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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. (3-29-17)

001. TITLE AND SCOPE.

01. Title. These rules govern the Extended Employment Services (EES) 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." (3-29-17)

02. Scope. In accordance with Section 33-2203, Idaho Code, the Extended Employment Services program of IDVR provides services to eligible customers that are intended to increase opportunities for such customers to work in their communities. The Extended Employment Services (EES) program will contract with providers that have been approved to provide such services, as provided herein. (3-29-17)

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 Extended Employment Services office is open from 8:00 am until 5:00 pm Monday through Friday. (3-29-17)

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. CAREF. The Rehabilitation Accreditation Commission, an international accrediting body of employment services providers. (3-29-17)

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

receive EES. A customer must be at least sixteen (16) years of age. (3-29-17)

03. Certified Extended Employment Services (EES) Provider. A community rehabilitation program services provider sometimes referred to in these rules as a provider, that has been approved by EES program to provide extended employment services. (3-29-17)

04. Extended Employment Services (EES). Long term maintenance services that assist customers in maintaining employment, or in gaining employment skills in preparation for community employment, or which provide assistance to adult customers with disabilities within an industry/business community setting or a community rehabilitation program, intended to maintain paid employment. Such services include individual supported employment, group community-based non-integrated supported employment, and work services. (3-29-17)

05. Individual Program Plan. The EES plan to be provided to individual customers. (3-29-17)

06. Idaho Division of Vocational Rehabilitation (IDVR). The Idaho Division of Vocational Rehabilitation, a state agency under the Idaho State Board of Education, with administrative oversight of the EES program. (3-29-17)

07. RSAS. Rehabilitation Services Accreditation Systems, a national accrediting body of vocational services providers. (3-29-17)

011. -- 099. (RESERVED)

100. PROGRAM YEAR.

01. Program Year and Application Submission Date. For purposes of these rules, the EES program fiscal year is July 1 of a given year through June 30 of the next succeeding year. An EES Provider Agreement for a fiscal year must be submitted on or before the first business day of May preceding the fiscal year for which approval is sought. (3-29-17)

101. -- 199. (RESERVED)

200. EXTENDED EMPLOYMENT SERVICES PROVIDER AGREEMENT.

01. Standard Form. (3-29-17)

a. Prior to providing services, a provider shall enter into an annual EES Provider Agreement with the EES program which will specify the terms and conditions of the approval. Such agreement shall be on a standard form approved by the EES program, after consultation with the EES provider. Such EES Provider Agreement shall detail the provider requirements, services, scope of work, other special provisions, and fees. The EES program will make the EES Provider Agreement available the first business day of April. (3-29-17)

b. Approval to provide EES will be provided by the EES program on or before the first business day of June preceding such fiscal year. If approved by the EES program, a provider is eligible to deliver EES effective July 1, the first day of such fiscal year. An agreement that is denied may be reconsidered during the course of a fiscal year. The EES program has the discretion to add a new or additional providers after July 1, if there have been significant developments in a region that justify the need for new or additional providers. In such event, the EES program will give preference to denied applications based on date of application. (3-29-17)

02. Annual Agreement. This agreement must be signed prior to the beginning of the EES fiscal year by an authorized representative of the provider and the IDVR State Administrator or a designee. (3-29-17)

03. Agreement Revision. The agreement shall be entered into annually, and is subject to revision, as may be required by the EES program. The EES program will provide providers notification of any changes to the agreement, with as much notification as possible. (3-29-17)

201. -- 299. (RESERVED)

300. PROVIDER QUALIFICATIONS.

An approved EES provider shall meet all of the following requirements: (3-29-17)

01. Experience. A new provider must have a minimum of three (3) full years of experience working with customers who are receiving Medicaid Waiver or must have worked with IDVR customers in employment services, or both. (3-29-17)

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

03. Staff. All staff will meet the following requirements: (3-29-17)

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

b. Be 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; (3-29-17)

c. Demonstrate the ability to deliver services as specified in the Individual Program Plan for each customer; and (3-29-17)

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; (3-29-17)

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

vii. Ethics and confidentiality; (3-29-17)

viii. The development and use of measurable objectives; and (3-29-17)

ix. Overview of assistive technology. (3-29-17)

301. -- 399. (RESERVED)

400. TERMINATION OR REVOCATION OF PROVIDER STATUS.

The EES program may terminate or revoke the approval status and discontinue authorizing or purchasing services from Certified Extended Employment Services Providers for actions including, but not limited to, the following: (3-29-17)

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 the EES program to be out of compliance with these rules or the EES Provider Agreement. (3-29-17)

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. Customer Rights. The provider is determined to be in violation of a customer's rights. (3-29-17)

401. -- 499. (RESERVED)

500. EXTENDED EMPLOYMENT SERVICES CUSTOMER REFERRAL, ELIGIBILITY, AND CASE CLOSURE.

01. Referral. Each applicant to be a customer for EES 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 EES providers. (3-29-17)

02. Eligibility. The EES program will assess the eligibility of each applicant for services. Applicants who are eligible for and have access to other public funding sources for long term support services are not eligible for EES services. Eligible applicants must have a disability that falls into one (1) of four (4) categories described below, and such disability must constitute a barrier to such person maintaining paid employment without long term vocational support: (3-29-17)

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

i. Is attributable to impairment, such as intellectual disability, cerebral palsy, epilepsy, autism, or other condition found to be closely related to or similar to one (1) of those impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; (3-29-17)

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, in which this psychiatric disorder must be of sufficient severity to cause a disturbance in role performance or coping skills in at least two (2) 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. (3-29-17)

c. Specific Learning Disability. A disorder in one (1) 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 (2) 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)

03. Case Closure. Cases will be closed from the EES program for the following reasons and will include documentation in the case record that supports such reason: (3-29-17)

- a. Unable to locate or contact customer; (3-29-17)
- b. Customer is utilizing Medicaid Waiver services for CSE; (3-29-17)
- c. Customer's disability too significant to benefit from services; (3-29-17)
- d. Customer is non-compliant or has not followed through with EES services; (3-29-17)
- e. Customer has retired from employment; (3-29-17)
- f. Customer no longer interested in employment or receiving EES services; (3-29-17)
- g. Customer no longer needs EES services; (3-29-17)
- h. Customer has moved out of state; or (3-29-17)
- i. All other appropriate reasons. (3-29-17)

501. -- 599. (RESERVED)

600. COVERED SERVICES.

The Extended Employment Services that may be provided to customers by providers are described below. EES typically follow the completion of other vocational rehabilitation services, such as vocational evaluation, job site development, and initial training at the job site. (3-29-17)

01. Individual Community Supported Employment. Self-employment or paid employment that is: (3-29-17)

- a. For a customer paid not less than minimum wage and who, because of his or her disability(ies), needs ongoing support to maintain that employment; (3-29-17)
- 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 Community-Based Non-Integrated Supported Employment. Self-employment or paid employment which is: (3-29-17)

- a. For a group of no more than eight (8) customers who are paid not less than minimum wage and who, because of their disability(ies), need ongoing support to maintain that employment; (3-29-17)
- b. Conducted in a variety of community and industry settings where the customers 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; (3-29-17)
- 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 EES provider. (3-29-17)

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 EES provider premises. (3-29-17)

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. EES for each individual customer must be based on the Individual Program Plan developed for such customer. (3-29-17)

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 customer. Efforts must be made to maximize the customer's involvement in the planning process by providing him or her with information and education regarding rights, and available options; and (3-29-17)

b. The customer's legal guardian, if one has been appointed by the court; and (3-29-17)

c. The EES provider program staff, responsible for the implementation of the Individual Program Plan. (3-29-17)

03. Submission of the Individual Program Plan. The Certified EES provider must submit the Individual Program Plan to the EES program using the standard format provided or approved by the EES program. The program will either accept the Individual Program Plan as submitted, or may require revisions to the Individual Program Plan before acceptance. (3-29-17)

04. Timeline for Submission. The Individual Program Plan must be submitted to the EES program within thirty (30) days from the beginning of the provision of EES. No payment will be made for EES without receipt of the Individual Program Plan covering those Extended Employment Services. (3-29-17)

05. Revision. The EES provider must submit an updated Individual Program Plan for each customer to the EES program at least annually. (3-29-17)

06. Progress Reports. The EES provider must submit a progress report on each customer to the EES program at six (6) month intervals. A standardized format provided or approved by the EES program must be used. (3-29-17)

801. RECORDS.

01. Customer Files. EES providers shall maintain individual customer files, which must include the following: (3-29-17)

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 customer information were provided to IDVR. (3-29-17)
- 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 EES providers. Such fees shall be set forth in the annual EES Provider Agreement. Such fees shall be reviewed annually, and may be adjusted by the IDVR State Administrator to take effect at the beginning of the fiscal year. (3-29-17)

02. Pre-Authorization. All EES must be pre-authorized by the EES program, and shall be set forth in the Individual Program Plan for each customer. (3-29-17)

03. Billing Procedures. (3-14-07)

a. EES providers must submit a monthly billing statement for each customer served, in a format approved by an EES program and within timelines set forth in the annual EES Provider Agreement. (3-29-17)

b. Bills may only be submitted for EES that have been identified and accepted by the EES program, as stipulated in an Individual Program Plan. (3-29-17)

c. All bills submitted by 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 provider must submit copies of the documentation regarding the provision of such services upon written request from an EES program. (3-29-17)

04. Audits. The EES program may perform audits of billing records and other documentation submitted by providers in order to verify the accuracy of such records. (3-29-17)

05. Denial/Revocation of Payment. The EES program 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 customer's Individual Program Plan. (3-29-17)

901. -- 999. (RESERVED)

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