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**IDAPA 16
TITLE 04
Chapter 04**

16.04.04 - RULES AND MINIMUM STANDARDS FOR EMPLOYMENT SERVICES

000. LEGAL AUTHORITY.

The following rules and minimum standards for employment services are made under the statutory authority and duty vested in the Board of Health and Welfare (DHW) by the Idaho Legislature, pursuant to the Idaho Developmental Disabilities Services and Facilities Act, Section 39-4601 et. seq., Idaho Code. (1-1-95)

001. TITLE AND SCOPE.

01. Title. These rules govern the certification and accreditation for providing employment services and are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 04, "Rules and Minimum Standards for Employment Services." (1-1-95)

02. Scope. The Department of Health and Welfare will purchase employment services from providers that will increase opportunities for adults with developmental disabilities to work in their communities, contribute to their local communities and be accepted by other community members. (1-1-95)

002. (RESERVED).

003. ADMINISTRATIVE PROVISIONS.

Hearings and appeals shall be governed according to the provisions of Idaho Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (1-1-95)

004. -- 009. (RESERVED).

010. DEFINITIONS AND ABBREVIATIONS.

For the purpose of the rules contained in this chapter, and in addition to the definitions noted in the current Commission on Accreditation of Rehabilitation Facilities (CARF) Standards or equivalent standards, the following terms and abbreviations are used, as herein defined: (1-1-95)

01. Adult and Child Development Center (A/CDC). The regional service unit of the Department of Health and Welfare which provides diagnostic eligibility and authorization for employment services to developmentally disabled children and adults. Also known as Regional Developmental Disabilities Program. (1-1-95)

02. Board. The Idaho State Board of Health and Welfare. (1-1-95)

03. CARF. The Commission on Accreditation of Rehabilitation Facilities. (1-1-95)

04. Employment Services. Employment or employment-related services provided for adults with disabilities within an industrial/business community setting that are intended to maintain or result in paid employment. This includes individual supported employment, group supported employment and work services. (1-1-95)

05. Equivalent Standards. State or national certification standards for providers of employment services which have been determined by both Idaho Division of Vocational Rehabilitation (IDVR) and DHW as equivalent to current standards of the Commission on Accreditation of Rehabilitation Facilities. Providers may be certified by either CARF or through an equivalent standard agency. (1-1-95)

06. Department. The Idaho Department of Health and Welfare (DHW). (1-1-95)

07. Developmental Disability. Pursuant to Section 66-402, Idaho Code, a chronic disability of a person which appears before the age of twenty-two (22) years of age and: (1-1-95)

a. Is attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one of those impairments that requires similar treatment or

- services, or is attributable to dyslexia resulting from such impairments; and (1-1-95)
- b. Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and (1-1-95)
- c. Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of life-long or extended duration and individually planned and coordinated. (1-1-95)
08. Group Supported Employment (GSE). Paid employment which: (1-1-95)
- a. Is for a group of no more than eight (8) workers with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need, intensive ongoing support to perform in a work setting; (1-1-95)
- b. Is conducted in a variety of regular community business and industry settings where persons without disabilities are employed; (1-1-95)
- c. Is conducted at integrated work settings in such a way as to provide significant integration opportunities; (1-1-95)
- d. Includes endeavors in industry, mobile crews and small business models of service; and (1-1-95)
- e. Is supported by an array of activities needed to sustain paid work by persons with disabilities including supervision, training, and transportation; and (1-1-95)
- f. Is not conducted in Work Services facility-based center. (1-1-95)
09. Habilitation. The process of developing skills and abilities. (1-1-95)
10. Idaho Division of Vocational Rehabilitation. The state agency responsible for vocational rehabilitation services. (1-1-95)
11. Integrated Work Setting. Job sites where either: (1-1-95)
- a. Most co-workers are not disabled and individuals with disabilities are not part of a work group of other individuals with disabilities; or (1-1-95)
- b. Most co-workers are not disabled and, if a job site described in paragraph a of this definition is not possible, individuals with disabilities are part of a small work group of not more than eight (8) individuals with disabilities; or (1-1-95)
- c. If there are no co-workers or the only co-workers are members of a small work group of not more than eight (8) individuals, all of whom have disabilities, individuals with disabilities have regular contact with non-disabled individuals, other than personnel providing support services, in the immediate work setting. (1-1-95)
12. Individual Supported Employment (ISE). Paid employment which is: (1-1-95)
- a. For an individual with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely and who, because of his/her disabilities, needs intensive ongoing support to perform in a work setting; (1-1-95)
- b. Conducted in a variety of community business and industry settings where persons without disabilities are employed; and (1-1-95)
- c. Supported by any activity needed to sustain paid work by persons with disabilities, including

supervision, training, and transportation. (1-1-95)

13. Work Services (WS). A program providing remunerative work for adults with developmental disabilities who for a variety of reasons lack skills and experience to obtain and maintain employment at this time in the competitive labor market. The Work Service program utilizes individual and group work and related activities to assist individuals in: understanding the meaning, value, and demands of work; enhancing positive work attitudes and personal characteristics; and developing functional capacities which will help them achieve their optimum level of vocational development. Work Services is typically conducted in a facility-based center. (1-1-95)

011. ASSESSMENT AND AUTHORIZATION FOR PAYMENT.

Adults seeking participation in DHW employment services will make application through the Regional Developmental Disabilities Program. An assessment of eligibility for developmental disabilities, and a personal futures planning process to determine interest in employment programs will be conducted prior to referral and authorization for payment from a qualified provider. (1-1-95)

012. -- 099. (RESERVED).

100. CERTIFICATION STANDARDS.

In accordance with Section 67-5203A, Idaho Code, the Department hereby incorporates the current Standards, developed by the Commission on Accreditation of Rehabilitation Facilities (CARF). (1-1-95)

01. Availability of CARF Standards. Copies of the standards hereby incorporated are available for a fee from CARF, 101 North Wilmot Road, Suite 500, Tucson, Arizona 85711. Copies are also on file and available for a fee at the Administrative Rules Coordinators Office, 650 West State Street, Room 100, Boise, Idaho 83720, or at the Idaho Supreme Court Law Library, 451 West State Street, Boise, Idaho. (1-1-95)

02. Limited Applicability of CARF Standards. Providers need to be accredited for any of the services which the Department purchases, specifically: (1-1-95)

- a. Work services; (1-1-95)
- b. Individual Supported Employment. (1-1-95)
- c. Group Supported Employment. (1-1-95)
- d. The Department will only purchase services from providers in the area(s) they are accredited. (1-1-95)

101. -- 199. (RESERVED).

200. CERTIFICATION OF PROVIDERS.

01. General Requirements. (1-1-95)

a. Before any person or corporation can be a provider under these rules, he must make application for, receive and verify certification. No client under the Department's sponsorship will be involved in or served by a provider, which is required by Idaho law to be certified, until certification is obtained. (1-1-95)

b. Certified providers must conform to all applicable rules of the Department and the Commission on Accreditation of Rehabilitation Facilities or equivalent standards. (1-1-95)

c. A provider and records received under these rules must be accessible during normal operation to the certification agency for the purpose of inspection, with or without prior notification, pursuant to Sections 39-4605 (4) and 39-108, Idaho Code. (1-1-95)

d. Upon implementation of these rules, existing providers which meet the Commission on Accreditation of Rehabilitation Facilities (CARF) Standards or equivalent standards must submit a copy of their

Certificate of Accreditation to the Department within thirty (30) days. These documents will serve as evidence that the provider meets the requirements of this chapter and the Department will notify in writing of approval and certification as a provider in employment services for the duration of CARF or equivalent standards accreditation.

(1-1-95)

e. Existing providers which do not meet CARF standards or equivalent standards according to these rules prior to adoption of these rules must submit an application for interim certification, pursuant to Subsection 200.03.

(1-1-95)

02. Denial or Revocation of Contract/Funding. The Department can deny or revoke contract/funding if, after investigation of the provider, it finds sufficient evidence that indicates that the provider is not adequate for the health, safety and the care, treatment, maintenance, training and support of persons with developmental disabilities in accordance with these rules. Within thirty (30) days of the site review, the applicant will be notified of the intent to deny or revoke contract/funding and the reasons for denial or revocation.

(1-1-95)

03. Application for Interim Certification.

(1-1-95)

a. Since Idaho Division of Vocational Rehabilitation (IDVR) and DHW jointly fund supported employment, IDVR and DHW agree that providers will apply to IDVR for interim certification. The Department of Health and Welfare will provide a member to the IDVR interim certification team, if necessary, and will add those providers to its provider list.

(1-1-95)

b. At a minimum, a provider must meet one (1) year accreditation standards through CARF or equivalent standards within twelve (12) months of interim certification by IDVR.

(1-1-95)

c. Expenses for the CARF or equivalent standards will be met by the applicant facility.

(1-1-95)

d. In order to maintain certified status by the Department, the provider must maintain accredited status as required by CARF or equivalent standards agency. Copies of written reports of resurveys and renewal of Certificate of Accreditation must be submitted to the Regional Department of Health and Welfare.

(1-1-95)

04. Accreditation Requirements.

(1-1-95)

a. At a minimum, a provider must meet one (1) year accreditation standards through CARF within twelve (12) months of conditional certification by the Department.

(1-1-95)

b. In order to maintain certified status by the Department, the provider must maintain accredited status as required by CARF or equivalent standards agency. Copies of written reports of resurveys and renewal of Certificate of Accreditation must be submitted to the local Regional Development Disabilities Program.

(1-1-95)

201. -- 996. (RESERVED).

997. CONFIDENTIALITY.

Confidential information received by the Department from field reports and inspections is subject to the provision of Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records," and must not be disclosed publicly in such a manner as to identify individual residents except in a proceeding involving licensure, where a significant threat to the health and safety of the residents is involved, pursuant to Section 39-1312, Idaho Code.

(1-1-95)

998. INCLUSIVE GENDER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, where appropriate.

(1-1-95)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 04, are severable. If any rule, or part thereof, or the application of such rules to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter.

(1-1-95)