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**IDAPA 47
TITLE 01
CHAPTER 02**

**47.01.02 - RULES AND MINIMUM STANDARDS GOVERNING
EXTENDED EMPLOYMENT SERVICES**

000. LEGAL AUTHORITY.

The following rules and minimum standards for extended employment services are made under sections 33-2211 and 33-2303, Idaho Code. (3-14-07)

001. TITLE AND SCOPE.

01. Title. These rules govern the Extended Employment Services Program of the Idaho Division of Vocation Rehabilitation (IDVR) and are to be cited as IDAPA 47.01.02, Idaho Division of Vocational Rehabilitation, "Rules and Minimum Standards Governing Extended Employment Services." (3-14-07)

02. Scope. In accordance with section 33-2203, Idaho Code, the Extended Employment Services Program of IDVR provides to eligible Clients services that are intended to increase opportunities for such Clients to work in their communities. IDVR will contract with providers that have been certified by IDVR to provide such services, as provided herein. (3-14-07)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-14-07)

003. ADMINISTRATIVE APPEALS.

Hearings and appeals shall be governed according to the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-14-07)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference. (3-14-07)

005. OFFICE INFORMATION.

01. Office Hours. The IDVR administrative office is open from 8:00 am until 5:00 pm Monday through Friday. (3-14-07)

02. Mailing Address. PO Box 83720, Boise, ID 83720-0096 (3-14-07)

03. Street Address. Len B. Jordan Building, 650 W State Street, Room 150, Boise, Idaho. (3-14-07)

04. Telephone. (208) 334-3390, Fax: (208) 334-5305 TDD: (208) 327-7040. (3-14-07)

05. Internet website at <http://www.vr.idaho.gov/>. (3-14-07)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-14-07)

007. -- 009. (RESERVED)

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following terms and abbreviations are used as herein defined. (3-14-07)

01. CARF. The Rehabilitation Accreditation Commission, an international accrediting body of employment services providers. The internet website for CARF is <http://www.carf.org>. (3-14-07)

02. Client. An individual residing in the state of Idaho who has applied for, and who is eligible to

receive, Extended Employment Services from IDVR. A Client must be at least eighteen (18) years of age, unless such person is participating as part of a school work transition program, in which case such person must be at least sixteen (16) years of age. (3-14-07)

03. Certified Extended Employment Services Provider. A community rehabilitation program services provider, sometimes referred to in these rules as a provider, that has been certified by IDVR to provide Extended Employment Services. (3-14-07)

04. Extended Employment Services. Long term maintenance services that assist Clients in maintaining employment, or in gaining employment skills in preparation for community employment, or which provide assistance to adult Clients with disabilities within an industrial/business community setting or a community rehabilitation program, intended to maintain paid employment. Such services include individual supported employment, group supported employment, and work services. (3-14-07)

05. Individual Program Plan. The plan of Extended Employment Services to be provided to individual Clients. (3-14-07)

06. IDVR. The Idaho Division of Vocational Rehabilitation, a state agency under the Idaho State Board of Education, with administrative oversight of the Extended Employment Services Program. (3-14-07)

07. RSAS. Rehabilitation Services Accreditation Systems, a national accrediting body of vocational services providers. The internet website for RSAS is <http://www.rsasnet.org>. (3-14-07)

011. -- 099. (RESERVED)

100. CERTIFICATION OF PROVIDERS.

01. Certification Required. A provider must apply for and receive certification from IDVR, as provided herein, to provide Extended Employment Services to Clients. Such certification shall be for only the Extended Employment Services Program region in which such provider intends to provide services, and for which approval is granted by IDVR. (3-14-07)

02. Timeline. For purposes of these rules, the Extended Employment Services Program fiscal year is June 1 of a given year through May 31 of the next succeeding year. An application for certification for a fiscal year must be submitted on or before the first business day of April preceding the fiscal year for which certification is sought. A written decision on certification status in regard to such application will be issued by IDVR on or before the first business day of May preceding such fiscal year. If approved by IDVR, certification status for a provider becomes effective on June 1, the first day of such fiscal year. An application that is denied may be reconsidered during the course of a fiscal year if there have been significant developments in a region that require IDVR to add a new or additional provider after June 1. In such event, IDVR will give preference to denied applications based on date of application. (3-14-07)

03. Criteria. IDVR will determine to grant or deny certification based on the following criteria: (3-14-07)

a. The provider must be accredited by CARF or RSAS; (3-14-07)

b. The provider must meet and maintain all the requirements for provider qualifications, specified in Section 300 of these rules; (3-14-07)

04. Grandfather Provision for Current Providers. Upon the effective date of adoption of these rules, providers that have been paid by IDVR for Extended Employment Services that were provided to Clients during the month of May, 2006, and which comply in all respects with Section 300 of these rules, shall be grandfathered and deemed to be certified to provide Extended Employment Services in the region(s) in which they have provided services during such month. (3-14-07)

05. Duration. Once certified, an Extended Employment Service Provider (including a provider that is

grandfathered under subsection 100.04.05 of these rules) retains certified status unless or until the certification is terminated or revoked by IDVR. (3-14-07)

101. -- 199. (RESERVED)

200. EXTENDED EMPLOYMENT SERVICES PROVIDER AGREEMENT.

01. Standard Form. Prior to providing Extended Employment Services, a Certified Extended Employment Services Provider shall enter into an annual Extended Employment Services Provider Agreement with IDVR which will specify the terms and conditions of the appointment. Such agreement shall be on a standard form approved by IDVR, after consultation with Certified Extended Employment Services Providers. Such agreement shall detail the provider requirements, services, scope of work, other special provisions, and fees. (3-14-07)

02. Annual Agreement. This agreement must be signed prior to the beginning of the Extended Employment Services fiscal year by an authorized representative of the Certified Extended Employment Services Provider and the IDVR state administrator or a designee. (3-14-07)

03. Subject to Revision. This agreement shall be entered into annually, and is subject to revision, as may be required by IDVR. (3-14-07)

201. -- 299. (RESERVED)

300. PROVIDER QUALIFICATIONS.

A Certified Extended Employment Services Provider shall meet all of the following requirements: (3-14-07)

01. Accreditation. Receive and maintain accreditation by CARF or RSAS. (3-14-07)

02. Staff. Assure that all its employees and subcontractors hired after August 10, 2006 who are providing Extended Employment Services: (3-14-07)

a. Satisfactorily complete a criminal history background check, to be obtained by the provider; (3-14-07)

b. Are not less than eighteen (18) years of age and, if less than twenty-one (21) years of age, have not less than six (6) months experience with people with disabilities; (3-14-07)

c. Demonstrate the ability to deliver services as specified in the Individual Program Plan for each Client; and (3-14-07)

d. Document completion of not less than forty (40) hours of training directly related to vocational support for people with disabilities. Training must be documented no later than six (6) months from the date of hire and include all of the following topics: (3-14-07)

i. Behavior technology, especially positive behavioral support; (3-14-07)

ii. Instructional techniques; (3-14-07)

iii. Strategies for dealing with aberrant or maladaptive behavior; (3-14-07)

iv. Integration/normalization; (3-14-07)

v. Functional impact of disabilities, particularly developmental disabilities and mental illness; and (3-14-07)

vi. Strategies for remediation and accommodation. (3-14-07)

301. -- 399. (RESERVED)

400. TERMINATION OR REVOCATION OF PROVIDER STATUS.

IDVR may terminate or revoke the certified status of, and discontinue authorizing or purchasing services from, Certified Extended Employment Services Providers for actions including, but not limited to the following: (3-14-07)

01. Loss of Accreditation. Failure to maintain accreditation from either CARF or RSAS; (3-14-07)

02. Out of Compliance. The provider is determined by IDVR to be out of compliance with these rules, or the Extended Employment Services Provider Agreement. (3-14-07)

03. Business Practices. The provider is determined to be engaged in business practices that are inconsistent with sound fiscal practice; or (3-14-07)

04. Client Rights. The provider is determined to be in violation of Client rights. (3-14-07)

401. -- 499. (RESERVED)

500. EXTENDED EMPLOYMENT SERVICES CLIENTS - REFERRAL AND ELIGIBILITY.

01. Referral. Each applicant to be a Client for Extended Employment Services under these rules will be referred by a Vocational Rehabilitation Counselor, employed by IDVR, who will provide the applicant with information on the services available from Certified Extended Employment Services Providers. (3-14-07)

02. Eligibility. Extended Employment Services Specialists at IDVR will assess the eligibility of each applicant for Extended Eligibility Services. Eligible applicants must have a disability that falls into one of four categories described below, and such disability must constitute a barrier to such person maintaining paid employment without long term vocational support: (3-14-07)

a. Developmental Disabilities. Pursuant to Section 66-402, Idaho Code, a chronic disability of a person which appears before the age of twenty-two (22) years; and (3-14-07)

i. Is attributable to 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; (3-14-07)

ii. 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 (3-14-07)

iii. 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. (3-14-07)

b. Mental Illness. A person has been assessed by a qualified professional and been diagnosed under DSM-IV or later editions with schizophrenia, schizoaffective disorder, major affective disorder, delusional disorder or a borderline personality disorder and this psychiatric disorder must be of sufficient severity to cause a disturbance in role performance or coping skills in at least two of these areas on either a continuous or an intermittent (at least once per year) basis: vocational/academic, financial, social/interpersonal, family, basic living skills, housing, community, or health. (3-14-07)

c. Specific Learning Disability. A disorder in one or more of the psychological processes involved in understanding, perceiving, or using language or concepts (spoken or written). A disorder which may manifest itself in problems related to speaking, reading, spelling, or mathematical calculations (or to a lesser extent, listening, thinking, or writing), and seriously limit two or more functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills). (3-14-07)

d. Traumatic Brain Injury. A traumatically acquired insult to the brain that may cause physical,

intellectual, emotional, social, and vocational changes. A closed head injury may be caused by a rapid acceleration/ deceleration, as in a motor vehicle accident. An open head injury is visible insult and may be the result of an accident, gun shot wound, or other physical injuries. Immediate effects are loss of consciousness, loss of memory, or change in vision, strength, coordination, or sensory function. Anatomical abnormalities may be present, such as cerebral hemorrhage or skull fracture. Long term effects may include physical, cognitive, and psycho-social-behavioral-emotional impairments. (3-14-07)

501. -- 599. (RESERVED)

600. COVERED SERVICES.

The Extended Employment Services that may be provided to Clients by Certified Extended Employment Services Providers are described below. These services typically follow the completion of other vocational rehabilitation services, such as vocational evaluation, job site development, and initial training at the job site. (3-14-07)

01. Individual Community Supported Employment. Self employment or paid employment which is: (3-14-07)

a. For a Client paid not less than minimum wage and who, because of his or her disability(ies), needs ongoing support to maintain that employment; (3-14-07)

b. Conducted in a community or industry setting where persons without known paid work supports are employed; and (3-14-07)

c. Supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision, training, and transportation. (3-14-07)

02. Group Supported Employment. Self employment or paid employment which is: (3-14-07)

a. For a group of no more than eight (8) Clients who are paid not less than minimum wage and who, because of their disability(ies), need ongoing support to maintain that employment; (3-14-07)

b. Conducted in a variety of community and industry settings where the Clients have opportunities to interact with co-workers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting; (3-14-07)

c. Supported by training and supervision needed to maintain that employment; and (3-14-07)

d. Not conducted in the work services area of an Extended Employment Services Provider. (3-14-07)

03. Work Services. The work services program utilizes individual and group work to assist individuals in understanding the value and demands of work, enhancing positive work attitudes, and developing functional capacities that will enhance the ability to achieve and maintain an employment outcome. Limited non-paid work related activities and transportation may be billed only when authorized on an Individual Program Plan. Work services are typically conducted on Certified Extended Employment Services Provider premises. (3-14-07)

601. -- 699. (RESERVED)

700. EXCLUDED SERVICES.

Any other services provided by IDVR that are not described in subsection 600 of these rules shall not constitute Extended Employment Services. Such excluded services include, but are not limited to, the following: (3-14-07)

01. Vocational Evaluation; (3-14-07)

02. Work Adjustment; (3-14-07)

03. Job Site Development; or (3-14-07)

- 04. Initial Training at the Job Site.** (3-14-07)
- 701. -- 799. (RESERVED)**
- 800. SERVICE PROVISION.**
- 01. Services on Individual Program Plan.** Extended Employment Services for each individual Client must be based on the Individual Program Plan developed for such Client. (3-14-07)
- 02. Development of Individual Program Plan.** Those involved in developing the Individual Program Plan must include, but are not limited to, the following: (3-14-07)
- a.** The Client. Efforts must be made to maximize the Client's involvement in the planning process by providing him or her with information and education regarding rights, and available options; and (3-14-07)
 - b.** The Client's legal guardian, if one has been appointed by the court; and (3-14-07)
 - c.** Certified Extended Employment Services Provider program staff, responsible for the implementation of the Individual Program Plan. (3-14-07)
- 03. Submission of the Individual Program Plan.** The Certified Extended Employment Services Provider must submit the Individual Program Plan to an Extended Employment Services Program Specialist using the standard format provided or approved by IDVR. The Extended Employment Services Program Specialist will either accept the Individual Program Plan as submitted, or may require revisions to the Individual Program Plan before acceptance. (3-14-07)
- 04. Timeline for Submission.** The Individual Program Plan must be submitted to an Extended Employment Services Program Specialist within thirty (30) days from the beginning of the provision of Extended Employment Services. No payment will be made for Extended Employment Services without receipt of the Individual Program Plan covering those Extended Employment Services. (3-14-07)
- 05. Revision.** The certified Extended Employment Services Provider must submit an updated Individual Program Plan for each Client to an Extended Employment Services Program Specialist at least annually. (3-14-07)
- 06. Progress Reports.** The Certified Extended Employment Services Provider must submit a progress report on each Client to an Extended Employment Services Program Specialist at six (6) month intervals. A standardized format provided or approved by IDVR must be used. (3-14-07)
- 801. RECORDS.**
- 01. Client Files.** Certified Extended Employment Services Providers shall maintain individual Client files, which must include the following: (3-14-07)
- a.** Referral information; (3-14-07)
 - b.** Eligibility; (3-14-07)
 - c.** Authorization for services; (3-14-07)
 - d.** Contact information; (3-14-07)
 - e.** Legal guardianship information; (3-14-07)
 - f.** Individual Program Plan; (3-14-07)
 - g.** Progress Reports; (3-14-07)

- h.** Documentation of service; (3-14-07)
- i.** Satisfaction measures; (3-14-07)
- j.** Releases of information; and (3-14-07)
- k.** Documentation that updates to Client information were provided to IDVR. (3-14-07)
- 02. Storage.** Files must be maintained for five (5) years from the date of discharge of the Client to whom the file pertains. (3-14-07)
- 802. -- 899. (RESERVED)**
- 900. PAYMENT FOR SERVICES.**

 - 01. Fee for Service.** The IDVR State Administrator shall set the fees for covered services, after discussion with Certified Extended Employment Services Providers. Such fees shall be set forth in the annual Extended Employment Services Provider Agreement. Such fees shall be reviewed annually, and may be adjusted by IDVR to take effect at the beginning of the fiscal year. (3-14-07)
 - 02. Pre-Authorization.** All Extended Employment Services must be pre-authorized by an Extended Employment Services Program specialist, and shall be set forth in the Individual Program Plan for each Client. (3-14-07)
 - 03. Billing Procedures.** (3-14-07)

 - a.** Certified Extended Employment Services Providers must submit a monthly billing statement for each Client served, in a format approved by an Extended Employment Services Program Specialist and within timelines set forth in the annual Employment Services Provider Agreement. (3-14-07)
 - b.** Bills may only be submitted for Extended Employment Services that have been identified and accepted by IDVR, as set out in an Individual Program Plan. (3-14-07)
 - c.** All bills submitted by Certified Extended Employment Services Providers are subject to prepayment and post payment review. Documentation sufficient to support each payment item shall be available for review, and must be maintained for five (5) years from the date of service. The Certified Extended Employment Services Providers must submit copies of the documentation regarding the provision of such services upon written request from an Extended Employment Services Specialist. (3-14-07)
 - 04. Audits.** IDVR may perform audits of billing records and other documentation submitted by Certified Extended Employment Services Providers in order to verify the accuracy of such records. (3-14-07)
 - 05. Denial/Revocation of Payment.** IDVR may deny payment, or seek reimbursement or set-off for payments previously made, if the provider is not in compliance with these rules, the signed Employment Services Provider Agreement, or if the provider does not provide the services as set forth in a Client's Individual Program Plan. (3-14-07)
- 901. -- 999. (RESERVED)**

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