve recruitment and retention of competent professional job developers and job trainers
- Use existing community based employment agencies/temporary agencies for job trials: Build relationships with people in the community who are connected to local business communities
- Increase providers' awareness about supports available in Maine: increase the use of PASS plans
- Implement performance-based reimbursement rates for providers: Pay providers in relation to outcomes achieved
- Offer people multiple job opportunities: More job coaches are needed

### **4. ATTITUDINAL/CULTURAL SHIFTS**

- Teach inclusion in college courses to future employers (business/economics) to enhance supporting/hiring people with disabilities
- Support inclusion in all venues: expand opportunities for children and young adults with and without disabilities to spend time together to get used to supporting each other
- Develop a culture of understanding about employment: the benefits and the costs
- Eliminate segregated/congregated settings as a service option, i.e. sheltered workshops
- Develop a shared values structure/vision with a focus on competitive employment, to include people with developmental disabilities, families, schools, VR/DHHS, and provider agencies

### **5. FOCUS ON EMPLOYERS**

- Develop increased awareness and possible enhancement of employer incentives
- Address employers' barriers, increase understanding of business benefits to hiring
- Recognition of employers who are currently employing people with developmental disabilities: Show who is doing it right, encourage them to mentor other employers, publicize their efforts, and support them
- Encourage employers to work with schools to identify needed skills for jobs
- Establish contact between employment service providers and human resource groups – connect to them, educate, and share information

### **6. SUPPORTS FOR PEOPLE CURRENTLY IN THE WORKPLACE**

- Assure positive working environments by helping employers and co-workers understand accommodation/supports for people with developmental disabilities
- “Teach employers & other employers about my disability: “Read my story” understand me
- Use/create a video to use in training – “people sharing what works if I am having a hard time at work”

***B. Strategies to make supported employment services the primary form of support services available to adults with developmental disabilities, especially when they graduate from high school.***

The following themes emerged from the stakeholder forum discussion of potential changes and/or strategies for making supported employment the primary form of support services for adults with developmental disabilities:

**THEMES:**

**1. SYSTEMS LEVEL STRATEGIES**

- Offer a choice in service availability, not just one entitlement choice: both day habilitation and supported employment
- Better collaboration between the Department of Labor, Vocational Rehabilitation, schools, the Department of Health and Human Services, and the Department of Education
- Shift focus to jobs instead of services because it turns into an economic issue (i.e. resource allocation vs. tax revenue generation)
- Expand transportation options to make it easier to get to work
- Change provider contracts: Establish a commitment that includes partnerships; service expectations

**2. PERSON-BASED STRATEGIES**

- Plan for developing/enhancing natural supports in workplace
- Provide new employees with the opportunity to meet new co-workers and educate them about disability before working
- Create the expectation to go to college or getting a job (with support)
- Focus on money generation and flexibility; broadening how you define supported employment (It could be a variety of things that generate income)

**3. SERVICE PROVIDER STRATEGIES**

- Look at best practices of companies that are employing people with disabilities, i.e. UNUM
- Enhance opportunities for self employment
- Don't look at supported employment as the end of the road, instead look at life long learning
- Develop a flexible system: people don't have to stay in same job, don't have to stay locked in supported employment
- Use PASS plans/funding that exists

#### **4. SCHOOL-BASED STRATEGIES**

- Develop a meaningful transition process under the IDEA while children are in school
- Add a 5th year of high school to focus on employment
- Offer a post-graduate program (not focused just on testing)
- More opportunities to start college right after high school
- Expand career services

#### **5. PARENT-FOCUSED STRATEGIES**

- Addressing concerns of the parents of youth (If their child works, they could lose funding for other services)
- Educate parents early to make informed choices of what funding to use
- Educate family members about the potential of people to work
- Take a proactive approach: explain how benefits work & how it impacts income (or not)
- Educate students that they have a choice of college, job, etc.

#### **6. FUNDING STRATEGIES**

- Increase funding for supported employment, decrease funding for day habilitation
- Allow flexibility with federal funding that exists to use for supported employment
- The Deficit Reduction Act (DRA) is a possible potential for flexibility around the way supported employment and day habilitation is funded

#### **7. EMPLOYER-FOCUSED STRATEGIES**

- Work on employer community by educating them about the untapped market of people with developmental disabilities
- Educate co-workers and managers about disabilities and the associated stigma.
- Create understanding of employer community to push public policy

### ***C. Summary***

The largest number of suggestions to enhance access to employment opportunities for adults with developmental disabilities focus on in the area of job preparation and skill development. This suggests that there currently exists an underling assumption that people with developmental disabilities cannot or will not work. The funding and service delivery models currently in place may be unconsciously reinforcing this. Funding for day habilitation services are currently an entitlement to adults with developmental disabilities. Also of

concern is the frequency of suggestions related to the lack of provider and employer awareness of incentives available to individuals seeking employment. The presence of disincentives to employment is also a factor to be considered. It should also be noted that there is an implied separation between the service provider network and the business community, indicating that service providers may be operating with little interaction with potential employers.

When considering the suggested strategies to make supported employment services the primary form of support services available to adults with developmental disabilities, especially when they graduate from high school, the greatest number of suggestions lies in systems level reform. The perception appears to be that the Departments of Labor, Education, and Health and Human Services are operating separately and independently, although the outcomes are clearly linked. Transportation to work is clearly a limitation, which given Maine's geographic area and population dispersal is not surprising. The great number of suggestions relating to systemic operating values and the content of those suggestions seems to indicate that a cross-system, cohesive, positive values structure may be helpful in addressing the need. It is also interesting to note that there was a strong emphasis of the personal responsibility of people with cognitive disabilities and families expressed in this discussion.

The role of the schools in preparation for employment was clearly expressed in all discussions. The need for funding reform was also clearly stated.



**Section 4. Data on Freestanding Day Habilitation**

*A. Data on the number of individuals who receive freestanding day habilitation funding versus supported employment funding and the amount of funding involved, including state grant funds, state share funds and federal funds.*

**Free Standing Day Habilitation Data**

<b>Funding Source</b>	<b>Period</b>	<b>Total Funding</b>	<b>Total People Served</b>	<b>State Share</b>	<b>Federal Match</b>
Free Standing Day Habilitation (Section 24, Maine Care)	7/05-6/06	\$15,071,011	1,409	\$5,515,990	\$9,555,021
Federal Social Service Block Grant	7/05-6/06	\$207,002	10 people (full time slots)	0	\$207,021
State Funds	7/05-6/06	\$321,313	15 people (full time slots)	\$321,313	0
<b>Totals</b>		<b>\$15,281,246</b>	<b>1,434</b>	<b>\$5,837,303</b>	<b>\$9,762,042</b>

**Supported Employment Data**

<b>Funding Source</b>	<b>Period</b>	<b>Total Funding</b>	<b>Total People Served</b>	<b>State Share</b>	<b>Federal Match</b>
Waiver (for Employment) Section 21, MaineCare	7/04-6/05	\$3,823,664	593 people	\$1,280,927	\$2,694,737
State Funds	7/04-6/05	\$343,252	180 people	0	\$343,252
<b>Totals</b>		<b>\$ 4,166,916</b>	<b>773people</b>	<b>\$1,280,927</b>	<b>\$3,037,989</b>

(Data Source: MeCMS Extract)

The above charts demonstrate that in the year 2006 a total of 1434 people receive day habilitation services for a cost of \$15,281,246 (45,835,303 state share), while 773 people receive employment support at a cost of \$4,166,916 (\$1,280,927 state share).

***B. Data on the number of newly graduating high school students who received services through the freestanding day habilitation entitlement in each of the past 2 years, the cost associated with this entitlement, the projected cost of this entitlement in fiscal year 2006-07 and fiscal year 2007-08 and the location within the budget where funds for this entitlement are located.***

Currently in the State of Maine, 120 to 150 young adults with developmental disabilities graduate from high school every year. No change in this annual number of graduates is anticipated. If 85% of the graduates continue to choose MaineCare Section 24, with a projected annual cost of approximately \$17,500 per graduate the total annual cost would be \$2,362,500. The State share would be \$864,675 per year for new graduates accessing this service. At present young adults with developmental disabilities who meet eligibility requirements for services are able to access MaineCare Section 24, Free Standing Day Habilitation, as an entitlement. This has allowed these people to access supports in a Day Services model which disallows employment as a component of service.

The funds for MaineCare Section 24 are part of the MR Community Medicaid, account number 01014A070512

**Section 5. Possibility of Conversion of FSD Funds to Supported employment**

***The possibility of using currently earmarked freestanding day habilitation funds for supported employment, including the possibility of converting the state match for the current day habilitation services to a new jobs program under a new Medicaid waiver.***

Since this legislation was crafted, conversations examining the definition of rehabilitative services have been occurring between Centers for Medicare and Medicaid Service (CMS) and Maine's Office of MaineCare Services (OMS). The inclusion of day habilitation as part of the state Medicaid plan has come into question. Preemptive actions that may prevent disruption of services are currently under consideration that would result in the creation of a new supports waiver that would fund day habilitation services, supported employment, respite care, environmental modifications, and transportation together as waiver-funded services, eliminating MaineCare Section 24. These new waiver services would be capitated by the annual legislative allocation and federal matching funds.

Consistent with systems values, this change would support individual choice in service delivery and pave the way for increased access to employment services for a large number of people currently receiving services. The impact on the Bureau of

Rehabilitation Services (BRS) could include an increase in requested levels of service, The possible increase would be due to the number of people who would opt for employment service in lieu of day habilitation. Furthermore, the move to allow people to choose employment could potentially mean an increase in the need statewide need for qualified employment specialists as well as proactive benefits counseling for all who choose to seek employment. The Department of Health and Human Services would need to work collaboratively with the Bureau of Rehabilitation Services to effectively manage this transition.

## **Section 6. Relative Merits of Department of Labor Oversight**

*The relative merits of administering state supported employment services to individuals with developmental disabilities through the Department of Labor as opposed to the Department of Health and Human Services.*

At the foundation of the office of Adults with Cognitive and Physical Disabilities is the belief that all individuals, through self-determination, can achieve a quality of life consistent with the community in which they live. Services are flexible and designed in a manner that recognizes people's changing needs throughout their lifetimes<sup>iii</sup>.

The primary intent and statutory authority of the public vocational rehabilitation program is to provide time-limited vocational rehabilitation service. The Maine Department of Labor Division of Vocational Rehabilitation 'POLICY MANUAL' (Document 12-152, July 1, 2004 Final Rules, Chapter 1) regarding supported employment services (Section 9, Part 10 A and B) states that the following is available to eligible individuals:

10. Time-limited ongoing support services for persons with a vocational objective of supported employment. For clients with the most significant disabilities who require job site training and a variety of ongoing support services, supported employment services may be provided.

A. Supported employment is defined as follows:

- (1) Competitive work in an integrated work setting, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with ongoing support services for individuals with the most significant disabilities for whom competitive employment:
  - a) has not traditionally occurred; or
  - b) has been interrupted or intermittent as a result of significant disability; and,
  - c) because of the nature and severity of their disability, needs intensive supported employment services or extended services in order to be gainfully employed; or,
  - d) transitional employment for individuals with chronic mental illness.

B. The maximum time period for DVR time-limited services is eighteen (18) months, unless the IPE (Individualized Plan for Employment) indicates that more than eighteen (18) months of services are necessary in order for the individual to achieve job stability prior to transition to extended services.

Person-centered planning provided by Developmental Services, allows for people to plan and discuss supports needed to live and be part of their communities. One part of this life could be employment. If a person chooses to pursue employment, by federal requirement job assessment and development must be provided by the Department of Labor, Bureau of Rehabilitation Services through their trained Certified Rehabilitation Counselors. If funding for long-term job supports are needed to maintain this employment, Developmental Services can provide this within available resources. Developmental Services also provides funding for other individualized services such as living and home supports, transportation and other needed services to live in their communities. Developmental Services either directly or through contracted services provides case management to coordinate this complex interplay of services.

Moving the long term funding for vocational supports to the Department of Labor would result in fragmentation of these services. The two Departments believe that working together to coordinate supports optimizes successful outcomes of employment.

### **Section 7. Status of Plans for Achieving Self-Support**

#### ***A. The extent to which individuals who receive supported employment services have a plan for achieving self-support approved by the Social Security Administration.***

A Plan to Achieve Self Support (PASS) is an SSI work incentive under which persons with disabilities can set aside income and/or resources to be used to achieve specific work goals. A PASS can be established to cover the costs of obtaining an education, receiving vocational training, starting a business, or purchasing support services which enable individuals to work and result in reduction/cessation of benefits (SSI/SSDI). PASS is meant to assist a person in competing in the job market. PASS makes it financially feasible for individuals to set aside or save income and/or resources. These can be used to achieve their vocational goals by enabling them to receive higher SSI payments as they work toward self-sufficiency. These support services may include:

- The purchase of coaching/job advocacy supports needed to obtain / maintain employment
- Vocational evaluation
- The payment of transportation-related expenses
- The purchase of job-related equipment, uniforms, etc.
- The mechanism for allowing individuals or groups of individuals to purchase a business; and
- Any other services/equipment needed to support individuals in a work-related manner.

PASS is just the means to acquire the services and items needed for starting work, not the means to make income or resources available for ongoing costs. For a PASS to be approved by SSA, there must be a reasonable chance that individuals can achieve their

vocational goal. There must also be a clear connection between the vocational goals and the increased or maintained earning capacities.<sup>iv</sup>”

Impairment-Related Work Expense (IRWE) is an example of another work incentive offered by SSA that could be considered. IRWE is designed to help people receiving SSDI or SSI by excluding some expenses from gross earnings, even if these items and services are also needed for non-work activities.

An IRWE is deductible when:

- the expense enables a person to work;
- the person, because of the disability he/she experiences, needs the item or service in order to work;
- the cost is paid by the person with a disability and is not reimbursed by another source;
- the expense is determined "reasonable."

The data to answer this question was available through the Social Security Administration and obtained through Internet-based research.

### **Geographic Distribution of PASS Plans**

Among the states, the percentage of disabled workers varied from a low of 2.8 percent in Mississippi to a high of 18.5 percent in North Dakota. Maine = 7.2 percent

Number, by state or other area and provision: December 2005 <sup>v</sup>

STATE OR AREA	PLANS FOR ACHIEVING SELF-SUPPORT (PASS)	IMPAIRMENT-RELATED WORK EXPENSES (IRWE)	BLIND WORK EXPENSES (BWE)
All areas	1,582	6,310	2,552
Maine	38	30	12

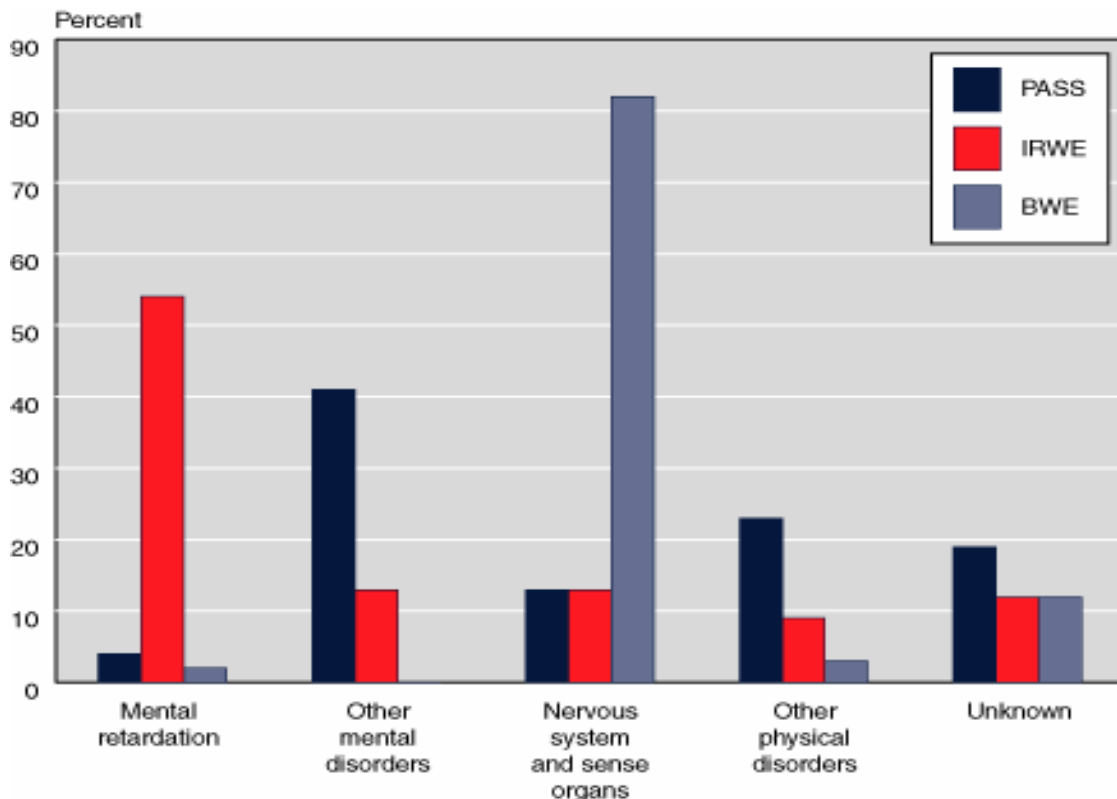
### **Diagnosis**

Disabled workers are more likely to have certain impairments than other disabled recipients. Almost two-thirds (66.2 percent) of the workers had a mental disorder, including 41.5 percent who were diagnosed with mental retardation. By comparison, 57.7 percent of all disabled recipients were diagnosed with a mental disorder, including 21.7 percent with mental retardation.

Percentage distribution, by diagnostic group and provision: December 2005<sup>vi</sup>

DIAGNOSTIC GROUP	ALL BLIND AND DISABLED RECIPIENTS	PLANS FOR ACHIEVING SELF-SUPPORT (PASS)	IMPAIRMENT-RELATED WORK EXPENSES (IRWE)	BLIND WORK EXPENSES (BWE)
Total Number	4,082,870	1,582	6,310	2,552
Mental disorders Retardation	21.7	4.4	53.5	2.0

The most frequently identified diagnosis varied among recipients who had income excluded under plans for achieving self-support (PASS), impairment-related work expenses (IRWE), or blind work expenses (BWE). Over half of the recipients who had some income excluded under IRWE were mentally retarded, and 41 percent of those with a PASS had other mental disorders. Over four-fifths of those with BWE had a nervous system disorder.<sup>3</sup>



Given that this data is accurate, if Maine had a total of 38 workers with disabilities with PASS plans in place in 2005, and 21.7% of workers with disabilities carry a diagnosis of mental retardation, then the best available estimate for the number of workers with a

developmental disability in Maine who had a PASS plan in place in 2005 is 8.25, assuming that distribution in Maine follows national averages.

A method of determining how many of that estimated number also receive supported employment services is not currently available. The Maine Medical Center Department of Vocational Services, Benefits Planning, Assistance and Outreach Project provided data regarding the number of individuals with a cognitive disability\* served between 2001 – 2006:

<b>Last Service Date</b>	<b>Number Served</b>	<b>Only PASS</b>	<b>Only IRWE</b>	<b>Both</b>
10/05 - 9/06	52	1	37	3
10/04 - 9/05	39	1	38	2
10/03 - 9/04	48	1	14	4
10/02 - 9/03	20	0	8	0
10/01 - 9/02	24	2	7	3

\* Breakdown of disability category: Mental Retardation 167; Cerebral Palsy 7; Down Syndrome 4; Autism 3; Asperger’s Syndrome 1; Fragile X 1

## **B. Summary**

It is significant to note the limited utilization of PASS and IRWE at present in Maine and across the country. Maximizing the use of all the Social Security Administration (SSA) work incentives can increase the numbers of employed people with disabilities. These benefits can help to increase the opportunities for non-traditional employment, such as micro-enterprises and self-employment. Consideration of non-traditional types of employment should be given to people with developmental disabilities in order to expand the range of employment opportunities while acknowledging that traditional forms of employment may not meet their needs, interests and abilities.

It is important to note that for the last three years Maine has had only four benefit counselors to provide benefits counseling and outreach to a potential population of 63,000 SSI/SSDI beneficiaries in Maine. SSA and MDOL fund the positions. Two more positions will be added January 1 with additional funding from DHHS. This improved access to timely and accurate benefits counseling across the state will allow more people with disabilities to understand the impact of work on critical benefits. More people with disabilities will be better able to determine how best to utilize all the incentives available to achieve employment and increased self-sufficiency.

There may well be other reasons for the limited use of these benefits, but the data certainly underscores the need for the Departments of Labor and Health and Human Services to work closely to expand utilization of these benefits.



## **Section 8. Other States' Policies Regarding Supported employment**

### ***Review of other states' policies regarding supported employment, including the State of Washington***

The Institute of Community Inclusion with the Boston Children's Hospital has recognized three states as being high performers in the area of integrated employment for Community Inclusion. The status on "high performing" was based on achievement in the outcomes of integrated employment (percentage of citizens served by the state's agency serving people with developmental disabilities that participate in integrated employment) and the rate of growth of such participation. These states are Washington, Colorado, and New Hampshire. In addition, due to the similarity with Maine's proposed legislation, a review of the state of Tennessee's Employment First! Initiative was made. Tennessee's Initiative seeks to make employment the first day service option for adults with developmental disabilities in that state. In the reviews below, the intent is to provide information regarding the factors leading to success in those states. Additionally, the current vocational policy of the Maine Department of Health and Human Services was reviewed.

#### **A. WASHINGTON**

Washington State's Department of Developmental Disabilities reported that 56% of the individuals receiving day and employment supports were working in integrated employment at least part of the workweek in FY 2001. This is almost twice the national average of 23.4% and places Washington in the top five states nationally.<sup>vii</sup>

The Washington State Department of Social and Health Services' Division of Developmental Disabilities Policy 4.11, "County Services for Working Age Adults" (appendix B) is the state policy resultant from state legislation Chapters 71A RCW regarding Developmental Disabilities and 388-850-035 WAC regarding Services; Developmental Disabilities.

The policy "establishes employment services as the primary use of employment/day program funds for working age adults."<sup>viii</sup> It should be noted that this policy is a relatively recent development in Washington's commitment to address the employment needs of people with developmental disabilities.

The policy includes the directive that "supports to pursue and maintain gainful employment in integrated settings shall be the primary service option for working age adults".<sup>ix</sup>

The procedures via which this would be accomplished are the establishment of contracts to assure the availability of services (two year time frame after the implementation of the policy); informing individuals of the availability of services, determining interest in gainful employment (and, if not interested, provision of information about generic

services), authorization of services, and “authorization of services that do not emphasize employment for working age adults only by exception to policy”.<sup>x</sup>

The Institute for Community Inclusion has researched the local factors contributing to the success in Washington State. It is published in “Case Studies of High-Performing States”, Winsor, Hall, Butterworth, and Gilmore, Issue 15, June, 2006 and also in “Innovations in Employment Supports: Washington State’s Division of Developmental Disabilities”, Butterworth and Hall, originally published 8/2003 (appendix C).

The study found that there were five “themes” that contributed to the positive experience of Washington State:

1. The presence of a coherent values base: This goes back to the values-based training workshops “Program Analysis of Social Services” (PASS) beginning in the 1970’s.
2. Clear focus on employment outcomes: In Washington, county employees manage day services, while state level employees manage case management and living supports. It is believed that this division of responsibility allows for local efforts to focus on community-based employment. Additionally, some counties have explicit goals to reduce or eliminate sheltered employment.
3. Flexible, outcomes-oriented funding: Demonstration projects and technical assistance have been funded through county property tax dollars.
4. Consistent investment in training and technical assistance: This has included state-managed contracts and bringing in external national-level consultants.
5. A strong network of leaders: The values-based training described in (1) above has resulted in a long-standing network of innovative and collaborative shareholders

## **B. COLORADO**

The Institute for Community Inclusion has also identified the state of Colorado as a “high performer” for Community Inclusion. In “Innovations in Employment Supports: Colorado’s State Division of Developmental Services” (Winsor, Butterworth, and Hall, 7/2005, appendix D), it is noted that Colorado experienced “significant growth in integrated employment for people with mental retardation and developmental disabilities.” The factors that were identified as leading to this growth were:

1. Training and technical assistance: This focused specifically on the value of community inclusion and how to provide quality integrated employment.
2. Policy change: The state implemented a policy that eliminated new funding for sheltered workshop placements.

3. Fiscal incentives: Incentives were provided to both providers and to employers for employment-related outcomes.
4. Collaboration between state and local entities: Specifically, this collaboration included the state Division of Vocational Rehabilitation, local Division for Developmental Disabilities, and “Community Centered Boards” (analogous to county-based case management agencies).

Colorado has experienced fluctuation in the levels of people experiencing integrated employment, from a high of 50% in 1993 to 24% in 2001.<sup>xi</sup> Seeking to address this change, an “Ad Hoc Committee on Employment and Community Participation” was formed in 2004. The recommendations of this committee include:

1. Strengthen the guidelines for the numbers of people to be employed and outcome data measurement;
2. Increase sharing of information regarding best practices;
3. Increasing partnerships across systems;
4. Increasing the reimbursement rates for integrated employment; and
5. Creating small, grass roots work groups of stakeholders in the transformation of departmental policy and practice.

### **C. NEW HAMPSHIRE**

The Institute for Community Inclusion also identifies the state of New Hampshire as a “high performer”. In “Innovations in Employment Supports: New Hampshire’s State Division of Developmental Services” (Butterworth and Hall, 5/2005, Appendix E), New Hampshire is reported to have 51% of individuals working at least part of the week in integrated employment, more than twice the national average.

The factors that were identified as contributing to this high level of success were:

1. Values based training: As in Washington State, a determining factor for success was a commitment to and participation in social role valorization training on a state-wide level.
2. Elimination of facilities-based services: Funding for segregated settings such as sheltered employment has been significantly reduced.
3. Self-determination: Individual control over financial resources is a focus of service delivery.
4. Local control and innovation: Services are independently managed by 12 area agencies.
5. Flexible funding: The Medicaid HCBS Waiver has been used creatively to design and implement services.

6. Quality improvement: The quality assurance office was disbanded to create six program specialists who address with program change on the local level with providers on a person-to-person basis.
7. Data collection: Data collection occurs on a six-month basis with each provider reporting.

#### **D. TENNESSEE**

Tennessee implemented the “Employment First!” initiative in 2002. The goal of this initiative is to make employment the first day service option for adults with developmental disabilities. The key facets of this initiative are:

1. Collaboration: between the state Department Division of Mental Retardation Services, stakeholders, and advocacy groups.
2. A clear definition of employment: The definition includes the parameters of ‘integrated community setting’, ‘competitive wages and benefits’, and ‘encouragement to work to one’s maximum potential’.
3. Community-based work assessments: Assessments of individuals not working are completed tri-annually in a community-based setting.
4. A revised rate structure: A higher rate of reimbursement was implemented for integrated employment (over other services) and rate setting was shifted from an hourly basis to a per diem rate to allow for easier transitions between types of service.

Additionally, outcome data measurement was implemented and the Division of Mental Retardation Services’ Vision Statement was revised to include the importance of employment.

(See appendices F. Innovations in Employment Supports: Employment First!: Making Integrated Employment the Preferred Outcome in Tennessee and G. Tennessee Division of Mental Retardation Services: EMPLOYMENT FIRST! Initiative Statement of Support)

#### **E. MAINE**

Maine’s current Vocational Policy was reviewed in order to contrast current policy with that of other states identified as national leaders in this area.

The Maine policy (Department of Health and Human Services, Behavioral and Developmental Services, Policy Manual- Vocational Policy #01-CS-110, issue date 10/18/2000) is included as Appendix H of this report. This policy includes many of the facets that have been determined to contribute to success in other states, including:

1. A values-based orientation to services. Social role valorization is specifically mentioned as a core value in the policy, reflective of the themes present in Washington, Colorado and New Hampshire.
2. Assessment of need is included, as in Tennessee.
3. Quality improvement and service accountability is included (incorporating outcomes evaluation), which is a factor in all successful states identified.
4. Service delivery is supposed to include job searches for integrated, inclusive, competitive employment opportunities, consistent with the definition of integrated employment in other states reviewed.
5. Collaboration is mandated, which was identified as a factor in other states, including Washington and Oregon.
6. Support for managing benefits is addressed under the ‘service provider’ elements.
7. The policy also covers employer elements such as local employment market research, promoting corporate commitment, and maintaining ongoing communications and relationships with employers.

After reviewing other states and looking at the Maine Policy it appears that while Maine’s Vocational Policy does address the needed elements to improve the implementation of supported employment, the actualization of the policy needs to be addressed.

## **Section 9. Reasons for and Against Mandated Supported Employment Services**

### ***A. The reasons for and against implementing a new state policy modeled after the State of Washington policy that mandates supported employment services for the class of 2007 high school graduates.***

The response to this section was developed by the focus groups described in Section One of this report, using the same methodology.

To enable meaningful discussion relevant to the topic, the body of Washington State Department of Social and Health Services, Policy 4.11, from the Division of Developmental Disabilities was included in attendee packets. Prior to beginning the brainstorming session, the following policy highlights were reviewed with each group:

- Employment supports are the primary use of employment/day program funds for working age adults shall be the primary service option for working age adults (based on interest)
- Supported employment consists of minimum wage pay or better; support to obtain and maintain jobs, promotion of career development and workplace diversity
- The policy emphasizes pursuit or maintenance of gainful employment in integrated settings in the community
- Washington State negotiated contracts to ensure the availability of services
- Authorization of other services requires exception to policy (ETP) approval
- Semi-annual review of service provider's progress includes each participant's assistance received and progress

Additionally, participants were provided with the following information from the Institute for Community Inclusion regarding 'themes' present in Washington that led to success of integrated employment in Washington, in order to meaningfully reflect on whether such a policy would be successful in Maine:

- Coherent Values Base
- Clear Focus on Employment Outcomes at the County Level (Division of Focus: State employees oversee Residential Services; County employees oversee Employment and Day supports)
- Flexible, Outcomes-Oriented Funding (Fee-for service, self-directed individualized budgets, block contracts)
- Consistent Investment in Training and Technical Assistance
- A Strong Network of Leaders

The following is the summary of responses generated by the groups.

***B. Reasons for implementing a new state policy modeled after the State of Washington that mandates supported employment services for the class of 2007 high school graduates:***

The response to this section was developed by the focus groups described in Section One of this report, using the same methodology.

**THEMES:**

**1. SOCIAL/ECONOMIC BENEFITS**

- Work opportunities exist: could fill gaps of open positions
- “Everyone can generate income”
- Would provide for better utilization of human capital/public funds
- “Strong positive message to people – it is where the money should go”
- 15 years have passed since the Americans with Disabilities Act was enacted
- Future-oriented approach
- Represents a gradual approach; lessons learned in the process could benefit others
- Maine has an aging work force. This would present an opportunity to use the strengths of people to enhance the work force
- Establishes consistent expectations for all people
- Could result in a broader array of services
- Increases potential pool of employees
- May push schools to do more effective transition planning
- Would tie the curriculum to outcomes (school)
- Emphasizes the value of employment

**2. VALUES-DRIVEN REASONS**

- Public money should be used for employment
- Maine should have a “work first” public policy
- “Like we closed the front door at Pineland we should close the front to traditional services”
- If it can be done there (Washington) it can be done elsewhere
- If nothing changes it will stay the same – Changing the expectation changes the perception
- “We closed Pineland 10 years ago – this is the next logical step”
- Have heard from many sources (parents, families, people) that people want jobs
- This would provide a consistent message about the values of the system

**3. PRACTICAL CONSIDERATIONS**

- Innovations will come forward

- Size of the graduating population is manageable (approximately 120 people)
- Makes financial sense
- Success will impact others in service and drive provider changes
- Time frame is realistic
- Making a commitment will make it happen
- Funding changes in Waiver-funded might drive the need for shift
- “The way things happen is if they are mandated – look at Pineland”

#### **4. BENEFITS TO PEOPLE WITH DEVELOPMENTAL DISABILITIES**

- Work is a regular expectation for all people and should be for people with disabilities
- Students are ready to go to work and need to build on the recent success of graduation
- Self-worth
- Would present a large step forward in cultural change: encouraging inclusion and acceptance of people
- Changes expectations of/perspective on people with disabilities
- It’s the biggest tool to inclusion
- “People feel better when they work”

#### ***C. The reasons against implementing a new state policy modeled after the State of Washington that mandates supported employment services for the class of 2007 high school graduates.***

The response to this section was developed by the focus groups described in Section One of this report, using the same methodology.

#### **THEMES:**

##### **1. SYSTEMS/STRUCTURES**

- Need service development in supported employment
- Need more or shift in prepared direct support staff
- Would need flexibility in funding
- Maine has different structure than in WA state
- Change is difficult
- Does the funding ability exist to support services?
- Conflicts w/ consent decree mandates – would either have shift funding or create an unfunded mandate
- Current system not prepared to handle shift from day habilitation to supported employment
- Schools need to improve work readiness first



## **2. IMPACT ON PEOPLE WITH DEVELOPMENTAL DISABILITIES/FAMILIES**

- Not every graduate is ready to work
- Need to change the culture first regarding inclusion and acceptance
- People will lose benefits, housing, insurance
- Some family members might fear loss of resources
- “People don’t want to hire us”: fear of rejection
- Need to educate people to implement their program
- “Mandate” may not reflect true wants/needs of people with developmental disabilities
- Negative implications for choice/balance: limits the options
- May rule out other options (i.e. college) for better jobs

## **3. PRACTICAL LIMITATIONS**

- Time frame is too short for research and implementation
- Family education is needed
- Question of community readiness exists: are there jobs/employers to support the number of people?
- Lack of current experience in job development/placement
- Lack of funds

## **4. SOCIAL/CULTURAL CONSIDERATIONS**

- Themes that led to success in Washington are missing in Maine
- Maine has limited experience in “the themes”, i.e. limited outcomes-based measure, lack of coherent values
- Maine has an inability to create “living wage” standard of living across the board (for workers without disabilities)

### ***C. Summary***

Overall, the discussion generated more reasons for implementing a mandated supported employment policy than such a policy against this. There appears to be a general agreement that becoming more proactive in seeking employment opportunities for people is the right thing to do, for a multitude of reasons.

In looking at the reasons for proposing such a measure, the most prevalent supporting rationales were social and economic in nature. Central to these was the inherent shift from consumer of services and resources to contributor/taxpayer that would result, when people become gainfully employed.

Not overtly stated, but implied, is a further cost savings. If, as noted, employment has substantial impact on one’s self esteem and wellness, it can be reasonable inferred that

there would be long-term savings in ancillary services in future healthcare and mental health services.

In considering the reasons against passing such a measure, the largest number of reasons fell in the area of systems readiness for change. With a dramatic increase for the request for employment services there would be a lack of trained services providers and employment specialist staff. An additional concern is the types and coordination of financial resources required. The discussion also revealed a number of unintended potentially negative impacts on people, including the loss of benefits and choice over one's services.

It is interesting that some rationales appeared on both pros and cons of implementation, including the time frame stipulated and the financial viability. This would serve to underscore that these lists are matters of opinion, and that further research into actual costs and the time required to implement change is required.

In making state-to-state comparisons, questions to consider include:

Are the states comparable geographically and demographically; do both states use the same population groups (developmental disability vs. mental retardation); are the labor markets comparable? These questions are the same questions being asked by other people looking at economic developmental and job growth in the State.

## **Section 10. Necessary Resources**

- A. The resources that need to be available to existing providers of supported employment and day habilitation services in order to successfully shift their emphasis to job development for adults with developmental disabilities.***

The response to this section was developed by the focus groups described in Section One of this report, using the same methodology.

### **THEMES:**

#### **1. INFORMATION**

- Share expertise gathered from successful providers and people who have employment: Best practices
- Access to people in business community
- Increased awareness of natural supports
- Resources in the community help to make connections
- Parents would need to be educated on the change
- Resources – learn from states that learned through experience
- Focus on existing providers: survey needs

#### **2. FINANCIAL/FUNDING**

- Investment of initial funds to create new positions, provide training
- Contracts/fee structure based on outcomes
- Philosophical cost shifting toward supported employment; decreased availability of day habilitation funds
- Incentives: Financial recognition of positive outcomes
- Funding-driven outcome expectations
- Assurance of financial security for agencies
- Increase the reimbursement rate for supported employment

#### **3. CHANGES TO EXISTING APPROACHES**

- Hire an educational coordinator
- Need to focus on abilities, not disabilities
- Need to go back to the basics in day habilitation programs
- Need to expand the range of providers available
- Change how people are perceived and valued: as adults, as equals (not “consumers”)
- Better pre-employment services, for example classroom training

#### **4. CULTURAL/ATTITUDINAL CHANGES**

- Acknowledge that part-time jobs are ok
- Concentration on cultural change, including the educational system: preparing people for employment, not the service system
- Need to overcome fears
- Change the expectations for people with developmental disabilities: “Only group of people that we say do not have to contribute”
- Creativity
- Self-Advocacy training for people with developmental disabilities: make demands of existing providers that services are inadequate (“If people say they want to work – providers would change”)

#### **5. LINKAGES**

- Create linkages with Vocational Services, University programs, High School programs, Temporary agencies
- Increase involvement with the Department of Labor
- Coordination between government, rehabilitation & business communities
- Closer alliance w/ Department of Labor, Career Centers and the Department of Education

#### **6. TECHNICAL SKILLS**

- Increased job shadowing
- Training and technical assistance
- Information on different types of employment, i.e. self employment, job sharing
- Training to providers regarding resources for employment opportunities (provided by DOL, VR)

#### **7. REGULATORY CHANGES**

- Broaden the definition of supported employment: customized, self employment
- Change in existing laws entitling day habilitation funds
- Less cumbersome regulations for supported employment

#### ***B. Summary***

Philosophical, cultural and attitudinal changes are needed with multiple systems to support a shift toward greater support of employment of adults with developmental disabilities. These shifts include more information and technical assistance to individuals seeking employment and to service providers supporting employment; measurable and

clear outcome expectations of service providers; restructuring services to eliminate barriers and disincentives; and funding flexibility.

## References:

i “Working Together:” Maine’s Strategic Plan to Maximize Employment for People with Disabilities (2006) <http://www.choicesceo.org/stratplan.ntm>

ii From [www.cusys.edu/colemaninstitute/stateofthestates/maine\\_page4.html](http://www.cusys.edu/colemaninstitute/stateofthestates/maine_page4.html)

iii “Working Together:” Maine’s Strategic Plan to Maximize Employment for People with Disabilities (2006) <http://www.choicesceo.org/stratplan.ntm>

iv The Governor’s Working Group on Mental Retardation Services, State of Maine, p. iv, 12/6/04  
v <http://www.maine.gov/dhhs/bds/mrservices/message.html>

vi <http://www.passonline.org/whatis/purpose.htm>

vii “Working Together:” Maine’s Strategic Plan to Maximize Employment for People with Disabilities (2006) <http://www.choicesceo.org/stratplan.ntm>

viii From [www.cusys.edu/colemaninstitute/stateofthestates/maine\\_page4.html](http://www.cusys.edu/colemaninstitute/stateofthestates/maine_page4.html)

ix From SSI Disabled Recipients Who Work, 2005,  
[http://www.socialsecurity.gov/policy/docs/statcomps/ssi\\_workers/2005/sect04.html#chart10](http://www.socialsecurity.gov/policy/docs/statcomps/ssi_workers/2005/sect04.html#chart10),  
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x From SSI Disabled Recipients Who Work, 2005,  
[http://www.socialsecurity.gov/policy/docs/statcomps/ssi\\_workers/2005/sect04.html#table16](http://www.socialsecurity.gov/policy/docs/statcomps/ssi_workers/2005/sect04.html#table16),  
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xi Policy 4.11: County Services for Working Age Adults, Washington State Department of Social and Health Services, Division of Developmental Disabilities, Issued 7/04, page 1

# APPENDICES

A. Chapter 570, H.P. 1351-L.D. 1910 An Act to Create Employment Opportunities for People with Disabilities

B. Policy 4.11 County Services for Working Age Adults, Washington State Department of Social and Health Services

C. Innovations in Employment Supports: Washington State's Division of Developmental Disabilities

D. Innovations in Employment Supports: Colorado's State Division of Developmental Services

E. Innovations in Employment Supports: New Hampshire's State Division of Developmental Services

F. Innovations in Employment Supports: Employment First!: Making Integrated Employment the Preferred Outcome in Tennessee

G. Tennessee Division of Mental Retardation Services: EMPLOYMENT FIRST! Initiative Statement of Support

H. Maine Department of Health and Human Services, Behavioral and Developmental Services Policy Manual: Vocational Policy

I. Excerpts from Service Definition Section of the MR/Autism Waiver amendment that was approved by CMS on June 1, 2006: Employment Specialist Services and Work Support

**Appendix A. Chapter 570, H.P. 1351-L.D. 1910 An Act to  
Create Employment Opportunities for People with  
Disabilities**

CHAPTER 570

H.P. 1351 - L.D. 1910

An Act To Create Employment Opportunities for People  
with Disabilities

Be it enacted by the People of the State of Maine as follows:

**PART A**

Sec. A-1. 5 MRSA Pt. 29 is enacted to read:

PART 29

EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

CHAPTER 611

DUTIES OF THE STATE

§23001. Duties of State

In order to provide equal opportunity in all aspects of State Government to qualified individuals with disabilities, each department, agency and instrumentality of the State shall:

1. Periodic review.— Review, on a periodic basis, the adequacy of hiring, placement and advancement practices within that department, agency or instrumentality of the State with respect to individuals with disabilities;

2. Plan. Develop by January 1, 2007 and update annually thereafter a plan to increase the opportunities for individuals with disabilities to be employed by that department, agency or instrumentality of the State. This plan must include a



description of the extent to which the special needs of employees who are individuals with disabilities are being met;

3. Outsourcing; leases. In its contracts governing functions and duties that are outsourced and in its contracts governing leased space, include provisions that encourage the employment of individuals with disabilities;

4. Outreach. Expand its outreach efforts, using both traditional and nontraditional methods, to make qualified individuals with disabilities aware of available employment opportunities within that department, agency or instrumentality of the State; and

5. Accommodate. Increase its efforts to accommodate individuals with disabilities.

Sec. A-2. Disability employment services activities and functions. The Department of Administrative and Financial Services, Bureau of Human Resources, based on the availability of financial resources, shall reinstate the activities and functions previously associated with the position of Disability Employment Services Coordinator to provide oversight and facilitation of the duties of the State relative to the employment of workers with disabilities in all state agencies and to continue certification and appointment policies for such employees pursuant to existing state policies and rules.

## **PART B**

Sec. B-1. Report. The Department of Labor jointly with the Department of Health and Human Services shall submit, no later than January 1, 2007, to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding employment opportunities for individuals with developmental disabilities. The departments shall produce the report in consultation with the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, established in the Maine Revised Statutes, Title 26, section 2006; Speaking Up For Us of Maine; the Maine Developmental Disabilities Council; the Disability Rights Center of Maine; the Maine Association of Community Service Providers; the Brain Injury Association of Maine; and other interested parties. The report must address the following issues:

1. Ways to enhance access to employment opportunities for adults with developmental disabilities and a strategy to make supported employment services the primary form of support services available to adults with developmental disabilities, especially when they graduate from high school;

2. Data on the number of individuals who receive freestanding day habilitation funding versus supported employment funding and the amount of funding involved, including state grant funds, state seed funds and federal funds. The report also must address data on the number of newly graduating high school students who received services through the freestanding day habilitation entitlement in each of the past 2 years, the cost associated with this entitlement, the projected cost of this entitlement in fiscal year 2006-07 and fiscal year 2007-08 and the location within the budget where funds for this entitlement are located;

3. The possibility of using currently earmarked freestanding day habilitation funds for supported employment, including the possibility of converting the state match for the current day habilitation services to a new jobs program under a new Medicaid waiver;

4. The relative merits of administering state supported employment services to individuals with developmental disabilities through the Department of Labor as opposed to the Department of Health and Human Services;

5. The extent to which individuals who receive supported employment services have a plan for achieving self-support approved by the Social Security Administration;

6. A review of other states' policies regarding supported employment, including the State of Washington;

7. The reasons for and against implementing a new state policy modeled after the State of Washington policy that mandates supported employment services for the class of 2007 high school graduates; and

8. The resources that need to be available to existing providers of supported employment and day habilitation services in order to successfully shift their emphasis to job development for adults with developmental disabilities.

## **PART C**

Sec. C-1. Report. No later than January 31, 2007, the Maine Jobs Council's Standing Committee on Employment of People with Disabilities, working jointly with the Department of Labor and the Department of Economic and Community Development, shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report identifying the resources necessary for the development and implementation of a media campaign designed to increase statewide awareness of employment-related issues affecting individuals with disabilities and an employer outreach campaign designed to engage employers in discussions and information exchange about issues, services and support systems related to the employment of individuals with disabilities, including, but not limited to, the following:

1. Presentations to business groups and associations, including chambers of commerce. These presentations must include participation by individuals with disabilities who are successfully employed and local service provider agencies that can assist employers in recruiting, training and retaining individuals with disabilities in employment;
2. Information sessions and training workshops presented at conferences and other meetings where employers are in attendance and employment issues are addressed;
3. The planning and convening of other business-oriented events that focus on the needs, benefits, supports and opportunities related to the employment of individuals with disabilities; and
4. The development of a library of business-oriented promotional materials to be used in public information and awareness sessions and available to employers by request at any time.

The report shall include recommendations for funding and implementing the 2 campaigns.

**Appendix B. Policy 4.11 County Services for Working Age  
Adults, Washington State Department of Social and Health  
Services**

DIVISION OF DEVELOPMENTAL DISABILITIES  
Olympia, Washington

TITLE: COUNTY SERVICES FOR WORKING AGE ADULTS POLICY 4.11

Authority:

Chapter 71A RCW Developmental Disabilities

Chapter 388-850-035 WAC Services – Developmental Disabilities

BACKGROUND

RCW 71A.10.015 states the Legislature “recognizes the state’s obligation to provide aid to persons with developmental disabilities through a uniform, coordinated system of services to enable them to achieve a greater measure of independence and fulfillment and to enjoy all rights and privileges under the Constitution and laws of the United States and the state of Washington.”

The legislative intent can be accomplished by providing working age adults the supports needed to achieve gainful employment.

Washington has had much success in providing supported employment services to assist individuals with developmental disabilities in becoming gainfully employed. Gainful employment results in individuals with developmental disabilities earning typical wages and becoming less dependent on service systems. In addition, employment provides the rest of the community with the opportunity to experience the capabilities and contributions made by individuals with developmental disabilities.

In December 2000, the Division of Developmental Disabilities (DDD) submitted the Strategies for the Future Long-Range Plan Phase II Report to the Washington State Legislature. This report includes the recommendations of the Stakeholder Workgroup regarding adult employment and day program services. The Stakeholder Workgroup recommended persons of working age should be gainfully employed, participating and contributing to community life, using a variety of strategies to reach this status in the community. Specifically, the report states:

“Pathways to Employment: Each individual will be supported to pursue his or her own unique path to work, a career, or his or her contribution to/participation in community life. All individuals, regardless of the challenge of their disability, will be afforded an opportunity to pursue competitive employment.”

PURPOSE

This policy establishes employment supports as the primary use of employment/day program funds for working age adults. The policy establishes guidelines for Case Resource Managers.

#### TITLE: COUNTY SERVICES FOR WORKING AGE ADULTS POLICY 4.11

(CRM) and Counties to follow when authorizing and offering services to working age adults.

#### SCOPE

This policy applies to all DDD eligible working age adults who receive or seek employment and day program services; DDD Field Services staff; and Counties under contract with DDD and their subcontractors.

#### DEFINITIONS

**Employment supports:** Services that support individuals to pursue or maintain gainful employment in integrated settings in the community. Key elements of these services include the following: 1) Supports are tailored to the needs, interests and abilities of the individual; and 2) All individuals receive supports to achieve and maintain integrated, gainful employment in their community.

**Gainful employment:** Employment that reflects achievement of or progress towards a living wage.

**Integrated settings:** Typical community settings not designed specifically for individuals with disabilities in which the majority of persons employed and participating are individuals without disabilities.

**Living wage:** The amount of earned wages needed to enable an individual to meet or exceed his or her living expenses.

**Maintain gainful employment:** Supports required to sustain gainful employment and increase earned income.

**Pursue gainful employment:** Employment or other activities that demonstrate steady movement toward gainful employment over time.

**Supported employment:** Paid, competitive employment for people who have severe disabilities and a demonstrated inability to gain and maintain traditional employment. Supported employment occurs in a variety of normal, integrated business environments.

Further, supported employment includes:

- o Minimum wage pay or better;
- o Support to obtain and maintain jobs; and
- o Promotion of career development and workplace diversity.

*Source: American Association on Mental Retardation Fact Sheet on Supported Employment, March 2001.*

Working age adult: An adult between the ages of 21 and 62.

## POLICY

A. Supports to pursue and maintain gainful employment in integrated settings in the community shall be the primary service option for working age adults. CRMs, in conjunction with County staff, will provide each DDD enrolled individual with information about the policy and be available to answer questions to assist individuals to understand the policy.

B. Counties will develop and make available services that offer support for individuals to pursue or maintain gainful employment, including support and technical assistance to achieve integrated employment outcomes.

C. DDD Field Services staff shall authorize services to working age adults that support the individual to pursue and maintain integrated, gainful employment. Services for persons under the age of 62 that do not emphasize the pursuit or maintenance of employment in integrated settings can be authorized only by exception to policy. Adults approaching retirement age, or over the age of 62, will continue to have the option of receiving support to pursue and maintain gainful employment.

## PROCEDURES

### A. New Working Age Adults

1. Counties and Regions will negotiate contracts to ensure the availability of services consistent with this policy by July 1, 2006.
2. CRMs will provide individuals with information regarding services. CRMs may refer these individuals to Counties for additional assistance.
3. CRMs, in cooperation with Counties, will determine with individuals and family members if individuals would like to pursue or maintain gainful employment in an integrated setting in the community.
4. CRMs will authorize services for individuals who are seeking to pursue or maintain gainful employment.
5. If individuals of working age do not want to pursue or maintain gainful employment, then CRMs, in conjunction with County staff, will provide information about generic community services.
6. CRMs may authorize services that do not emphasize employment for working age adults only by exception to policy (ETP).

### B. Working Age Adults Currently Receiving Employment and Day Program Services

1. Counties and Regions will negotiate contracts to ensure the availability of services consistent with this policy by July 1, 2006.
2. Case Resource Managers (CRMs), in cooperation with Counties, will determine with individuals and family members if individuals would like to pursue or maintain gainful employment in an integrated setting in the community.
3. Counties will work with service providers to ensure that by July 1, 2006, each individual shall be gainfully employed or have an employment plan, which reflects the goals needed to pursue or maintain gainful employment. Each individual shall receive supports needed to implement the plan.
4. CRMs will continue to authorize services for individuals who are pursuing or maintaining gainful employment.
5. Through July 1, 2006, CRMs may continue to authorize services for working age adults who are in the process of considering employment and developing an employment plan.
6. After discussions with CRMs and/or County staff, if individuals of working age do not want to pursue or maintain gainful employment, then the authorization of county services will be discontinued and CRMs will provide information about generic community services.
7. CRMs may continue to authorize services that do not emphasize employment only for individuals who have been granted an exception to policy (ETP).

#### C. Review Function

On a semi-annual basis through July 1, 2006, Counties will review service providers' progress towards ensuring that:

1. Services to working age adults are consistent with this policy;
2. Each participant is gainfully employed or has an employment plan; and
3. Each participant has received assistance and made progress on the plan.

The semi-annual progress reports will be submitted to the DDD regional offices.

#### EXCEPTIONS

Exceptions to this policy must have the prior written approval of the Regional Administrator based on County input.

#### SUPERSESSION

None

Approved: / s / Linda Rolfe Date: July 1, 2004  
Director, Division of Developmental Disabilities



**Appendix C. Innovations in Employment Supports:  
Washington State's Division of Developmental Disabilities**

# ***Pushing the Integrated Employment Agenda: Case Study Research in Washington State***

## ***Case Studies of High-Performing States***

By:

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- [Allison Cohen Hall](#),
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Originally published: 6/2006

Suggested audiences:

- [Researchers](#), &
- [Policymakers](#)

This is the second in a series of publications highlighting findings from case studies in three states-- New Hampshire, Washington, and Colorado-- that are recognized as high performers in integrated employment. These products are intended to be a practical resource for states as they work to help people with disabilities obtain and maintain gainful employment.

ICI identified "high-performing" states based on the following criteria: the percentage of citizens served by the state's mental retardation/developmental disabilities agency that participate in integrated employment, and the rate of growth in integrated employment.

In 2003, a team of ICI researchers conducted face-to-face interviews with state and local key informants, including parents and service providers, who were knowledgeable about the Washington integrated employment system. With permission, interviews were tape-recorded and transcribed. State policy documents and the state website contributed to the research.

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## **History**

Washington stakeholders report that the state's focus on employment started in the late 1970s with values-based training based on the Program Analysis of Social Services (PASS-3) model. These workshops were widely attended over several years, and many of today's key players in state and county services participated as leaders. One of the outcomes of this period was the first edition of the County Guidelines, a document that guided county and service providers' contracts. The emphasis on employment established in the guidelines was nurtured by a system of management that had a clear focus on employment at the county level.

In 1985, Washington was awarded a Rehabilitation Services Administration Systems Change Grant. The state used this funding to develop a systemic approach to provide integrated employment, restructuring its state MR/DD agency to that end. Between 1985 and 1990, the state established and met the goal of having 1000 people participate in integrated employment (Washington Initiative for Supported Employment, n.d.).

Washington also served as an early laboratory for integrated employment opportunities. Data suggests that leaders sought out and embraced ideas from other areas and regions of the country to provide the most integrated services possible. Two early projects in the Pacific Northwest were particularly noteworthy. The University of Washington food service program provided evidence that individuals with mild disabilities could successfully be employed in the community. And work at the University of Oregon demonstrated that individuals with more significant disabilities could learn increasingly complex tasks.

Strong linkages between researchers and the community service system provided a platform for questioning the status quo and developing alternative models for employment support, helping set the stage for Washington to become a national leader in the integrated employment movement.

## **Findings**

Our research suggested five themes that led to success of integrated employment in Washington:

1. Coherent Values Base
2. Clear Focus on Employment Outcomes at the County Level
3. Flexible, Outcomes-Oriented Funding
4. Consistent Investment in Training and Technical Assistance
5. A Strong Network of Leaders

This section discusses strategies Washington used to further the goal of employment and strengthen the emphasis on integrated employment as the preferred service outcome for individuals with MR/DD.

### **Theme One: Coherent Values Base**

Mostly I believe that the only safeguard for people with developmental disabilities is how people think about them... If we don't have impact on values, you put people at risk.

In the 1980s the spread of a values-based service philosophy across the state had a significant impact on the number of stakeholders who believed in the importance of increasing opportunities for community inclusion. An additional key factor that impacted the development of the Washington Division of Developmental Disabilities (DDD) system's values was the widespread belief that everyone could work and contribute to their communities. The intersection of the value of work and community inclusion set the standard that integrated employment was the expected service outcome for people with MR/DD. Respondents noted that the "state culture supports the idea of being individually productive," saying that "the argument becomes about

where a person works and not if he works." Respondents believed that nearly everyone was "ready to work," which allowed the system to focus on individualizing employment experiences. Many respondents felt that all work was highly valued in the state, and indicated that sheltered work was preferred over community-based non-work activities.

## **The County Guidelines**

DDD administration sought to formally institute the values of community inclusion and work through the County Guidelines. The first edition was developed by a group of stakeholders entitled Committee No. 1. Most of this group's members had completed values-based training, and designed the guidelines under the belief that inclusive employment was a civil right. The creation of the County Guidelines was described as an educational experience for the entire system that helped state leaders create a common vision for DDD services in Washington. Committee members reflected:

Committee No. 1 began to look at outcomes instead of [service] inputs. Up until that point, we were looking at inputs such as... "What is the temperature of the water.... Committee No. 1 began to think about "What do we really want for people?" If we believe what PASS is telling us, we need to look at outcomes for people that clearly identify [that] if we want work for people, then the only way you're going to get it is having people work.

At the time of the research, the County Guidelines continued to provide a framework for how counties contracted with employment service providers. The guidelines functioned as a policy framework and not a contractual obligation, allowing for a clear focus on integrated employment as the preferred employment outcome. One provider explained, "The County Guidelines are used to set policy and direction√ç-- there were not a lot of other mandates [from the state]." One provider commented on the success of the County Guidelines in guiding service expectations, namely "how they run it and what they expect of you.... If the expectations weren't there, a lot of programs that are doing as well as they are doing, wouldn't be."

The County Guidelines were also praised for their flexibility. While the guidelines set the expectation that counties would engage in community development activities, they did not prescribe what types of activities the counties should undertake. Counties were given the flexibility to target stakeholders for community development activities, including schools and private industry, based upon local service needs.

Collecting data on employment outcomes helped to keep the state focused on fulfilling the expectations of the County Guidelines. Since the early 1980s, the state has collected and tracked wage and hour information for individuals on a monthly basis. Early on in the development of the state's integrated employment system, DDD developed measurable monthly goals to increase the quantity and quality of employment placements. Data were collected on individual employment outcomes and used to assess whether monthly goals were met at the regional, county, and vendor levels.

## **Theme Two: Clear Focus on Employment Outcomes at the County Level**

### **The Division of State and County Roles**

The County Guidelines held state DDD staff responsible for residential services and case management while county staff members were responsible for employment and day supports. One respondent noted, "We decided early on that model coherence called for separation between home and work," suggesting that establishing the narrow focus of the state and county administration was intentional.

The division of state and county roles helped enhance the quantity and quality of Washington's integrated employment outcomes. County coordinators' responsibilities were concentrated in their communities, allowing them to develop an extensive knowledge of the local issues and employment field. This gave coordinators the opportunity to customize county programs to match state goals for employing people with disabilities.

Respondents noted that the separation of powers protected the counties' integrated employment programs during state fiscal crises and times when state DDD administrators had to focus on non-employment-related issues. One state administrator noted that this relationship also protected county coordinators from local criticism. County coordinators had the freedom to say, "The state made me do it," backed by the state's support with messages such as "They're doing what we told them had to be done."

Furthermore, the state/county dichotomy allowed controversial decisions to be made across the state at the local level. By limiting the visibility of potentially volatile decisions to the county level, such as the elimination of sheltered workshop funding, the system could push policies locally that may have been met with large-scale opposition at a statewide level.

### **Local Control That Supports Innovation**

Inevitably, local control produced differences between counties. One provider who supported people in three counties described having to work within the practices and cultures of three different systems. Variation occurred on multiple levels. For instance, respondents reported that some counties pushed self-directed funding, while others viewed it as a distraction to service delivery. Clark County had ended funding for sheltered workshops while other counties in the state were reluctant to eliminate sheltered workshops and yet others had stopped providing funding for group integrated employment.

One reason for differences across counties was the location of specific leaders. Members of the integrated employment community who held state/national leadership roles could provide and direct resources and skills to their counties, allowing these counties more opportunities to innovate. For example, King County coordinators mandated that individuals in large sheltered workshops move out of segregated programs.

Local variation also developed because of support for innovation in employment. Pilot programs were funded in some counties to meet specific local needs but also to increase the knowledge

base of all employment providers. Pilot programs were an opportunity to try new and creative ideas, and because of their inherently preliminary nature, were given the space to evolve before their outcomes were evaluated. When pilots eventually received positive evaluations, these initiatives were introduced in other counties. The level of innovation diffusion in Washington was noteworthy. Traditionally, innovation spread from urban counties to more rural areas.

Another source of local differences was county property tax revenue. Washington law designated that 2.5 cents per thousand dollars of property tax revenue be used to support mental health and developmental disability services. While this discretionary revenue comprised only a small part of overall county-level DDD funds, it allowed county DDD agencies to strategically leverage other dollars for pilot projects and training/technical assistance. These local funds were also instrumental in allowing counties to supplement decreases in integrated employment funds due to changes in state budget priorities.

### **Theme Three: Flexible, Outcomes-Oriented Funding**

Funding for integrated employment in Washington was allocated largely through the DDD administration. Each county had the freedom to design its funding structure to meet local goals. Counties in Washington used a variety of different funding mechanisms, including fee-for-service, self-directed individualized budgets, and block contracts.

The diversity of approaches for funding produced significant integrated employment outcomes in Washington, and is an important finding. The County Guidelines were designed to give providers clear expectations for employment services and outcomes. Counties developed their funding structures within the context of the localized needs of individuals with disabilities, providers, and businesses. This localization helped to ensure the development of funding structures that supported the goals of the County Guidelines and the needs of the community.

A significant number of respondents to this case study worked in counties that paid employment providers via block contracts. These counties were noted for having providers that were especially dedicated to expanding integrated employment opportunities. Over time, counties that used block funding noted that the funding method evolved into a business model that produced quality employment results.

One perceived benefit of block contract funding was that it supplied providers with a consistent source of income to pay for marketing employees with MR/DD to the business community, while eliminating the financial pressure to document billable hours. It was also noted by providers who were paid through block contracts that they had the flexibility to evaluate their resource allocation with individuals' changing needs in mind. Respondents felt that this adaptability permitted agencies to support a variety of people in integrated employment, including those with more significant needs.

Simultaneously, other counties emphasized the development of self-directed funding models through individual budgeting. The goal of this funding mechanism was to increase the autonomy of individuals with MR/DD to pursue their employment goals by giving them the opportunity to

choose among several local employment providers. For this reason, many counties moved towards self-directed funding models.

## **Interagency Funding**

At times, DDD funded integrated employment in conjunction with other state agencies. Monies from the 1985 Systems Change Grant were important for stimulating shared funding across agencies. This grant had the long term impact of encouraging collaboration between different state agencies and was partly responsible for encouraging the state legislature to support regulation allowing DDD, the Division of Vocational Rehabilitation (DVR), and the Division of Mental Health (DMH) to share funding. In 1994, the legislature passed a provision that required DDD, DVR, and DMH to share funding around joint customers. One state administrator commented, "It sort of forced them into a referral relationship that we didn't previously have. And that proviso was in place for many years." Although this program had formally ended, it demonstrated the advantage of having flexibility in funding to meet individuals' multiple needs.

## **Strategic Funding as a Tool for Change**

Washington has been willing to use funding to influence programmatic change. Values-based training and the County Guidelines led to an understanding across the state that the desired outcome was employment, and thus the state must support integrated employment services more intensively than other day services. Counties stressed the importance of work by limiting funding for traditional facility-based, non-work day programs such as day habilitation. At the time of these interviews, fewer than 40 individuals statewide received Adult Day Health services.

Respondents noted that Washington used funding to sustain employment growth during challenging times. When the DDD system experienced fiscal deficits in 1992, some counties decided to reduce funding for sheltered employment to ensure that integrated employment programs received adequate funds. The desire to ensure not only the maintenance but the growth of integrated employment, despite state budget deficits, at times led to reductions in funds for other day services. When King County experienced a 16% reduction in funds for employment services, rather than decreasing each agency's budget by 16%, a decision was made to cut all budgets by 20% and reallocate the extra 4% to fund integrated employment programs.

Many counties across the state eliminated funding for sheltered workshops, while other counties adjusted their own rates of employment funding so that integrated employment was funded at a higher rate than sheltered employment. King County developed an early moratorium on sheltered workshops, and Clark County eliminated any new county funding for sheltered employment. Other counties reported formal goals to reduce or eliminate sheltered employment within their service areas.

## **Looking Ahead**

Although respondents reported that the long-term maintenance of funding for integrated employment was one of the reasons for the state's successful outcomes, they were concerned that adequate funds to support the system were in sharp decline. Growth in the state population along

with limited growth in overall DDD funding resulted in an increase in the waiting list for integrated employment services, and some feared a decreased emphasis on quality outcomes. In 2001 respondents reported that a legislative proposal was in process to end all state funding of sheltered workshops. However the legislation provided no additional money to provide integrated employment services for these displaced workers. The overall financial instability created debates in the MR/DD community regarding the importance of preserving DDD funding versus eliminating sheltered work programs.

#### **Theme Four: Consistent Investment in Training and Technical Assistance That Supports Employment and Systems Values**

There was evidence of long-term financial support for training and technical assistance (TA) in Washington. Ongoing training and TA were instrumental in disseminating innovative values and employment practices across the state. As a whole, Washington's training and TA activities provided ongoing opportunities for networking, debate, and innovation-sharing, targeting service providers, individuals, and county and state administrators.

Early in the development of Washington's integrated employment services, values-based training was offered to individuals with disabilities, their families, and employment providers, with the goal of increasing expectations. One former county coordinator noted that all of her employees had been required to attend values-based training, from administrative staff to county board members. "We wanted people singing off the same sheet of music. And you needed to go through PASS-3 training in order to have that real solid basis."

Since that time, with DDD support, counties have targeted parents for training on service expectations, including employment. This training was provided through county-based Parent Coalitions that helped parents articulate their service expectations. Several counties had active Parent Councils that sponsored fairs to educate parents about funding, finding a vendor, and what their expectations should be for work. Family education also occurred on a parent-to-parent basis and by inviting families and self-advocates to conferences.

#### ***Ellensburg: A Consistent Forum for Change***

The nationally recognized **Ellensburg Employment Conference** is an example of Washington's commitment to training. Since 1977 Ellensburg has provided opportunities for all levels of staff, including frontline day and employment staff and state and county administrators, to learn about innovations in the field. Ellensburg has also been an opportunity for the state to showcase successes. Currently coordinated by the Washington Initiative for Supported Employment (WISE), the conference has been supported over the years by a number of entities including counties, DDD, and the Developmental Disabilities Council.

From its inception Ellensburg served as a catalyst for providers to develop new ways of thinking about employment supports for people with MR/DD. The conference was originally designed for frontline staff, with the intention that they would spread innovations in integrated employment to their agencies. One respondent described the conference as "the beginning of a challenge." Topics addressed at Ellensburg have been chosen to promote best practices and innovation in



integrated employment. Respondents shared that at times a "hard line" was taken to influence change. The conference has been perceived at times as controversial and even rebellious due to organizers' willingness to confront perceptions about employment.

DDD administration and several counties have also funded annual issues forums described as "mini-Ellensburgs." The goal was to provide an opportunity for stakeholders in the field to meet, identify key issues affecting employment in the state, and develop solutions. One respondent described the context of the meetings: "They bring all the movers, shakers, and thinkers from residential, family, individuals, VR, counties, mental health, and school. We go and just anguish over the issues."

## **Shaping Training and Technical Assistance**

Several groups have been active in providing training and TA in Washington. The relative concentration of training and TA funds allowed Washington central coordination of employment forums, as well as the opportunity to import nationally known trainers to the state. At the time of the interviews, a wide variety of external consultants were actively involved with Washington. Trainers routinely addressed the topics of community inclusion, job development, relationships, working with people with challenging behaviors, and general employment issues. Some county coordinators and other DDD staff maintained ongoing contact with these national experts and had used these trainers as informal mentors.

The Initiative was funded in 1985 under the Rehabilitation Services Administration's Systems Change grant to "help shift state policy and investment away from maintenance, segregation, and isolation, and toward employment and the inclusion of people with significant disabilities" (Washington Initiative for Integrated Employment, n.d.). The Initiative was designed to develop a public/private integrated employment infrastructure with the intent that as integrated employment became a reality, the group's work would no longer be necessary. However, at the end of the systems change grant in 1990 the community came together and supported a line item in the state budget to support the project's continuation, and the Initiative became a private, nonprofit organization: the Washington Initiative for Supported Employment (WISE). This group received funding from the counties and the state to provide training and individualized TA.

O'Neill and Associates was an additional training resource funded by state and county DDD that has consistently been awarded funds to conduct and broker integrated employment and related values-based training. This group had been a state training contractor for over twenty years. Initially its contract focused on systems change and moving adult activity programs to community-based outcomes, but over time the emphasis shifted to integrated employment. Training requests came from both county coordinators and employment providers. While the organization did not provide direct services to people with MR/DD, they often supported and assisted providers to develop an infrastructure of support for an individual and at the time of the interviews had a staff member sited at a One-Stop Career Center to focus on the employment of individuals with MR/DD. The consistent awarding of a state training contract to O'Neill and Associates at times raised controversy. One respondent said:

They [the state] put this reasonably small amount of technical assistance money in the hands of one group [O'Neill and Associates] that was savage about people being employed. There is still controversy about putting those dollars in one area and not putting some into sheltered employment.

## **Challenges to Training and TA**

Money for training and TA in Washington was substantial during the Systems Change grant. However, even though the state budget experienced a decline in revenue and the DDD budget faced a reduction in funding in the early 1990s, respondents noted that there was a concentrated effort to protect funding for training and TA. This often occurred in "closed-door" meetings at both the state and county levels.

One additional challenge faced by the state was engaging young professionals in training and development. Concerns about the values, attitudes, and context of newer staff troubled some respondents. One individual stressed the importance of teaching newer staff, especially case managers, the values behind Washington's successful employment outcomes. At the time of these interviews there was discussion around reinstating PASS trainings for newer staff to increase their commitment to quality employment outcomes.

## **Theme Five: A Strong Network of Leaders**

Leadership, relationships, and advocacy worked together to produce high rates of integrated employment in the state. The long-term relationships that existed between the state's integrated employment leaders and an interrelated and sustained advocacy community provided another forum for Washington to maintain its focus on the growth of integrated employment for people with MR/DD.

### **Leadership**

A state administrator commented that the state's success could be attributed largely to the values embedded in the system and, in particular, to the individuals who had been with the system for many years and experienced the early values clarification process. A longstanding network of stakeholders in state and county government, provider agencies, and the advocacy community developed as a result of the values-based training and County Guidelines. Longtime leaders expressed nostalgia for these formative experiences. One person described the introduction of integrated employment as "a magical kind of time. It was new and different, and we had a charge and a mission." Members of this stakeholder group expressed bonding around the idea that "we're in this together."

The county coordinators were a prominent piece of this larger leadership network. County coordinators were connected through their early work in the movement for integrated employment. One provider described them as "the war horses" of the movement. One informant attributed the manageability of the coordinators' job (compared to other MR/DD administrators nationally) to the longevity of the group's intense commitment to employment. The state/county

structure provided a financial and administrative buffer for challenges to integrated employment. This freed the coordinators to concentrate on their work with individuals, providers, families, and businesses. One former coordinator commented, "We were able to do whatever it took to get people employed."

Several integrated employment providers were considered part of the network of longstanding leaders. Like the county coordinators, providers who consistently produced quality integrated employment outcomes were noted for having stability in the composition of management and frontline staff. This group of providers is noted for consistently challenging themselves to improve services.

Recently, challenges to the longstanding leadership in integrated employment had developed. The core group of employment advocates was beginning to retire, leaving a gap in leadership, and respondents expressed concern about an emerging generation of leaders in the field. "It's a whole different experience for the new professionals," one said. They felt that the new generation of leaders had not experienced the same process of values exploration as the earlier generation. Lacking these truly formative experiences, new leaders might lack the intense commitment and strong relationships that had helped dramatically improve access to integrated employment.

## **Relationships**

The endurance of both the county coordinators and the providers, as well as the development of mutually supportive relationships between the two, was one reason for the continued advancement of the system. Respondents noted that the early growth in integrated employment relied on trust within the system. The state trusted the providers to produce good outcomes and allowed them freedom to explore nontraditional ideas. One provider elaborated:

The system, the way it worked, was a system of trust. They not only trained us, but they trusted us to be able to use the dollars in the most effective way. And in the end we produced pretty good outcomes.

This relationship grew over time so that providers who consistently produced quality outcomes were given more latitude to be creative in their employment supports.

Leaders reflected on the importance of connections, not only within their own group but with various state and county agencies. They used these relationships to deepen their understanding of agencies' regulations and culture. These connections allowed stakeholders to identify allies in these groups who would later be in the position to champion integrated employment initiatives from outside DDD. These relationships were political: stakeholders emphasized the importance of connecting themselves to issues that were important to their allies, even if these issues were not directly related to employment. This backing enabled stakeholders to garner support for integrated employment (specifically the maintenance of funding for TA) during fiscal crisis.

## **Advocacy**

Coordinators, providers, and other stakeholders worked successfully through formal and informal alliances to effect political change throughout the state. Said one respondent, "All of our business is like relationships-- with the families, the individuals, employers, legislators."

Stakeholders used political advocacy to educate elected officials about the importance of employment for people with MR/DD. Providers, county administrators, families, and other advocates reached out to their elected state representatives to keep integrated employment a priority. Other advocacy work was conducted through various county and parent coalitions. The parent coalitions in particular were effective in maintaining legislative support for integrated employment.

Working together, county administrators and parent coalitions developed legislative forums on integrated employment. Many legislators and administrators attended the forums regularly because the coalitions used the gatherings to praise and recognize those who worked to increase employment opportunities for individuals with MR/DD. Through these gatherings, many legislators were educated about the long-term benefits of integrated employment.

It is important to note that integrated employment is perceived as a bipartisan issue among state legislators in Washington: "It's not a Republican issue, not a Democrat issue. It's a work issue. Convince them that you're paying less taxes and people are being productive." The majority of this work was done through "simple, common, networking stuff. Networking is what pays off."

One network was particularly noted for its effectiveness: P2020, a loosely knit provider advocacy group made up primarily of agencies offering integrated employment services. Respondents highlighted the group's consistent work to continually push the integrated employment agenda at the state legislative level. P2020 member agencies paid an annual fee to fund a part-time state lobbyist, and actively monitored any legislation that affected employment in the state. It was reported that this group was instrumental in defeating two legislative bills that would have severely impacted the ability of the system to continue producing quality integrated employment outcomes. The group was also recognized for drafting legislation to introduce integrated employees into state government (see text box below).

### ***Integrated Employment in the Public Sector***

King County's program to employ people with disabilities in county jobs was one example of how the three key factors -- leadership, relationships, and advocacy -- worked together to increase opportunities for integrated employment. It is also an example of the level of information diffusion across the state. At the time of the research, similar initiatives were active in other counties and within state government positions.

Inspired by a Larry Rhodes article that noted that over 10% of non-agriculture jobs were in the public sector, in 1989 O'Neill and Associates submitted a grant application to the Rehabilitation Services Administration to develop public sector jobs for people with significant disabilities. These jobs were to be concentrated in King County government because of the availability of

high-paying jobs with benefits. With the political assistance of a King County Councilor, the County approved a resolution to encourage county departments to hire people with developmental disabilities in 1990 (Mank, O'Neill, & Jenson, 1998).

Recognizing that it would be difficult for the King County employment program to achieve quality outcomes with only short-term intervention, a permanent county-level employee was hired to serve as a full-time job developer for the program. This job developer was focused solely on working with department managers to develop their interest in integrated employment and identify potential departmental jobs. The staff person also trained county employees to support co-workers with disabilities. The job developer did not specify the job tasks to be completed or provide long-term support to employees with disabilities. Instead, integrated employment providers were contracted to conduct detailed job analysis and identify appropriate job matches. One important feature of this division of responsibility was that it freed the county-level job developer to expand relationships with county departments without the responsibility of having to develop the long-term supports. This was also true for the integrated employment providers engaged in the program: They could focus on supporting the employee with a disability and not maintaining a relationship with the county department heads.

By January 2006, King County employed over 60 people with disabilities who earned average wages of \$20,000 per year and received full health and retirement benefits. The initiative had expanded across the state to include approximately 45 integrated employees with the City of Seattle, over 100 people with developmental disabilities in state government, and the replication of the King County program in other counties across the state.

The state of Washington passed legislation to promote the employment of people with severe disabilities in state government. This legislation enabled departments to hire employees with disabilities despite not having an official position vacancy or the ability to create a new position. Lobbying by P2020 ensured that integrated employees did not count against the state's full-time employee allotment.

## **Recognition as an Advocacy Tool**

An additional advocacy tool was the development of the state's reputation for supporting excellence in employment for people with MR/DD. Stakeholders who received recognition as leaders in the field said that they were proud of the honor. Stakeholders also took pride in the fact that people traveled from across the country and from other countries to learn from Washington's employment experiences. The Ellensburg conference was an especially important activity that increased state pride. It was described as an event that "showcased state activity" and was "nationally renowned." Key legislators received recognition at this conference. This public support was another factor that helped maintain legislative support for integrated employment.

Successful providers were included in the state and national acknowledgment of Washington's accomplishments. State leaders sought to ensure that providers who developed creative employment situations were recognized as well. This publicity created a climate of collegial competition between providers that increased the desire to produce successful integrated

employment outcomes, spurring the investment of limited resources into creative employment techniques. Recognition of providers also occurred via supporting staff members to travel to advanced integrated employment trainings.

Finally, the integrated employment system in Washington was committed to using recognition of private industry as an advocacy tool to increase integrated employment. County and provider staff worked to ensure that businesses that were receptive to employing people with MR/DD were recognized through state-level awards. Businesses in turn used this recognition as a public relations tool to increase their number of patrons and act as role models for other businesses who were interested in supporting employees with MR/DD.

## **Conclusion**

Washington's twenty-year commitment to the growth of integrated employment services was a direct result of the DDD's focus on the goal of integrated employment. This clear vision stemmed from the values developed by leaders through values-based training. The system then stayed on track by concentrating resources into integrated employment services over sheltered employment services, investing in training and TA to providers, and designing the County Guidelines. Ongoing strategy and policy innovations included the county and state government public sector employment initiative, the elimination of funding for sheltered employment, and the gradual shift to consumer-directed funding. While the current administrative, financial, and leadership stressors on the system placed many stakeholders in a defensive position to protect the state's progress, they hoped that the twenty-year legacy of quality integrated employment in Washington would instruct future generations working to push the employment agenda.

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## ***Sustaining Integrated Employment***

Washington's Division of Developmental Disabilities (DDD) used the following strategies to maintain a clear, consistent focus on integrated employment as the preferred service outcome.

1. Funding training and TA to spread the system's values to all state and county DDD staff, providers, individuals with MR/DD, families, lawmakers, and businesses.
2. Making the consistent statement that individual integrated employment was the priority outcome, and collecting and evaluating monthly employment outcome data to assess progress in reaching that goal.
3. Developing flexible funding structures at the county level to support integrated employment placements.
4. Funding pilot programs to pioneer new employment practices that met the needs of local communities.
5. Funding training and TA to spread innovative employment practices.

6. Supporting opportunities for networking between state and county DDD staff, providers, individuals with MR/DD, families, lawmakers, and businesses.
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**Appendix D. Innovations in Employment Supports:  
Colorado's State Division of Developmental Services**



# Innovations in Employment Supports: Colorado's State Division of Developmental Services

## *Research to Practice*

By:

- Jean E. Winsor,
- [John Butterworth](#), &
- [Allison Cohen Hall](#)

Originally published: 7/2005

Suggested audiences:

- [Policymakers](#),
- [Researchers](#), &
- [Agency managers](#)

## **History**

Between the years of 1985 and 1996 Colorado experienced significant growth in integrated employment for people with mental retardation and developmental disabilities (MR/DD). Several factors were consistently highlighted as contributing to Colorado's employment outcomes during this period. These included:

- Training and technical assistance on the value of community inclusion and the provision of quality integrated employment.
- A policy of no new funding for sheltered workshop placements.
- Fiscal incentives to providers and businesses to encourage integrated employment.
- Collaboration between the state Division of Vocational Rehabilitation, local Division for Developmental Disabilities (DDD), and Community Centered Boards (CCBs).

Beginning in 1997, the state started to lose momentum in its quest to provide integrated employment. According to a report published by the Colorado Department of Human Services (2002), 83% of people enrolled in integrated employment programs had jobs in the community in 1998. This report noted a substantial drop in this data by the year 2000, with only 71% of people enrolled in integrated employment having community jobs. Colorado also experienced a decline in the number of people with MR/DD participating in integrated employment who worked half-time or more. The report on Community Supported Employment (2002) further detailed that in 1993 72% of people who were enrolled in integrated employment services were

working half-time or more, but by 2000 this number was only 25%. Several factors were linked to the decline. Prior to 1996, the state Division for Developmental Disabilities employed a staff person whose full-time responsibility was to promote community employment. Funding restrictions eliminated this position. A stakeholder noted that, "the ability of the state to have that same level of presence and direction was diminished substantially." Before 1997, Colorado had placed a moratorium on new funds for sheltered workshops. This policy was abandoned because of a powerful lobby by sheltered workshop advocates. Training and technical assistance was also scaled back because of a lack of funding, a problem which is exacerbated by high turnover among agency staff.

Additionally, a statewide systems change effort altered the funding structure significantly. Previously, the system allocated funding based on a managed care "slot-system." The state defined the services to be provided for each slot, with an accompanying funding amount. Provider agencies enrolling individuals in integrated employment programs received a 25% higher rate of funding than for other services. This encouraged the growth of integrated employment. The incentive was paid to providers up-front to offset the cost of job development and initial employment supports. The system also allowed providers the flexibility to meet individual needs. While the amount per person allotted was determined by the state, at the local level providers funded support individually. For example, if one person was less costly to support, the provider could apply this extra funding to other individuals for whom services were more expensive to provide.

In FY2001, Colorado DDD reported that 34% of individuals receiving day and employment supports were working in integrated employment for at least part of the work week. Through the mid-1990s Colorado was a national leader in supporting individuals in integrated employment, with DDD supporting 50% of individuals in integrated employment programs in 1993.

Under the current funding system, local CCBs receive pooled funding equal to the average rate per person. CCBs negotiate fees and services with providers individually. Providers are only paid for specific services rendered, eliminating the previous incentive. While the rate per person CCBs receive has increased over time, the pool of funds allotted to the CCBs is perceived as inadequate to pay providers sufficiently to cover their costs for integrated employment. Most stakeholders noted that the large-scale devolution of employment funding to local groups without administrative and financial support from the state has been an impediment to the continued growth of integrated employment.

The systems change initiative was also part of the impetus for the growth of a new service option-community participation (CP). CP was first introduced in 1987 and conceived as community connection services for those for whom work was not perceived as a realistic option because of medical condition or age. In many cases, CP has become an outings and recreation program that family members in particular value because it is perceived to be a stable and safer alternative to working in the community. Some stakeholders referred to it as "van therapy." There is also the perception that congregate CP is a more cost effective service option because of its minimal up-front costs when compared with the initial costs of integrated employment. Stakeholders believed that combination of the above mentioned factors has led to the overall decline in integrated employment over the past decade. Policymakers, service providers, and

advocacy groups concerned with this decline have recently come together to reinvigorate employment for people with MR/DD.

### **Chart: Percent Served in Colorado's Integrated Employment Program between 1988-2001\***

1988: 21%  
1990: 44%  
1993: 50%  
1996: 43%  
1999: 42%  
2001: 34%

These data were collected as part of the National Survey of State MR/DD Agencies administered by the Institute for Community Inclusion at University of Massachusetts Boston. ICI staff collected descriptive information during a series of on-site and telephone interviews conducted in 2004.

*\* These data were collected as part of the National Survey of State MR/DD Agencies administered by the Institute for Community Inclusion at University of Massachusetts Boston. ICI staff collected descriptive information during a series of on-site and telephone interviews conducted in 2004.*

### ***Building a New Coalition and Focus: 2004 to Present***

Following a statewide tour of the Colorado developmental disabilities service system in 2002 and the publication of Issue Paper 2003, DDD developed a strategic plan to address concerns related to service provision. A component of the strategic plan focused upon the creation of a number of ad hoc committees, including a committee to focus on employment and community participation.

***The Ad Hoc Committee on Employment and Community Participation*** brought together a number of stakeholders to promote integrated employment opportunities for all people with disabilities. The committee members included representatives from: the state-level DDD administration, the state Division of Vocational Rehabilitation, local Community Centered Boards, advocacy groups and self-advocates, parents, and service providers. The group's mission centered on three factors:

1. raising the priority for integrated employment,
  2. ensuring equality of opportunity for all individuals to participate in paid community employment
  3. promoting the use of natural supports in the workplace.
- This committee began meeting in the winter of 2004 and in August of that year released its Interim Report on Employment Recommendations.

***Development of a consensus definition.*** A key piece of the group's early work was to develop a consensus definition of "community employment." It settled on "One-person, one-job arrangements within typical businesses with wages paid by the employer at a prevailing wage, and which includes regular meaningful interaction with non-disabled persons." This definition provided the group and others concerned with integrated employment with a benchmark by which to judge integrated employment services and outcomes.

***Emphasis on increasing informed, self-determined choice.*** Self-determination and informed choice has been an important theme among the group. There was a concern that the growth of community participation or community-based non-work was due in part to the lack of informed choice among individuals. The consensus definition of community employment specifically stated that person-centered planning should be evident in the process of deciding to pursue employment services, and that individuals should receive experience and information to facilitate choice-making. Increasing the support and opportunity for community employment exploration is one way to ensure greater access to real choice.

The Ad Hoc Committee's recommendations addressed the following themes:

1. Strengthening guidelines for the number of people participating in integrated employment, the collection of employment data, and informed choice.
2. Increasing the dissemination of good employment outcomes and best practices.
3. Increasing DDD partnership with stakeholders—specifically the Division of Vocational Rehabilitation, school systems, and the business community—to promote integrated employment.
4. Identifying additional sources to fund integrated employment initiatives and increasing the current reimbursement rates for integrated employment.
5. Creating small work groups to include those not on the original committee in order to increase grassroots participation from a wide range of stakeholders in the transformation of DDD policy and practice.

The Ad Hoc Committee has volunteered to regroup to monitor the progress towards implementing the recommended action steps to increase integrated employment in Colorado.

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**Appendix E. Innovations in Employment Supports: New  
Hampshire's State Division of Developmental Services**

# Pushing the Integrated Employment Agenda: Case Study Research in New Hampshire

## *Case Studies of High-Performing States - Issue 14*

By:

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- Deborah Metzger,
- [Allison Cohen Hall](#),
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Originally published: 6/2005

### ***Introduction***

Employment for people with severe disabilities was legitimized in P.L. 99457. However, some states have made more progress than others in helping individuals with disabilities achieve successful employment outcomes. This is the first in a series of publications highlighting the findings from the case studies in three states--New Hampshire, Washington, and Colorado--that have been recognized as high performers in integrated employment. These products are intended to be a practical resource for other states as they work to help people with disabilities obtain and maintain gainful employment.

New Hampshire was identified as a "high-performing" state based on criteria aimed at assessing overall commitment to community inclusion: the percentage of citizens served by the state's mental retardation/developmental disabilities (MR/DD) agency that are in integrated employment and the rate of growth in state provision of integrated employment (Prouty & Lakin, 2000).

From June 2002 through December 2003, a team of ICI researchers conducted face-to-face interviews with state and local key informants, including parents and service providers, who had been recommended as being knowledgeable about New Hampshire's system of integrated employment. With permission, interviews were tape-recorded and transcribed. State policy documents and New Hampshire's state website also contributed to data collection.

### ***Deinstitutionalization in New Hampshire***

Moral outrage over the situation of people with disabilities was nationwide during the late 1970s and early 1980s. There was a strong reaction to the segregation of people with disabilities and the failure of many institutions to provide care or treatment. Despite an increase in state spending for MR/DD services that elevated New Hampshire from 44th place in 1974 to 5th place in 1979, parents of the residents of the Laconia State School brought forward a class action suit, *Garrity v.*

Gallen, in 1978. In 1981 Judge Shane Devine issued a court order for the state to deliver services in the least restrictive environment (Racino, 1999).

Devine did not specifically order the closing of the school, but he embraced a plan to develop alternatives to institutional care that became the cornerstone on which the current community service system was built. "The state never appealed," Devine said. "It was clear from the beginning of the trial that it was time to give these residents some dignity, something better." (Helm, 1999)

While the lawsuit did not specifically mandate the closure of Laconia, the settlement did require the development of a comprehensive set of services in the community (Covert, Macintosh, & Shumway, 1994).

Credit for the satisfactory transition from Laconia to "something better," the development of the community-based support system, has been given to several parties in the implementation of Judge Devine's ruling. These include administrators at the state Division of Mental Health and Developmental Disabilities Services, regional MR/DD officials, independent service providers, and families (Helm, 1999; Racino, 1999). While leadership during this time of change cannot be attributed to one particular individual, it was clear that upper-level staff in the MR/DD agency transmitted values that were linked with the start of the closing of the Laconia State School and the development of the community-based support system. The upper-level management hired a new superintendent of Laconia whose mission was to close the school. As the new system solidified, in January 1991 New Hampshire became the first state in the nation to shut the doors of its institution.

New Hampshire's history shows that the community was clearly the intended setting for services and supports for people with developmental disabilities. This has laid the groundwork for continued emphasis on inclusion and meaningful daytime experiences in the community.

## ***Findings***

Our research suggests that three themes framed the success of integrated employment in New Hampshire:

1. Redirection and continued refinement of fundamental values through investment in training and technical assistance
2. Restructuring Developmental Disabilities Services to emphasize local control and innovation
3. The shift to quality outcomes

### ***Theme 1: Redirection and Continued Refinement of Fundamental Values Through Investment in Training and Technical Assistance***

Driven by the Laconia State School class action lawsuit, the state invested heavily in values-based training as the transformation to a community-based service system began. This remained the primary focus of state-level training initiatives, reflecting a belief that the primary goal was a



quality life and full participation in the community. Community inclusion was described as the driving value for the service system.

## **Deinstitutionalization and the principles of normalization**

Early values change efforts sprang from the coinciding forces of deinstitutionalization and the principles of normalization in the 1970s. These values were instilled through training on normalization (referred to as "social role valorization" since the late 1980s) and the integration of people with MR/DD into their communities. Informants related how early training, specifically Wolfenberger's teachings on normalization, ultimately led to a shared understanding about the importance of community involvement. Values-based training was mentioned consistently as the foundation for redirected MR/DD service policies and practice, though there was resistance by some state employees in the early days. The superintendent of Laconia sent staff to values training in the 1970s.

A lot of people who were administrators at the state school were forced, kind of kicking and screaming, by their boss to attend [values-based trainings]. However, a number of people from the state facility attended and came away with the notion that ***this needs to change*** [emphasis added].

Values-based trainings occurred physically at the Laconia State School from 1985 until the school closed in 1991.

This training secured commitment to the new values that was sustained by the longevity of key staff. Some area agency directors have worked in the field for over twenty years; in fact, the Division has employed a small number of program specialists since the early 1980s. The values-based training was also instrumental in fostering strong working relationships through shared commitment to deinstitutionalization and the principles of normalization. One informant commented,

The way things develop[ed] can be based on a handful of people and a handful of personalities that share the same values.... You have these relationships that have developed over the years of the shared values, the historical perspective of having watched and helped close the institution and helped develop the community system.

Important state and local staff have stayed through the development of the community system and "have made sure that it continues to work."

## ***The Role of Families in New Hampshire***

According to one respondent, "Families have done more to change what's happened in New Hampshire than anything else." Through legislation, the state facilitated the creation of the Family Support Council. This council has played a key role in helping the state define what type

of supports it must provide to families, though these supports were not specifically targeted to employment issues. One informant noted that the family movement in New Hampshire has been one of the most important components of the evolution of the service system. He believed that there was a genuine intent on the part of the state to see families become empowered and have input on the lives of their family members. This seemed to be in line with the state's emphasis on employment as one vehicle for community integration.

## **Self-determination and person-centered planning**

During the 1990s, the second wave of value transformation concentrated more specifically on community integration. Self-determination was the new value, which reflected growing emphasis on individual preferences and control. This led to a shift in emphasis from quantity outcomes (e.g., number of people receiving services) to quality outcomes on an individual basis.

As programs began to shift to individual consumer-focused services in the 1990s, experts from outside New Hampshire, such as John O'Brien, Michael Kendrick, Beth Mount, and John McKnight, and experts from the state of New Hampshire but outside the MR/DD system, such as John Vance, were hired by the state to conduct training. Sponsored by the state MR/DD agency, this training sent an unambiguous message that this was the new service philosophy. Most of the informants acknowledged the importance given to the new values by the state.

I think a number of people came together and recognized the value and that group of people became the leaders and those leaders really pushed for it. So there wasn't a mandate, it was just sort of a natural thing. This is where we're all going. If you want to keep up, you're going to have to do this.

It is important to note that the training focused on principles that were meant to underpin all service and support delivery. These goals were not designed to provide a template for all community integration, but were designed to help MR/DD representatives and service providers understand the importance of individualization, and to foster flexibility and innovation.

The use of state resources, particularly during the late 1970s and early 1980s, was highlighted by a number of informants. Both MR/DD and provider staff felt that the University Center for Excellence in Developmental Disabilities at the University of New Hampshire was, and continued to be, a regularly used resource for consumer-focused training related to supported employment. In 1998, the Division encouraged the development of the Northern and Southern Training Collaborative rather than providing training through the Division's central office. Through this collaborative, six Southern and six Northern regions met periodically to identify their training needs for the fiscal year and determine regional priorities. Funding from the Division enabled area agencies to bring in national trainers that they would be unable to pay for otherwise.

Several informants stressed that the Division clearly recognized that people did not live their lives in categorically funded "residential" or "vocational" services. The concept of self-determination, which emphasized an individual's preferences, needs, and control of services and

support, was implemented through the strategy of person-centered planning. According to an MR/DD administrator, "Certainly employment is an important part of that, but it hasn't been the primary mission of the various area agencies as much as making somebody's life meaningful."

Personal budgets and self-directed funding were other ways that allowed individuals to use funds in nontraditional ways to support goals and needs. For integrated employment, self-determination and person-centered planning meant that:

People can go out and hire their own job supports... anybody can go to any vendor they want. We are seeing a lot of training in how to help people make choices and gain control of their budgets. It's happening.

What continued to be noteworthy was the ongoing refinement of services and supports based on the individual, and the gradual reduction of congregate services and supports, with investment in cultural change preceding the structural change.

### ***Relationships with the Community***

Early in the supported employment movement, area agency staff and provider agencies were noticeably present in their communities. New provider agencies that had few spare financial resources were often forced to meet in public settings or borrow office space from other businesses. This allowed providers to make close connections with other firms that later were used to identify potential employment opportunities. One provider shared,

When we first started with this organization... it was really hard going and the people that we were connected to were all like people in businesses and stuff--you know, we'd have a meeting at their office and they would give us a couple of pads of paper or something at the end of the meeting. And we'd always have our meetings in different place in the community because we didn't have an office to go hide out in and that was great. It forces you to be out in part of the community, which I think is a really good thing. The more you're kind of bricks and mortared away, the more funding you have, the more insulated you are from what you really need [in the community].

According to the Division director, "[Community relationships] are probably the single biggest key to employment." Successful outcomes in integrated employment could in part be attributed to these local relationships.

## ***Theme 2: Restructuring Developmental Disabilities Services to Emphasize Local Control and Innovation***

Notably, the restructuring of the state system occurred concurrently with the values change movement, allowing the Division to organize to better achieve its new goals. One informant described the reorganization:

Part of the strength of our system in the state, I think, has a lot to do with the fact that the area agency system was also sort of conceptualized under a Wolfenberger's model.... They all came back [from trainings] and I think that served as a basis for putting together the community development services system, the area agency system.

### **Minimal bureaucracy**

Changes in structure of the Division were concurrent with the downsizing of Laconia in the early 1980s. As people left Laconia, the Division realized that community-based agencies would be necessary to coordinate people's return to their home communities. The structural change created a streamlined state MR/DD entity. Prior to the formation of the community-based Division, the only public services were provided at the Laconia State School. The new system shaped an agency with state program specialists and twelve regional administrative offices, with each regional office administered by an "area agency."

Three existing nonprofits were initially chosen to do this, but by 1983 there were a total of twelve area agencies (Racino, 1999). At the time of this research, the agencies demonstrated the variety of ways New Hampshire provided services. Approximately one-third of these agencies provided their own services. Others contracted with other nonprofit agencies for local service provision, while the remaining agencies used a combination of these approaches. Unique to New Hampshire, these agencies were nonprofits, governed by a board that must include at least one-third consumers or family members. Local consumer and family board membership was intended to support local control and innovation.

As service providers contracted by the Division, the area agencies were held responsible for service and support delivery. "The state-level staff hold [the area agencies] accountable for all services... regardless of whether they provide them... or [whether they] subcontract with another agency."

### **Flexibility**

Informants characterized the New Hampshire MR/DD system, at both state and local levels, as "flexible," which was linked to the minimal state structure and the perception of minimal regulations as well as integrated funding processes.

## **Minimal state structure**

One informant indicated that the majority of area agency program staff members' time was spent working with local providers. Staff took a consultant role, recommending training options and helping problem-solve rather than overseeing providers in a punitive or threatening way. This simple structure also allowed state staff to be directly involved "with families and individuals when there are issues, when things fall apart.... We are working closely with them to try and make sure that things are going well for people."

## **The reality and perception of minimal constraining regulations**

Residents perceived New Hampshire as a state based on small towns and local control, and the Division tried to operate in this vein. Said one state MR/DD official, "We have a couple of general regulations, you know, which... set out the parameters for how the system should be run. But we really delegate all the decision-making to the local area agencies."

It is significant that the state provided few formal rules about how day services could be provided. Facility-based, congregate services and programs were discouraged not by formal regulations but by significantly limiting funding for facility-based services, including sheltered employment. Since 1984, New Hampshire had not provided any funding to open new sheltered employment programs, and in 1985 a systems change grant with the state Vocational Rehabilitation system helped to spur the closure of sheltered workshops. This change was gradual and came about as services became more consumer-directed. For a time funding guidelines required that individuals participate in the community in groups of no more than three individuals with disabilities. These guidelines were not formal regulations at the time of this research but were understood as expectations for service delivery.

The belief in limited regulation, contract restrictions, and bureaucratic processes reduced complications in changing services and supports. Due to the flexibility of the state system, providers felt that they were not constrained and that they could manage services in a manner that they felt best met individuals' needs. One provider commented, "The state doesn't really tell us. They ask us. Honest to God, they sometimes ask us... so the state doesn't dictate what we do, which is really nice." Another person said, "There isn't that much that the state says 'Learn it this way,' or 'Be here now, do that.'"

Some felt that there was less emphasis on discrete programs and more emphasis on comprehensive supports and services, including natural supports. One provider did comment on regulations positively:

I think statewide our regulations have changed to support the types of things we have. They even stepped out of the box away from the traditional Medicaid slots.... What we have here is called a "consolidated developmental services" category, which is a whole class of funding we can use to define ourselves. So the Division rules have given us good ways to do that.

## Funding

The New Hampshire approach to funding allowed a high degree of flexibility in program implementation. At a contract level, residential and day service funds could be combined to integrate resources across major life areas. One respondent commented, "This policy, if you look through it, people can be funded in any way." The integration of funding streams allowed the state to overcome the typical barriers that arose when services needed cross-categorical funding. The ability to integrate funding with ease signaled the state's commitment to providing and supporting comprehensive services.

Informants noted that the Medicaid Waiver was developed with as much built-in flexibility as possible. According to a Division representative, "We're always looking at ways to make the funding more flexible and to be able to allow providers of area agencies to be able to apply the available Medicaid funding to meet the needs of that individual person." Providers expressed the benefits of the discretion to use Medicaid funds flexibly to meet the needs of the individual. One provider commented upon their experience with using funds fluidly.

I get this impression that where other people may be saying, "Oh gee, Medicaid waiver doesn't fund sufficiently for the supports needed and all that." **We just kept looking at the individual and figured it out [emphasis added]**. They are individuals by our values and the money has always followed for us because of that. Again, you have to know the intent of the waiver and use it to support that person and the shifting that can happen.

Most informants did not identify new sources of funding as a key factor that tied directly to New Hampshire's integrated employment initiative, although one person noted that "I'm pretty sure there was [specific funding]," for integrated employment but could not isolate it as a factor in the systems change.

There was an informal understanding that the state allocated additional resources to providers that were more effective at meeting the broad goals of community inclusion and employment. One provider commented, "[The state] has allowed us probably extra money because they like our performance, but it isn't formalized."

Monies from the systems change grant were used exclusively to pay for trainings and conferences at the national, state, and regional levels for area agency and state administrations staff as well as for providers. These trainings commingled the staff members from different agencies and from different levels of government, increasing the opportunities for various agency staff to build relationships between groups and reduce the bureaucracy of planning and service provision. Additionally, family members of people with disabilities were invited to attend evening meetings with agency staff to discuss ideas for developing a more comprehensive employment support system.

Attendance at national conferences by local case managers and Vocational Rehabilitation counselors exposed these groups to innovative supported employment strategies and allowed

staff to identify new types of training they would like to bring to New Hampshire. One respondent specifically highlighted the experience of meeting an advocate from Montana who was an expert in developing and providing supported employment in rural areas. New Hampshire was able to use systems change monies to pay for training by the Montana advocate on rural issues and best practices for supported employment to meet the training needs of the more remote regions of the state.

Most importantly, the trainings were where staff learned how other state agencies operated and how funding from the different groups could come together and be used to fund non-duplicative services for successful short- and long-term supported employment outcomes. One person noted that the comprehensive use of funds was only possible because of the support of the various state-level agency directors. These directors were personally invested in the success of the systems change and worked together to frame the way the funding streams would come together to provide employment supports. The directors then personally worked with all levels of their staff to ensure that the funds were integrated at the local level.

### ***Cross-Agency Funding***

In 1986 New Hampshire applied for a five-year systems change grant through the federal Rehabilitation Services Administration. While New Hampshire's Vocational Rehabilitation department was the sponsoring agency, the grant was a consortium effort between the Department of Vocational Rehabilitation, the Division of Developmental Disabilities, the Department of Mental Health, the Job Training Council, and the Developmental Disabilities Council. State directors of these agencies collectively developed a funding policy that would allow their organizations to work together at the local level to fund supported employment. At the local level, short-term support funds from Vocational Rehabilitation were used in conjunction with funds from the Division of Developmental Disabilities and/or other long-term funding agencies to meet specific individuals' supported employment needs. One respondent commented that this "created a 'synergy' of money that was more effective at meeting individuals' needs than if each agency had tried to solely fund supported employment services."

### ***Theme 3: The Shift to Quality Outcomes***

#### **Role of the state program specialists**

Informants indicated that the state structure and its size (approximately 22 state personnel worked for the Division) made state leaders very accessible. Six of the 22 staff at the central Division office were program specialists who worked with the 12 regions. Program specialists had always been responsible for ensuring program compliance; however, their jobs evolved as the system has matured. "It's a misnomer. We no longer talk programs and we certainly aren't specialists. We are much more generalists."

Because program specialists spent so much time with the area agencies, the state was able to work through issues with a particular region. In the spirit of local autonomy, one administrator noted,

We would prefer that if an area agency identifies a particular issue that they're dealing with, and if we don't have the expertise to help them with it, we would help them fund local resources.... We don't dictate very much.

She added, "It's more of a negotiation, an offer of support."

## ***Delivering the Quality Outcomes Message***

The development of strong working relationships between area agency staff and providers has been a key element in New Hampshire's ability to improve the quality of its employment outcomes. One provider commented on the capacity of area agency staff to praise providers for their work in supported employment, yet continually challenge them to achieve still better employment outcomes.

[They say,] "You guys [providers] have come a long way in the last five years. Things have really been improving. There is a lot more that can be done and this is a way we think we can help you in this process." And I don't think when they present it that way, there's no way providers can say, "We really don't want to do more."

## **Person-to-person quality improvement**

In 1993 the MR/DD Division director dissolved the Quality Assurance unit, and quality improvement responsibilities were integrated into the role of the program specialist. The change occurred as a result of the expectation that everyone was accountable for the provision of quality outcomes, and that this could best be achieved through collaboration with the area agencies. A clear emphasis on individual quality outcomes and the shared use of the data served to establish joint commitment to the values and goals of integrated employment and a strong working relationship between the state, individuals, their families, and service providers.

Quality outcomes became a major evaluation measure that further reinforced the emphasis on self-determination and individualization. An important belief was that people with disabilities in integrated employment should enjoy their jobs and find them personally fulfilling. One informant described the program specialists as being "very, very good that way... they really push people to excel. They get people to think the hard questions.... They're looking at what are the real indicators of quality."

## **Assessing quality outcomes**

Prior to the mid-1990s, quality assurance resources were targeted at a formal process of program review. As the newer values were adopted, state agency leaders consciously shifted how the quality assurance resources were allocated. While there was still a licensing process that



addressed health, safety, and recordkeeping, these were not the only indicators used to measure the quality of provider services.

In the state office, program planning and review specialists were responsible for reviewing ten percent of all adults who received developmental services from the area agencies each year. These reviews took place at an individual level and focused directly on whether the individual's preferences and needs were being fully addressed.

The former director of the Division was credited with contracting with a consultant to do extensive training on continuous quality improvement (CQI). In an effort to build a climate of partnership with agencies, the Division and area agency staff participated in extensive CQI training with Dr. Michael Quigley, then of Rivier College. By disbanding the Quality Assurance office, the Division shifted the investment of state program specialist time to more informal program and individual contact. "Now we don't need [formal QA evaluations]. I am in my regions. Usually the only day I am in the office is Mondays... so I spend a lot of time with them."

The Division publishes a Quality Outcomes Report to provide a comprehensive look at all the domains that individuals with disabilities identified as important in their lives, including employment. One idea the Division had been discussing recently in an ongoing effort to improve services was trying to coordinate this report with the area agency re-designation process. This process takes place every four years and considers area agency performance from the perspectives of stakeholders. In the past when an area agency was not performing effectively, there was a process for conditional re-designation. A biannual planning process has also been required of the area agencies to focus on the improvement of services.

### ***Person-Level Intervention***

In 2000, realizing that growth in integrated employment had stalled, the Division aggressively invested in expanding the person-level intervention strategy by recruiting an external source to become an internal one. John Vance, the director of ACCESS, a small individualized support organization in New Hampshire, was hired on a half-time basis to do direct intervention by providing individualized technical assistance to providers across the state. Individualization was visible in his agency, which was intentionally small. Prior to being formally hired by the state Vance had not only provided supported employment services but had worked in many regions of the state to assist individuals and their families with transitions. Vance's role at the Division was to establish working relationships with providers to expand the rate and quality of employment services, usually through demonstrating how job development was done on a person-by-person basis. Vance emphasized real-life demonstrations, one MR/DD representative said.

John just does it and people see. He will go in and work with one individual--and this is often the most challenging person for the agency to find employment for--and he does it and the providers see it and so then he will work with another person. He doesn't have to work with too many before they get the idea. So it's leadership of a different kind, it's modeling. Getting the message out. I think it's far more powerful than us just

lecturing to people or all the trainings that have been provided.

Vance was noted for working with organizations over an extended period of time, addressing both values and strategic change. Over time, he has defined his role as building excitement and commitment. Speaking about his experience with one provider he commented, "She was reluctant at the first meeting--but--I think because I would leave her with more ideas than she had when I came, she saw it as a net gain." He added, "I see really good people in all the different regions... if I can do anything to encourage those people... then I feel like I'm pretty successful."

While Vance was no longer under contract with the Division at the time of ICI's research, the service regions were still able to access his assistance. New Hampshire's Specialty Services waiver allowed area agencies to use state monies to continue to finance Vance's in-depth technical assistance.

### **Data, data, data**

While New Hampshire had not emphasized specific goals on a statewide or provider contract level, providers described the employment outcomes data collection system as an important factor in the state's focus. The state collected outcome data from providers every six months. In addition to individual employment outcomes, the data system tracked the number of businesses--more than 600 at the time of this study--that employed individuals with MR/DD in order to emphasize untapped opportunity and the importance of outreach. Both providers and state personnel recognized that the data were only one part of assessing quality in employment supports. Data had not been used to set goals in provider contracts or serve as a measure of formal target levels; rather, data were used as the basis for regular conversation with individual providers and attendees at statewide conferences.

Both state administrators and providers observed that individualized services and outcomes were measured not only by such concrete variables as individuals' earnings but via more person-focused outcomes. Providers spoke about how they needed to find jobs that the person was interested in as opposed to whatever jobs were available. By including measures such as the level of integration at the workplace and satisfaction, New Hampshire data tracked quality assurance beyond standard employment outcomes such as number of people in integrated employment and their wages, hours, and benefits.

Multiple stakeholders, including several local providers and all twelve area agencies, helped develop the extensive consumer employment data system. This kind of joint effort added to a sense of ownership of the data by the provider community. Provider informants consistently spoke positively about data collection and genuinely appreciated that the Division returned the data to the area agencies and providers. Comments such as "She sent me back a whole bunch of outcome data," and "[The data] certainly had an impact on us because... without the data, we would not have been able to say whether [we were improving]," expressed providers' appreciation for the feedback that came through regular contact between providers and state personnel.

## **Providers**

The state had a history of both formal and informal relationships with providers, and each allowed valuable opportunities to enhance the quality of services. Earlier on, the state helped to establish groups that concentrated directly on improving service delivery. The integrated employment network was a group for providers to discuss issues related to employment supports and brainstorm how best to address these issues. One program specialist noted that originally all 70 providers were expected to attend monthly meetings but participation was too unpredictable month to month to make progress. Eventually strategy shifted to emphasize voluntary participation on a regional basis. While these groups were no longer operational, their functions were met through the Northern and Southern Training Collaborative. Change efforts relied more on informal policies and relationship-building among the area agencies and providers than on formal policies.

Providers felt the state supported innovative or nontraditional approaches. A state agency informant commented that people had to have "freedom to work out of the box." Division leaders created an environment where the fear of doing something wrong had been replaced by a visible support for creativity and risk-taking in service provision. The Division demonstrated that it valued both the quantity and the quality of employment placements.

## ***Providers***

One informant described a thoughtful quality improvement strategy that his agency took when an unsuccessful employment situation occurred. The agency didn't try to "fix" the problem with more resources; rather, they "fixed" it by realizing that the job match was not good. This demonstrated the agency commitment to person-centered planning for employment and a quality outcome based on the individual. This agency was not penalized by the state when a person lost a job; instead, the state supported the search for a better-fitting job.

People with disabilities have a right to fail, and a lot of times people are "No, no, keep them in that job and we will give them more supports and two job coaches and no...." People with disabilities, like us, are no different and if they get a job and fail they learn and that's good.... Do we protect them and jump in there to keep someone employed so statistics are really good? That doesn't help the person.... The data, I don't worry about that. I worry about the individual and supporting that person.

## ***Conclusion***

The sustenance of New Hampshire's integrated employment supports has been credited to the state's commitment to community inclusion. A number of informants agreed that if the goal of service and supports was to achieve a meaningful life for an individual, then funding and services could not carve a person's life into separate areas. The state's goal was "to help people become more interdependent and valued members of their community. A job is perhaps one of

the most powerful vehicles for doing that, but it's only a vehicle to get to that point." Structuring services and supports holistically to sustain people in their communities was key to the success of integrated employment in New Hampshire.

Lastly, New Hampshire's commitment to community inclusion and subsequent success in integrated employment was reflected in informants' perception that they could do more. "One thing, I think, that has also been helpful to us is that I don't think as a system, we've never really said 'The job is done.' We're always challenging to go forward." Progress towards the goal of improved service delivery was facilitated by New Hampshire's accessible administrative structure, its focus on quality outcomes, and the development of cooperative relationships between families, providers, and the state.

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**Appendix F. Innovations in Employment Supports:  
Employment First!: Making Integrated Employment the  
Preferred Outcome in Tennessee**

## ***Innovations in Employment Supports***

The concept for this series was created collaboratively with the Institute for Community Inclusion, UMass Boston.

### ***Employment First!: Making Integrated Employment the Preferred Outcome in Tennessee***

In 2002 the Tennessee Division of Mental Retardation Services (DMRS) implemented the Employment First! Initiative. The goal of Employment First! is to make employment the first day service option for adults in DMRS, Medicaid or state-funded supports. Employment First! set the standard in Tennessee that employment services and supports are the preferred service for adults with mental retardation and developmental disabilities (MR/DD).

Prior to the development of the Employment First! Initiative, Tennessee did not have a specific focus on integrated employment. However, the DMRS Vision Statement provided a strong foundation to support the development of the Employment First! policy. The statement addresses the importance of supporting choice in residential, employment, recreation, and other community activities. Additionally, DMRS had collected data in the late 1990's from a survey of consumers that indicated people with MR/DD in Tennessee wanted the opportunity to work. The Vision Statement and Consumer Survey data were important factors that set the stage for DMRS to focus on integrated employment.

*A Collaborative Initiative.* The Employment First! policy grew out of the work of several advocacy groups including, the Tennessee Council on Developmental Disabilities and the Arc of Tennessee, as well as stakeholders in the state's settlement of several federal lawsuits. Individually each of these groups began to discuss the importance of expanding integrated employment in Tennessee. The ARC of Tennessee and the Tennessee Council on Developmental Disabilities are noted for the development and submission of separate position papers to DMRS to make employment the first day service option. Additionally, the Tennessee Council on Developmental Disabilities offered a challenge grant to DMRS in an effort to increase integrated employment outcomes across the state. The challenge grant, data on consumer desires, and advocacy by stakeholder groups were all factors that led DMRS to implement Employment First!

*A Clear Definition of Employment.* Employment First! defines employment as a job in an integrated community setting which provides opportunities to earn competitive wages and benefits equal to the job's responsibilities and that encourages a person to work to their maximum potential. The Initiative assumes that both formal job supports (employment provider staff, technology, etc.) and natural job supports (co-workers, friends, family, etc.) should be available on an ongoing basis to meet individual support needs, and that any job should be developed as part of a larger career plan.

*Community-based Work Assessments.* In Tennessee services for people with MR/DD are coordinated by Independent Support Coordinators (ISCs). Under this initiative, part of an ISC's responsibilities is to ensure that at least every three years individuals who are not in integrated employment participate in a community-based work assessment. The goal of the mandated assessment is to provide an opportunity for individuals who may be hesitant to pursue community employment a chance to try it out without fear of failure. Tennessee has struggled with balancing the right of the individual to refuse the assessment and the state's desire to see more people choose integrated employment.

*Revised Rate Structure.* To support Employment First!, DMRS re-evaluated the rate paid to providers for day services. One important change was to pay a daily rate for all day services. Prior to 2005, the state had paid an hourly rate. The hourly rate was found to discourage CRPs from expanding integrated employment services because it was not structured to allow people to easily transition between sheltered and integrated employment, or between short and long term employment supports. Additionally, to encourage CRPs to expand integrated employment activities, DMRS established a higher rate of payment for integrated employment than for other day services.

## **Summary**

The Employment First! Initiative is a pioneering action in Tennessee not only because it makes integrated employment the preferred service outcome but because it was developed and implemented in cooperation with multiple stakeholders. This broad coalition of support for Employment First! has led to an on-going commitment across the state to expand integrated employment.

As a component of the Employment First! Initiative benchmark goals were developed to track state progress in increasing integrated employment placements. Providers are asked to report specific data on the number of people in integrated employment, number of hours worked, wages earned per hour, and job title. Since 2002, the number of adults in day services who are employed in competitive jobs in the community has increased by nearly forty percent.

This article was developed by Jean Winsor, Institute for Community Inclusion, University of Massachusetts Boston.

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**Appendix G. Tennessee Division of Mental Retardation  
Services: EMPLOYMENT FIRST! Initiative Statement of  
Support**

**Division of Mental Retardation Services**  
***EMPLOYMENT FIRST!* Initiative**  
**Statement of Support**

One of the greatest challenges faced by people with mental retardation and other disabilities has been securing and maintaining meaningful employment. Whereas, the Division of Mental Retardation Services believes that every person who wants a job in his or her community should be able to have one and that everyone, regardless of his or her disability, can work in the community if provided the necessary and appropriate supports, the reality is that most adults with mental retardation do not work or work for low wages in segregated settings. Across the country few people with mental retardation work in real jobs. In Tennessee, as of June 2004, 21.5% of adults who are receiving supports and services through DMRS work in the community.

The value of employment for people with mental retardation and other disabilities is well documented.

- ***Relationships.*** Work is where people develop relationships, friendships, and acquaintances with other people.
- ***Identity.*** Much of who we are and how we are perceived by others is related to where we work and what we do at work.
- ***Meaning.*** Our society values work. By working, people with mental retardation and other disabilities know they are engaged in meaningful activities, as do others with whom they come in contact.
- ***Self Esteem.*** Through work we often have a sense of accomplishment, increasing our sense of competence and self worth.
- ***Economics.*** Most people with mental retardation live in or near poverty. Employment enables individuals to be equal participants at work and to contribute to the economic well being of their communities and their country.

We know that work is valuable. We know that most people with disabilities want to work and that they need support to do so. There are a number of potential strategies, many of which have and are being tried with varying degrees of success, that we can use to assure that more people are able to access employment. The Division of Mental Retardation Services, in conjunction with a broad based coalition of stakeholders, has initiated the ***Employment First!*** Initiative, in part, to focus attention and resources on issues surrounding work so more people become employed.

It is premature to attempt to articulate everything this ***Employment First!*** Initiative can, should, and will actually mean as good employment practice evolves in Tennessee. Nevertheless, the following statements are intended to offer clarification on DMRS current intent surrounding this Initiative:

- Employment is the first "day service" option that should be explored



for adults in Division of Mental Retardation Services (DMRS), Medicaid or State funded supports. Employment will always be considered as the appropriate outcome for an adult. Employment activities and supports are viewed as the most appropriate service unless there is a compelling reason and documented justification for recommending another day service.

- As part of the ***Employment First!*** Initiative, DMRS will work in conjunction with stakeholders to develop and disseminate information and provide assistance that will facilitate informed decision-making about employment. This assistance is intended for the people served, ISCs, providers, Circles of Support and Planning Teams so that they are able to actively explore and consider employment options before considering other day services.
- If, after thorough exploration of employment options, the person's current needs are best met by another day service, the choice of Community Based Services, Facility Based Services, or Personal Assistance will still be an available option.
- As part of the ***Employment First!*** Initiative, DMRS will work in conjunction with stakeholders to identify and remove any barriers that prevent employment from being the first day service option for people served. This includes changing the way we define, structure and pay for day services.
- As part of the ***Employment First!*** Initiative, DMRS will work in conjunction with stakeholders as a part of the rate restructuring process to closely examine current and potential funding methodologies for employment supports and services.
- As part of the ***Employment First!*** Initiative, DMRS will support providers who are setting goals for employment and moving toward expanded integrated employment opportunities for people. Within and beyond DMRS, this support includes identifying ways to maximize existing available resources, identifying barriers, and identifying the implications for needed policy revisions.
- As part of the ***Employment First!*** Initiative, DMRS, in partnership with the Division of Rehabilitation Services (DRS) and other stakeholders, will develop information regarding how to access available employment resources. In turn, this information will be disseminated to providers, people currently receiving services, people waiting for services, and school-aged youth in or preparing for transition from school to work.
- As part of the ***Employment First!*** Initiative, DMRS will disseminate information regarding providers which provide employment services and other available employment resources.
- As part of the ***Employment First!*** Initiative, DMRS and DRS will update the existing Interagency Agreement to clarify our evolving roles and responsibilities and highlight expected good practice.<sup>2</sup>

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<sup>2</sup> TEC will use its policy evaluation tool to review and critique the updated Interagency Agreement.

- As part of the ***Employment First!*** Initiative, DMRS will regularly review and update this policy statement in an effort to reflect new knowledge and evolving good practice.

**Appendix H. Maine Department of Health and Human  
Services, Behavioral and Developmental Services Policy  
Manual: Vocational Policy**

# Department of Health and Human Services Behavioral and Developmental Services

## *Policy Manual - Vocational Policy*

#01-CS-110

Issue: October 18, 2000

### Background:

In the last decade many of the beliefs and perceptions about the capacities of people with disabilities have been challenged through changing social policy and by people with disabilities and their families. However, unemployment rates for people with disabilities are still four times higher than those in the general population. Yet over 80% of those same people say they want to work. It is difficult to understand these statistics when our economy is strong and many employers are experiencing increasing difficulty in recruiting and retraining employees.

Despite our best intentions, some of the specially designed programs have isolated many people with disabilities from their communities. Therefore, full integration has, for many, not been realized. In this culture, work is often the vehicle for such integration to occur- jobs bring opportunities to make friends, money earned brings opportunities for choices regarding where to live and play and with what supports.

The role of vocational services is to provide people with disabilities the supports and strategies whereby they can develop meaningful and productive vocational roles in their communities. Providers of these services should build mutually beneficial relationships with businesses to move away from dependency-based human service approaches and perspectives and to move to naturally occurring interactions.

### Policy Statement:

It is the intent of the Department of Behavioral and Developmental Services (BDS) to have work and career as a focus of services that lead to the desired integration of the people it serves. Exploring employment as a goal with each client it serves is paramount to comprehensive planning and service provision.

Vocational services must be based on a well defined vocational service plan that focuses on the individual's particular strengths, needs and choices and is developed through a regularly scheduled, individualized planning process.

### Principles:\*

Vocational services must have as core values rehabilitative, recovery-based and/or social-role valorization\* approaches leading to continued and full inclusion into employment settings for the people served. In order to achieve this goal, the following principles will guide development:

1. Persons who express a desire to work will be presumed able to work and planning will be individualized to the person's desired quality of life.
2. Assessment of a person's need will be driven from an approach that starts with the person's capabilities and adds supports to promote the person's development.
3. Services will be designed to be the most enhancing for the individual, and will promote inclusion in communities.
4. All employment support will include an emphasis on the development and utilization of natural supports and will be delivered from a perspective of the whole person.
5. Quality improvement and service accountability will be driven by these principles; that considers elements of service provision (outlined below), employment outcomes; and the satisfaction of the individual.
6. All other applicable/licensing/accreditation requirements remain in effect.

\* Social-role valorization is the use of culturally valued means in order to enable, establish and maintain valued social roles for people. (revised 11/13/00)

Service Provision Elements:

Organizational Elements (Management/Customer Relationship)

- Seeks multi-source funding for employment programming
- Facilitates collaborative/partnership approaches
- Provides flexibility of employment support strategies (regardless of program model)
- Integrates cultural competence throughout the organization
- Provides ongoing staff training and development
- Includes people with disabilities in the governance of the organization
- Conducts outcomes evaluation and customer satisfaction surveys (employers and employment services users)

Service Delivery Elements (Service Provider/Customer Relationship)

- Integrates customer choice and self-determination
- Facilitates job search for integrated, inclusive, competitive (e.g., not sheltered) employment opportunities with variety in both industry type and types of jobs
- Assists people in securing employment opportunities that provide more than minimum wage, with benefits and opportunities for career growth
- Provides an individualized, person-centered and collaborative approach to job development and securing employment
- Provides skills training for customers to promote communications with employers about disability related issues in the workplace
- Provides supports for customer decisions about managing benefits
- Provides ongoing educational support for career development and general skills building
- Provides long term supports and facilitates natural supports
- Assists people in developing individual and group support networks (clinicians, case managers, family, peers)



Employer Elements (Provider/Employer Relationships)

- Develops and maintains ongoing communications and relationships with employers
- Conducts activities that promote corporate commitment to hiring people with disabilities
- Conducts ongoing research of the local employment market
- Responds to employer needs to facilitate maintaining employment of people with disabilities
- Provides opportunities for employer education and technical assistance concerning maintaining employment of people with disabilities

NOTE: Providers who do not meet these service elements should submit strategic plans that provide evidence of movement in these directions.

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Lynn F. Duby, Commissioner

October 18, 2000  
Date

**Appendix I. Excerpts from Service Definition Section of  
the MR/Autism Waiver amendment that was approved by  
CMS on June 1, 2006: Employment Specialist Services and  
Work Support**

Service Specification

Service Title:	Employment Specialist Services
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Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:

- |                                  |   |
|----------------------------------|---|
| <input type="radio"/>            | Service is included in current waiver. There is no change in service specifications.  |
| <input checked="" type="radio"/> | Service is included in current waiver. The service specifications have been modified. |
| <input type="radio"/>            | Service is not included in the current waiver.  |

Service Definition (Scope):

**Employment Services** include services necessary to support an individual in maintaining Employment. Services include: (1) periodic interventions on the job site to identify an individual's opportunities for improving productivity, minimizing the need for formal supports by promoting natural workplace relationships, adhering to expected safety practices, and promoting successful employment and workplace inclusion; (2) assistance in transitioning between employers when an individual's goal for type of employment is not substantially changed, including assistance identifying appropriate employment opportunities and assisting the individual in acclimating to a new job. Employment Specialist Services are provided by an Employment Specialist who may work either independently or under the auspices of a Supported Employment agency. The need for continued Employment Services must be documented in an Individual Plan as necessary to maintain employment over time.

Employment Specialist Services are provided at work locations where non-disabled individuals are employed as well as in entrepreneurial situations.

The cost of transportation related to the provision of Employment Specialist Services is a component of the rate paid for the service.

**Services otherwise available under a program funded by the Rehabilitation Act of 1973, or P.L. 94-142, are not covered under this waiver.**

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

- Employment Services are provided on an intermittent basis with a maximum of 10 hours each month.

- There is a maximum annual allowance for the combination of Employment Specialist and Work Support Services of 600 hours.

**Provider Specifications**

Provider Category(s) <i>(check one or both):</i>	X	Individual. List types:	X	Agency. List the types of agencies:
		Employment Specialist		Supported Employment Agency

Specify whether the service may be provided by <i>(check each that applies):</i>	<input type="checkbox"/>	Legally Responsible Person	<input type="checkbox"/>	Relative/Legal Guardian
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Provider Qualifications *(provide the following information for each type of provider):*

Provider Type:	License <i>(specify)</i>	Certificate <i>(specify)</i>	Other Standard <i>(specify)</i>
<b>Employment Specialist</b>		<ul style="list-style-type: none"> <li>• Certificate of completion of State of Maine's "Maine Employment Curriculum for Employment Support Personnel"</li> </ul>	<ul style="list-style-type: none"> <li>• MaineCare provider agreement</li> <li>• Office of Adults with Cognitive and Physical Disabilities Authorization for provision of waiver services</li> <li>• Diploma- High School Education or GED</li> <li>• Minimum age 18</li> <li>• Acceptable Criminal background check</li> <li>• Minimum 1 year of experience working with people with disabilities in a work setting</li> <li>• Participation in DHHS Adult MR Services Quality Management program</li> </ul> <p>*In addition to the above</p>



			requirements, the selected provider must meet all requirements set forth by the individual in the Person-Centered Plan. This may require professional certification or specialized training.
<b>Supported Employment Agency</b>		<ul style="list-style-type: none"> <li>All employees must hold a Certificate of completion of State of Maine's "Maine Employment Curriculum for Employment Support Personnel"</li> </ul>	<ul style="list-style-type: none"> <li>Signing of MaineCare provider agreement</li> <li>Office of Adults with Cognitive and Physical Disabilities Authorization for provision of waiver services</li> <li>Participation in DHHS Office of Adults with Cognitive and Physical Disabilities Quality Management program</li> <li>Acceptable employee criminal background check</li> </ul>
Verification of Provider Qualifications	Provider Type:	Entity Responsible for Verification:	Frequency of Verification
	Employment Specialist	DHHS Adult MR Services Regional Resource Coordinator	Upon Enrollment
	Supported Employment Agency	DHHS Adult MR Services Regional Resource Coordinator	Upon Enrollment
<b>Service Delivery Method</b>			
<b>Service Delivery Method</b> (check each that applies):	<input type="checkbox"/>	Participant-directed as specified in Appendix E	<input checked="" type="checkbox"/> Provider managed

**Service Specification**

Service Title:		Work Support			
Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:					
<input type="radio"/>		Service is included in current waiver. There is no change in service specifications.			
<input checked="" type="radio"/>		Service is included in current waiver. The service specifications have been modified.			
<input type="radio"/>		Service is not included in the current waiver.			
Service Definition (Scope):					
<p><b>Work Support</b> is Direct Support provided to improve a member's ability to independently maintain productivity and employment. This service is commonly provided after a period of stabilization and encompasses adherence to workplace policies and productivity. It may also include hygiene, self-care, dress code, work schedule and related issues. Work Support is provided in a member's place of employment; may be provided in a member's home in preparation for work if it does not duplicate services already reimbursed as Home Support.</p> <p>The cost of transportation related to the provision of Work Support is a component of the rate paid for the service.</p>					
Specify applicable (if any) limits on the amount, frequency, or duration of this service:					
The maximum annual allowance for the combination of Work Support and Employment Specialist Services is 600 hours.					
<b>Provider Specifications</b>					
Provider Category(s) (check one or both):	<input checked="" type="checkbox"/>	Individual. List types:	<input checked="" type="checkbox"/>	Agency. List the types of agencies:	
		Work Support Professional		Supported Employment Agency	
Specify whether the service may be provided by (check each that applies):		<input type="checkbox"/>	Legally Responsible Person	<input type="checkbox"/>	Relative/Legal Guardian
Provider Qualifications (provide the following information for each type of provider):					
Provider Type:	License	Certificate	Other Standard (specify)		

	<i>(specify)</i>	<i>(specify)</i>	
<b>Work Support Professional</b>		<ul style="list-style-type: none"> <li>• Certificate of completion Maine's Direct Support Professional Curriculum</li> </ul>	<ul style="list-style-type: none"> <li>• Signing of MaineCare provider agreement</li> <li>• Office of Adults with Cognitive and Physical Disabilities authorization for provision of waiver services</li> <li>• Acceptable Criminal background check</li> <li>• Minimum age 18</li> <li>• Participation in DHHS Office of Adults with Cognitive and Physical Disabilities Quality Management program</li> </ul> <p>*In addition to the above requirements, the selected provider must meet all requirements set forth by the individual in the Person-Centered Plan. This may require professional certification such as med training or lifting.</p>
<b>Supported Employment Agency</b>		<ul style="list-style-type: none"> <li>• All employees must hold a Certificate of completion Maine's Direct Support Professional Curriculum (with emphasis on supporting</li> </ul>	<ul style="list-style-type: none"> <li>• Signing MaineCare provider agreement</li> <li>• Adult MR Services Authorization for provision of waiver services</li> <li>• Participation in DHHS Adult MR Services Quality Management program</li> </ul>



		people in their workplace)	
Verification of Provider Qualifications	Provider Type:	Entity Responsible for Verification:	Frequency of Verification
	Individual (Work Support Prof.)	DHHS Adult MR Services Regional Resource Coordinator	
	Supported Employment Agency	DHHS Adult MR Services Regional Resource Coordinator	
<b>Service Delivery Method</b>			
<b>Service Delivery Method</b> (check each that applies):	<input type="checkbox"/>	Participant-directed as specified in Appendix E	<input checked="" type="checkbox"/> Provider managed

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