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Overview of amendments

Employment exploration services
Establishes a new employment service that supports people in making informed choices about working in competitively paid jobs in their community.

Begins on Page 5.

Employment development services
Establishes a new employment service that supports people in:
- Finding competitively paid employment in their community
- Becoming self-employed in their community
- Establishing microenterprise businesses in their community.

Begins on Page 9.

Employment support services
Establishes employment support services as individualized services that support people in maintaining paid employment in the community whether in individual jobs, group employment, self-employment or microenterprise businesses.

Begins on Page 13.

Day training and habilitation (DT&H) services
Separates community-based employment services from DT&H services. Establishes June 30, 2019, as the date when community-based employment services must not be authorized or provided under DT&H and instead must be authorized and provided under employment exploration services, employment development services or employment support services (depending on the services and supports being provided).

Begins on Page 17.

Supported employment services
Repeals supported employment effective June 30, 2019 and replaces it with:
- Employment exploration services
- Employment development services
- Employment support services.

Begins on Page 19.

Transition plan for employment services
Outlines Minnesota’s transition plan for replacing supported employment and DT&H community-based employment services with the new employment services.
Rate determination
Clarifies which payment rates are associated with each of the new services included in this amendment package. Removes respite (daily) from the Disability Waiver Rate System (DWRS) framework and allows it to be authorized as a market rate service.

Begins on Page 21.

CDCS budget methodology
Updates language to reflect additional criteria for which an exception to a CDCS budget may be approved.

Begins on Page 27.

Specialist services
Clarifies that specialist services can provide mental health symptom support and management of harmful conduct that could endanger self and others.

Begins on Page 30.
Employment exploration services

Establishes a new employment service that supports people in making informed choices about working in competitively paid jobs in their community

**BI, CAC, CADI and DD waivers**

Appendix C-1/C-3: Participant Services – Service Specification

**Service Definition (Scope):**

[add] Employment Exploration Services are community-based services that introduce a person to competitive employment opportunities in their community and moves a person toward an informed choice. Employment Exploration Services consist of individualized educational activities, learning opportunities, work experiences and support services that are identified in the person’s coordinated services and support plan (CSSP). Employment Exploration Services activities and experiences strengthen a person’s knowledge, interests and preferences about working in various competitively paid jobs or occupational positions within the community. Employment Exploration Services result in the person making an informed choice about working in competitively paid jobs in the community. Employment Exploration Services strategies must be person-centered and based on the person’s identified and developing strengths, interests, preferences, skills and abilities.

Employment Exploration Services include the following essential informed choice educational activities, learning opportunities and work experiences:

1.) Educational visits to community businesses to learn about various companies, products, services and employment opportunities;
2.) Career education activities to learn about specific types of occupations, job positions and work opportunities;
3.) Ongoing educational information and counseling assistance about jobs/careers that interest the person;
4.) Peer-to-peer mentoring opportunities to meet and learn from people with disabilities, who are employed in competitive, community jobs;
5.) “Job shadowing” and “try-out experiences” with the work involved in various occupational positions;
6.) Individualized work experiences, including volunteer work experiences;
7.) Learning about post-secondary educational opportunities that enhance employment;
8.) Learning to use available community employment resources;
9.) Learning to use available transportation services;
10.) Performing pre-employment benefit(s) resource fact-gathering and review; and
11.) Identify preliminary needs for assistive technology and adaptive accommodations [end add]

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

[add] **Service Delivery (general)**

- Employment Exploration Services activities involve opportunities and experiences for people to have meaningful interactions with community businesses and people without disabilities.
- Employment Exploration Services are not intended to teach competency in specific job skills.
- Employment Exploration Services are not required or necessary for people who have already identified personal employment goals to work at paid job positions in community businesses.
**Service Delivery (Group)**

Group instruction, including employment education and support groups (e.g., job clubs), are allowable and comprise only one small service element within the full complement of possible Employment Exploration Services supports. For all Employment Exploration Services activities, group sizes may not exceed 5 people.

**Duration**

- Employment Exploration Services are to occur as identified in the person’s CSSP. Employment Exploration Services are time-limited and expected to end:
  - When a person is interested in actively seeking competitively paid employment and starts receiving Employment Development Services; or
  - When a person obtains competitively paid employment; or
  - After 12 months of receiving Employment Exploration Services.
- Further use of Employment Exploration Services beyond 12 months is based upon a person’s need to continue Employment Exploration Services due to a provider change, debilitating health event, circumstances that significantly hinder the implementation of Employment Exploration Services, or desire to reconsider a decision not to pursue competitive integrated employment. The need for a person to receive Employment Exploration Services beyond 12 months shall be re-evaluated annually or more frequently as determined by the person and their support planning team.

**Connection with other services**

- Employment Exploration Services can be provided when a person is also receiving Day Training and Habilitation Services (DT&H) Service, Employment Development Services, Prevocational Services, Structured Day Services or Adult Day Services.
- Individual Employment Support Services cannot be provided when a person is receiving Employment Exploration Services.
- Day Training and Habilitation (DT&H), Prevocational Services, Structured Day and Adult Day Services must be authorized and reimbursed on a 15-minute unit basis when Employment Exploration Services are provided during the same day. Services must not be simultaneously authorized during the same time period of the day.
- All services and supports defined as part of Employment Exploration Services must be provided under Employment Exploration Services, and not as a service of DT&H, Prevocational Services, Structured Day or Adult Day Services.
- The Employment Exploration Services rate includes in-service transportation costs. Transportation services occurring between the participant’s place of residence and the site of service are not covered as part of this service.

**Other Limitations**

- Waiver funds cannot be used to provide vocational services in facility based or sheltered workshop settings, where the primary purpose is to produce goods and perform services.
- Waiver funds cannot be used to compensate or supplement a person’s wages.
- Wage and benefit compensation must comply with all applicable federal laws and regulations as well as state statute and rules.
• Employment Exploration Services does not include services that are available under section 110 of the Rehabilitation Act 1973 or under the provisions of the Individuals with Disabilities Education Act (IDEA).

Service Delivery Method (check each that applies):
[add] ✓ Provider Managed [end add]

Provider Specifications:
[add] Agency – Providers who meet the Employment Exploration Services standards
Individual – Providers who meet the Employment Exploration Services standards [end add]

Provider Category:
[add] Agency [end add]

Provider Type
[add] Providers who meet the Employment Exploration Services standards [end add]

Provider Qualifications
License (specify): [add] Employment Exploration Services providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider. The license holder must ensure staff competency in key areas of knowledge for employment service delivery.

Staff competency in key areas of employment service delivery may be demonstrated through staff holding a credential that the Department deems an acceptable employment services credential, such as the Certified Employment Support Professional (CESP) credential or the Direct Support Professional Specialist in Employment Support credential (DSP-S-ES). [end add]

Certificate (specify):
Other Standard (specify): [add] Employment Exploration Services providers must have the capacity to provide a range of essential informed choice educational activities, learning opportunities, and work experiences. [end add]

Verification of Provider Qualifications
Entity Responsible for Verification:
[add] Minnesota Department of Human Services, Provider Enrollment

Minnesota Department of Human Services Licensing Division monitors agencies holding a license under Chapter 245D [end add]

Frequency of Verification:
[add] One to three years [end add]

Provider Category:
[add] Individual [end add]
Provider Type
[add] Providers who meet the Employment Exploration Services standards [end add]

Provider Qualifications

**License (specify):** [add] Employment Exploration Services providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider. The license holder must ensure staff competency in key areas of knowledge for employment service delivery.

Staff competency in key areas of employment service delivery may be demonstrated through staff holding a credential that the Department deems an acceptable employment services credential, such as the Certified Employment Support Professional (CESP) credential or the Direct Support Professional Specialist in Employment Support credential (DSP-S-ES). [end add]

**Certificate (specify):**

**Other Standard (specify):** [add] Employment Exploration Services providers must have the capacity to provide a range of the essential informed choice educational activities, learning opportunities, and work experiences. [end add]

Verification of Provider Qualifications

**Entity Responsible for Verification:**
[add] Minnesota Department of Human Services, Provider Enrollment

Minnesota Department of Human Services Licensing Division monitors agencies holding a license under Chapter 245D [end add]

**Frequency of Verification:**
[add] One to three years [end add]
Employment development services

Establishes a new employment service that supports people in:

- Finding competitively paid employment in their community
- Becoming self-employed in their community
- Establishing microenterprise businesses in their community.

BI, CAC, CADI and DD waivers

Appendix C-1/C-3: Participant Services – Service Specification

**Service Definition (Scope):**

*add* Employment Development Services are 1:1, individualized services that actively support a person to achieve paid employment in their community. Employment Development Services assist people with finding paid employment, becoming self-employed or establishing microenterprise businesses in their communities.

I. Employment Development Services - Job Development Services are individualized support services that assist a person to achieve competitively paid employment within a community business at either a minimum wage or a customary (industry-standard) prevailing wage and comparable level of benefits. Job Development may include the following services and supports:

1. Individualized, strengths-based assessments and employment opportunity discovery strategies;
2. Comprehensive employment search assistance and support;
3. Benefit(s) review, analysis, consultation and planning;
4. Negotiating and finalizing terms of employment; and
5. Support assistance during new employee orientation.

II. Employment Development Services - Self-Employment/Micro-enterprise Development Services are individualized support services that prepare and assist people to develop a self-employment or micro-enterprise business in their community. Self-Employment/Micro-enterprise Development Services may include the following assistance:

1. Determining the type of business;
2. Writing a business plan;
3. Finding sources of start-up financing;
4. Establishing a legal structure for the business;
5. Choosing and registering an available and marketable business name;
6. Creating a marketing and sales plan;
7. Obtaining a location, certifications, licenses, permits and variances;
8. Purchasing all necessary insurances; and
9. Developing business forms, records, bookkeeping and accounting systems
10. Benefit(s) review, analysis, consultation and planning *end add*

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

*add* Service Delivery (General)
Employment Development Services activities involve opportunities and experiences for people to have meaningful interactions with community businesses and people without disabilities.

Employment Development Services must not be used to develop group employment opportunities (e.g., work crews, job enclaves, etc.).

**Duration**

Employment Development Services are to occur as identified in the person’s coordinated service and support plan (CSSP). A person’s use of Employment Development Services is time-limited and not to exceed 12 months of service. Subsequent uses of Employment Development Services are based upon a person’s needs and verifiable employment status changes (e.g., loss of employment, reduced employment, career change, seeking other employment, debilitating health event that hinders employment, etc.) or provider change. The need for a person to receive continued Employment Development Services beyond 12 months shall be re-evaluated annually or more frequently as determined by the person and their support planning team.

The employment discovery and assessment phase, one part of the total Employment Development Services, should not exceed 120 days of service. Extension of the discovery and assessment phase beyond 120 days of service should be based on a person’s need to continue discovery and assessment due to a debilitating health event or life event that significantly hinders the implementation of the Employment Development Services—employment discovery and assessment phase.

**Connection with other services**

A person may receive both Employment Development Services and Employment Support Services, if they are seeking other employment opportunities while they are currently employed.

Employment Development Services can be provided when a person is also receiving Day Training and Habilitation Services (DT&H), Employment Exploration Services, Prevocational Services, Structured Day or Adult Day Services.

DT&H Services, Prevocational Services, Structured Day and Adult Day Services must be authorized and reimbursed on a 15-minute unit basis when Employment Development Services are provided during the same day as DT&H Services, Prevocational Services, Structured Day and Adult Day Services. Services must not be simultaneously authorized during the same time period of the day.

All services and supports defined as part of Employment Development Services must be provided under Employment Development Services, and not provided as a service of DT&H, Prevocational Services, Structured Day or Adult Day Services.

The Employment Development Services rate includes in-service transportation costs. Transportation services occurring between the participant’s place of residence and the site of service are not covered as part of this service.

**Self-Employment and Microenterprises**

Waiver funds cannot be used as supplemental capital to finance self-employment or microenterprise businesses.

Service providers cannot be owners, partners, shareholders, operators, employees, independent contractors, subcontractors or otherwise a financial beneficiary of the micro-enterprise businesses that they are assisting, supporting and serving.

Self-employment and microenterprise businesses are limited in size to 5 or fewer people.
Other Limitations

- Waiver funds cannot be used to provide vocational services in facility based or sheltered workshop settings, where the primary purpose is to produce goods and perform services.
- Waiver funds cannot be used to compensate or supplement a person’s wages.
- Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as state statute and rules.
- Employment Development Services does not include services that are available under section 110 of the Rehabilitation Act 1973 or under the provisions of the Individuals with Disabilities Education Act (IDEA).

Service Delivery Method *(check each that applies):*  
- Provider Managed  

Provider Specifications:  
- Agency – Providers who meet the Employment Development Services standards  
- Individual – Providers who meet the Employment Development Services standards  

Provider Category:  
- Agency  

Provider Type  
- Providers who meet the Employment Development Services standards  

Provider Qualifications  
- **License (specify):** Employment Development Services providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider. The license holder must ensure staff competency in key areas of knowledge for employment service delivery.  
- Staff competency in key areas of employment service delivery may be demonstrated through staff holding a credential that the Department deems an acceptable employment services credential, such as the Certified Employment Support Professional (CESP) credential or the Direct Support Professional Specialist in Employment Support credential (DSP-S-ES).  
- **Certificate (specify):**  
- **Other Standard (specify):** Employment Development Services providers must have the capacity to provide all needed Employment Exploration Services supports.  

Verification of Provider Qualifications  
- **Entity Responsible for Verification:**  
- Minnesota Department of Human Services, Provider Enrollment  
- Minnesota Department of Human Services Licensing Division monitors agencies holding a license under Chapter 245D  
- **Frequency of Verification:**  
- One to three years
Provider Category:
[add] Individual [end add]

Provider Type
[add] Providers who meet the Employment Development Services standards [end add]

Provider Qualifications
License (specify): [add] Employment Development Services providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider. The license holder must ensure staff competency in key areas of knowledge for employment service delivery.

Staff competency in key areas of employment service delivery may be demonstrated through staff holding a credential that the Department deems an acceptable employment services credential, such as the Certified Employment Support Professional (CESP) credential or the Direct Support Professional Specialist in Employment Support credential (DSP-S-ES). [end add]

Certificate (specify):
Other Standard (specify): [add] Employment Development Services providers must have the capacity to provide all needed Employment Exploration Services supports. [end add]

Verification of Provider Qualifications
Entity Responsible for Verification:
[add] Minnesota Department of Human Services, Provider Enrollment
Minnesota Department of Human Services Licensing Division monitors agencies holding a license under Chapter 245D [end add]

Frequency of Verification:
[add] One to three years [end add]
Employment support services

Establishes employment support services as individualized services that support people in maintaining paid employment in the community whether in individual jobs, group employment, self-employment or microenterprise businesses.

BI, CAC, CADI and DD waivers

Appendix C-2: Participant Services – General Service Specifications

Service Definition (Scope):

[add] Employment Support Services are long-term, individualized services and supports that assist people with maintaining paid employment in community businesses. Employment Support Services are to occur in integrated community settings.

I. Employment Support Services—Job Support can include:

1. Job analysis and re-design;
2. Arranging adaptive accommodations and assistive technology;
3. Coaching and supporting acceptable workplace self-care, proper dress, personal hygiene and grooming;
4. Job training and coaching to strengthen and maintain necessary work skills, behaviors and co-worker relationships;
5. Providing on-the-job counseling and support, including assistance with understanding earned wages and benefits;
6. Advocacy, negotiation and liaison communication with the employer;
7. Designing and implementing set schedules of ongoing follow-up support, job coach sharing, fading and monitoring;
8. Developing and strengthening natural work supports;
9. Coordinating, training and coaching employment-specific travel/transportation;
10. Forming skilled, job-specific, work crews and job enclaves for group employment support service arrangements; and
11. Data collection, documentation and progress reporting on a person’s work performance on the job.

A. Individual employment support services provide support to one person (at a time), working at a regular or customized, full-time or part-time, paid job position in a community business or through self-employment, with opportunities for interactions with co-workers without disabilities, customers and/or the general public.

Job coaching support provided to multiple people who are working at their own distinctive, individual job positions at different locations or dispersed locations within a community business is considered individual employment support services with a shared job coaching arrangement.

Individual employment does not include group employment jobs or center-based work.

B. Group employment support services consist of 2 to 6 people in a group, working together in a community business. Group members are:

1. Performing work duties of a full-time or part-time job position, where the work duties involved in the job position are shared and/or subdivided across group members;
2. Experiencing opportunities for interactions with co-workers without disabilities, customers and/or the general public; and

II. Employment Support Services - Self-Employment and Microenterprise Businesses Support can include:
1. Training, coaching and support services for assisting in the effective day-to-day operations of all aspects of the business, including marketing, sales, production, order fulfillment, customer service, business technology, bookkeeping, file record maintenance, purchasing, inventory control, financial management, accounting, timely tax reporting and legal compliance;
2. Outside of the company business, developing and establishing service resources to assist and support the operations of the enterprise;
3. Providing ongoing business analysis and consultation; and
4. Designing and implementing set schedules of ongoing, follow-up support. [end add]

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

[add] Service Delivery (general)

- Employment Support Services involve opportunities and experiences for people receiving Employment Support Services to have meaningful interactions with co-workers without disabilities and people in the community without disabilities.
- Employment Support Services cannot be provided in facility-based, Day Training and Habilitation (DT&H) settings, prevocational service settings, structured day settings, or adult day service settings.
- Waiver funds are restricted to funding assistive services and supports to people with disabilities working in community-based jobs, self-employment or microenterprise businesses. Waiver funding does not cover payments:
  - Made to an employer as an incentive for participation in a person’s Employment Support Services;
  - Passed through to subsidize a person receiving Employment Support Services;
  - For vocational education and training that is not directly related to a person’s Employment Support Services;
  - For routine supervision and support rendered as a normal function of the business setting; or
  - Used as supplemental capital to finance a self-employment or microenterprise business.

Service Delivery (microenterprise and group)

- Employment Support Services cannot be provided in congregate group arrangements greater than 6 people in a work crew or job enclave.
- Microenterprise businesses are restricted to 5 or fewer co-owners or partners.
- Service providers cannot be owners, partners, shareholders, operators, employees, independent contractors, subcontractors or otherwise a financial beneficiary of the micro-enterprise businesses that they are assisting, supporting and serving.

Connection with other Services

- A person may receive both Employment Development Services and Employment Support Services if they are seeking other employment opportunities while they are currently employed.
- Employment Support Services can be provided when a person is also receiving DT&H, Prevocational Services, Structured Day or Adult Day Services.
• DT&H, Prevocational Services, Structured Day and Adult Day Services must be authorized and reimbursed on a 15-minute unit basis when Employment Support Services are provided during the same day as DT&H, Prevocational Services, Structured Day and Adult Day Services. Services must not be simultaneously billed during the same time period of the day.

• The Employment Support Services rate includes in-service transportation costs. Transportation services occurring between the participant’s place of residence and the site of service are not covered as part of this service.

• Individual and group forms of employment support services must be provided under Employment Support Services, and not provided as a service of DT&H, Prevocational Services, Structured Day or Adult Day Services.

Other Limitations

• Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as Minnesota state statutes and rules.

• Employment Support Services does not include services that are available under section 110 of the Rehabilitation Act 1973 or under the provisions of the Individuals with Disabilities Education Act (IDEA).

Service Delivery Method (check each that applies):

[add] ✔ Provider Managed [end add]

Provider Specifications:

[add] Agency - Providers who meet the Employment Support Services standards

Individual – Providers who meet the Employment Support Services standards [end add]

Provider Category:

[add] Agency [end add]

Provider Type:

[add] Providers who meet the Employment Support Services standards [end add]

Provider Qualifications

License (specify): [add] Employment Support Services providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider. The license holder must ensure staff competency in key areas of knowledge for employment service delivery.

Staff competency in key areas of employment service delivery may be demonstrated through staff holding a credential that the Department deems an acceptable employment services credential, such as the Certified Employment Support Professional (CESP) credential or the Direct Support Professional Specialist in Employment Support credential (DSP-S-ES). [end add]

Verification of Provider Qualifications

Entity Responsible for Verification:

[add] Minnesota Department of Human Services, Provider Enrollment
Minnesota Department of Human Services Licensing Division monitors agencies holding a license under Chapter 245D [end add]

Frequency of Verification
[add] One to three years [end add]

Provider Category:
[add] Individual [end add]

Provider Type:
[add] Providers who meet the Employment Support Services standards [end add]

Provider Qualifications

License (specify): [add] Employment Support Services providers must be licensed under Minnesota Statutes, Chapters 245D as an intensive support service provider. The license holder must ensure staff competency in key areas of knowledge for employment service delivery.

Staff competency in key areas of employment service delivery may be demonstrated through staff holding a credential that the Department deems an acceptable employment services credential, such as the Certified Employment Support Professional (CESP) credential or the Direct Support Professional Specialist in Employment Support credential (DSP-S-ES). [end add]

Verification of Provider Qualifications

Entity Responsible for Verification:
[add] Minnesota Department of Human Services, Provider Enrollment

Minnesota Department of Human Services Licensing Division monitors agencies holding a license under Chapter 245D [end add]

Frequency of Verification
[add] One to three years [end add]
Day training and habilitation (DT&H) services

Separates community-based employment services from DT&H services. Establishes June 30, 2019, as the date when community-based employment services must not be authorized or provided under DT&H and instead must be authorized and provided under employment exploration services, employment development services or employment support services (depending on the services and supports being provided).

DD waiver
Appendix C-1/C-3: Participant Services – Service Specification

Service Definition (Scope):
Day training and habilitation services consist of assistance with acquisition, retention, or improvement in self help, socialization and adaptive skills that are provided in a non-residential setting, i.e., separate from the home or facility in which the participant resides. Services shall focus on enabling participants to attain or maintain their maximum functional level and shall be coordinated with any physical, occupational, or speech therapies listed in the community support plan. In addition, day training and habilitation services may serve to reinforce skills or lessons taught in school, therapy, or other settings.

Services shall normally be furnished four (4) or more hours per day on a regularly scheduled basis, for one (1) or more days per week unless provided as an adjunct to other day activities included in a participant’s community support plan.

Day training and habilitation services include supervision, training, and assistance in the areas of self-care, communication, socialization, use of leisure and recreation time, and behavior management as well as training in community survival skills, money management, work-related activities that are not part of Employment Exploration, Employment Development, and Employment Support Services, and therapeutic activities designed to increase the participant’s adaptive living skills.

The hours of service per day will be based on the participant’s individual needs and functioning. All day training and habilitation services will be coordinated with the participant’s residential habilitation services by the case manager.

Non-medical transportation services must be provided by day training and habilitation providers to enable participants to participate in these services when this need is identified in the participant’s community support plan.

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

Day training and habilitation services are not intended to assist people with seeking, obtaining and maintaining individual job positions, group employment (e.g., work crew or enclave positions), self-employment or microenterprise businesses in the community.

After June 30th, 2019 or up to 18 months following CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later, community employment related services must not be provided and billed as day training and habilitation, but must be provided and billed as either Employment Exploration Services, Employment Development Services, Employment Support Services or Prevocational Services, based on the type of services and supports provided. No new authorizations for
community based employment services as part of day training and habilitation will be allowed after June 30th, 2018 or up to 180 days following CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later. A new authorization means approving community based employment services as part of day training and habilitation for a participant who has not received these services on or before May 31, 2018.

Day training and habilitation must be authorized and reimbursed on a 15-minute unit basis when Employment Exploration Services, Employment Development Services or Employment Support Services are provided on the same day as day training and habilitation.

Wage and benefit compensation must be compliant with all applicable federal laws and regulations as well as state statute and rules. [end add]
Supported employment services

Repeals supported employment services effective June 30, 2019, and replaces it with:
- Employment exploration services
- Employment development services
- Employment support services.

BI, CAC, CADI and DD waivers
Appendix C-1/C-3: Participant Services – Service Specification

Service Definition (Scope):

Supported employment services consist of paid employment for participants for whom competitive employment at or above the minimum wage is unlikely without supports, and who, because of their disabilities, need intensive ongoing support to perform in a community work setting. Supported employment is conducted in a variety of community settings in which people without disabilities are employed.

Supported employment includes activities needed to sustain paid work by participants receiving waiver services, including supervision and training. When supported employment services are provided at a work site where people without disabilities are employed, payment will be made only for the adaptations, supervision and training required by participants receiving waiver services as a result of their disabilities, and will not include payment for the supervisory activities rendered as a normal part of the business setting.

Supported employment services can be authorized by the case manager as part of a participant’s community support plan only when:

1. the participant engages in paid employment in a setting or variety of settings in which people without disabilities are also employed, particularly existing businesses or industry sites;
2. public funds are necessary for the purpose of providing ongoing training and support services throughout the period of employment; and
3. the participant has the opportunity for social interactions with people who do not have disabilities and who are not paid caregivers.

Supported employment services include individualized assessment, counseling, individualized job development and placement that produce an appropriate job match, on-the-job training required for job performance, ongoing supervision and monitoring, long-term support services to assure job retention. It also includes training in skills essential to obtaining and retaining employment such as the effective use of community resources, use of break and lunch areas, use of generic transportation and mobility training.

Supported employment services furnished under the waiver are not available under a program funded by either the Rehabilitation Act of 1973 or P.L. 94-142. Documentation must be maintained in the file of each participant receiving this service that the service is not otherwise available under a program funded under the Rehabilitation Act of 1973, or P.L. 94-142.
Habilitation services may not include special education and related services as defined in the Individuals with Disabilities Education Act (20 U.S.C. 1401) that otherwise are available through a local educational agency or vocational services funded under Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) as amended. A finding that such services are not otherwise available through a program funded under Section 110 of the Rehabilitation Act of 1973 must be based on written documentation that the individual; (1) is not considered an appropriate referral to the Vocational Rehabilitation Services unit because the individual satisfies one or more of the Screen-Out Criteria, or presents an unfavorable Applicant Profile as described in Section 26520.025 of the Social Security Administration Program Operations Manual System; or (2) has been referred to the Vocational Rehabilitation Services unit, but was found to be ineligible for vocational services under Section 110 of Rehabilitation Act; or (3) has been a recipient of section 110 services provided by the Vocational Rehabilitation Services unit, but is no longer eligible for such services; or (4) is a current client of the Vocational Rehabilitation Services unit, but the activities that are provided under the definition of supported employment services are not typically available as Section 110.

Transportation will be provided between the participant’s place of residence and the site of the supported employment service, or between supported employment sites (in cases where the participant receives supported employment services in more than one place) when other forms of transportation are unavailable or inaccessible. The cost of this transportation may be included in the rate paid to providers of the appropriate type of supported employment services.

The hours or services per day will be based on the participant’s needs and functioning. All supported employment services will be coordinated by the case manager with the participant’s residential services, when applicable. Non-medical transportation services may be provided by supported employment providers to enable participants to participate in these services.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
The service does not cover incentive payments, subsidies, or unrelated training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer’s participation in a supported employment program;
2. Payments that are passed through to users of supported employment programs; or
3. Payments for vocational training that is not directly related to a participant’s supported employment program.

[add] Supported Employment shall discontinue after June 30th, 2019 or up to 18 months following CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later. Supported Employment will be replaced by Employment Exploration Services, Employment Development Services and Employment Support Services. No new authorizations for Supported Employment will be allowed after June 30th, 2018 or up to 180 days following CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later. A new authorization means approval for Supported Employment for a participant who was not previously receiving Supported Employment before May 31, 2018. [end add]
Transition plan for employment services

[add] These amendments to Minnesota’s waiver plans introduce three new employment services, remove community based employment services from DT&H, and discontinue Supported Employment. This section of the amendments outlines the transition plan for implementing these changes.

These changes will not discontinue or limit the ability to receive services for people who currently receive Supported Employment or community based employment services in DT&H. Rather, the services will move to being authorized and billed under either Employment Exploration Services, Employment Development Services or Employment Support Services, depending on which service definition the activity falls under.

This transition will begin on January 1, 2018 or upon CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later. The new employment services are expected to be authorized at a person’s annual reevaluation. At any annual reevaluation after June 30th, 2018 or up to 180 days following CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later, case managers must transition the services people are currently receiving under Supported Employment or the community based employment services they are receiving in DT&H over to the new employment services. After June 30th, 2019 or up to 18 months following CMS approval of this waiver amendment package and the completion of system updates by the Department, whichever is later, all people receiving employment services will have transitioned to Employment Exploration Services, Employment Development Services or Employment Support Services. [end add]
Rate determination

Clarifies which payment rates are associated with each of the new services included in this amendment package. Removes respite (daily) from the Disability Waiver Rate System (DWRS) framework and allows it to be authorized as a market rate service.

BI, CAC, CADI and DD waivers


a. Rate Determination Methods. In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

Minnesota pays for services in 3 ways.

1. DHS sets rates for state plan services, including home care services, home care nursing and personal care assistance services except for individuals who have elected to receive CDCS. These rates are approved in the state plan.

DHS establishes rates for case management, ext personal care assistance, homemaker, home-delivered meals and chore services. Case mgmt is paid at $23.19 per 15-min unit. Ext personal care assistance is paid for 1:1, 1:2 and 1:3 ratios at $4.28, $3.21 and $2.82 respectively per 15-min units, and homemaker is paid at $4.61 per 15-min unit. For home-delivered meals and chore, DHS completed an analysis in 2009 in which we reviewed service agreements for those services, and examined the county rates, utilization, and rate information. We looked at the maximum rates across the waivers and compared those rates to the county service agreements. We determined that the maximum rates and the rates in the county service agreements were similar, and within reasonable approximation of the market price. We concluded that using maximum rates would have minimal effect on access. Home-delivered meals are paid at $6.53 per meal with 1 meal allowable per day, and chore services are paid at $3.76 per 15 min unit. These rates are subject to COLA increases as enacted by the Legislature.

2. Market rates are used when services are purchased at the usual price typically charged on a market basis. Market rate services:
   - 24 hr emergency assistance
   - Assistive technology (DD only)
   - Caregiver Living Expenses
   - Crisis Respite
   - Environmental Accessibility Adaptations
   - Family Training & Counseling
   - Homemaker (cleaning component)
   - ILS Therapies (BI only)
   - [add] Respite (daily) [end add]
   - Specialized Equipment & Supplies
- Transitional Services
- Transportation
- Specialist Services

3. For all other waiver services, rate methods are described in MN Laws 2013, Ch. 108, Art. 13. Rate methods are grouped into 4 categories:

Payment for residential support services:
- Customized Living (BI and CADI only)
- Foster Care (BI, CAC and CADI only)
- Residential Care Services (BI and CADI only)
- Residential Habilitation (Supported Living Services in foster care) (DD only)

Payment for day program services:
- Adult Day Service/Adult Day Service Bath
- Prevocational Services
- Day Training & Habilitation (DD only)
- Structured Day Programs (BI only)

Payments for unit-based services with programming:
- Independent Living Skills Training (BI, CAC and CADI only)
- Positive support services
- Personal support services
- Housing Access Coordination
- Individualized Home Supports
- In-Home Family Supports (BI and CADI only)
- Residential Habilitation (In-Home Family Support)
- Residential Habilitation (Supported Living Services)
- Supported Employment
- [add] Employment Exploration Services
- Employment Development Services
- Employment Support Services [end add]

Payments for unit-based services without programming:
- Night Supervision
- Respite [add] (15 minute unit) [end add]
- Adult Companion (BI and CADI only)

These rate methods share many similar values, calculations and expense categories with some variations within each. Rates are determined by common calculations and factors.

Rate methods are applied statewide. Online technology is utilized to determine payment rates for all waiver services. Using individualized participant information and information collected from providers, lead agencies enter information into the rate management system (RMS) that calculates individualized payment rates based on the person’s service plan. RMS takes into consideration shared and individual staffing.
Information entered into RMS includes: shared and individual staffing hours, direct RN and LPN hours, staffing ratios, information to document variable levels of service qualification for variable levels of reimbursement in each framework, shared or individualized arrangements for unit-based services, number of miles for DT&H transportation services and service hours provided through monitoring technology.

Provider related expenses include direct service wages, supervision, employee-related cost factors (required tax and benefit obligations), and client and program overhead factors (expenses related to indirect support of service delivery). Provider related costs are multiplied by required service units to provide a rate for each individual waiver participant. These factors are fixed across all providers.

In all rate categories, direct staffing wage costs are the main driver of rates. A base wage index was established using MN-specific wages taken from job descriptions and standard occupational classification codes from the BLS Occupational Handbook. The average wages are adjusted to differentiate between shared and individual staffing. The system takes into account shared staffing, when staff are available to provide services to more than one person and individual staffing, and when direct care staff are available to solely provide support as a one-to-one interaction with a specific individual. Other personnel expenses are added to produce a provider's rate for individuals including a supervisory span of control which accounts for the number of subordinates a supervisor has during the time service is provided and an added customization rate for assisting those in need of deaf/hard of hearing support. All those provider’s expenses are multiplied by factors for relief staffing, ancillary staff needs, employee-related taxes and benefits and client programming, including transportation. Client programming costs, including transportation to provide individuals access to the community or care in their home as defined in a support plan are also considered.

Within the 4 different rates categories, some fixed components which apply to only one specific category, are added separately. These include: transportation and client programming and support for residential services, facility use factor for day services, meal, snacks and bath for adult day, transportation for day training and habilitation and room and board for overnight respite in unit based services.

COLAs [add] and automatic inflationary adjustments [end add] enacted by the legislature will impact these component values.

DHS maintains a public document with these values as found in the DWRS Component Values document on the DHS public webpage: mn.gov/dhs/images/WRS_ComponentValues.pdf

[delete] When COLAs are enacted, the component values document will be updated to reflect changes. [end delete]

For individuals who use sign language for communication and do not hear or understand speech and require staff to be fluent signers of ASL, Deaf/Hard of Hearing (DHOH) customization option is available in the RMS. This customization applies to individuals who meet Long Term Care and DD screening document criteria. Staff who are fluent signers of ASL must provide the service, and the staff must employ this skill in the provision of service to an individual who meets the screening document criteria.

There are circumstances when an individual may have exceptional needs which cannot be met by an increase in service units in the DWRS. In these cases, lead agencies may submit an exception request to increase an individual's service rate based on the person's service plan. Exception requests will be reviewed on an individual basis and approved or denied by the state. Individuals may appeal any denial of an exception request.
To ensure budget neutrality across all service areas, rates generated by RMS will be multiplied by a budget neutrality factor which is unique for each service area. The factor for residential services is 1.003, for day services 1.000, for unit-based with programming 0.941 and unit-based without programming 0.796. This budget neutrality adjustment will be phased out on [delete] or before 12/31/18 [end delete] [add] 1/1/18 [end add].

Implementation of new DWRS will begin 01/01/14 and will be completed in 1 year. All service plans will be entered into the DWRS during individual annual reviews by 12/31/14. Implementation will include a 6-7-year rate stabilization adjustment period, from 01/01/14 through 12/31/19 [end delete] [add] 2018 [end add], during which individual reimbursement rates will be adjusted no higher or lower than:
- 0.5% change for calendar year 2014
- An additional 0.5% change for CY 2015
- An additional 0.5% change for CY 2016
- An additional 1.0% change for CY 2017
- An additional [delete] 1.0 [end delete] [add] 0.5 [end add] % change for CY 2018
- 2018 rates remain in effect during CY 2019
- [add] An additional 1.0% change for CY 2020 [end add]
- True rate management system framework rates beginning 01/01/2020 [end delete] [add] 2021 [end add]

Rate stabilization adjustments limit changes in historic unit rates for all existing authorizations and some new authorizations of framework services.

A rate stabilization adjustment is applied in the following circumstances:
- when a waiver span is renewed for an existing recipient, or
- when a new day or unit-based service with a provider who was authorized to provide that service (identified by procedure code and modifier) in that county (participant’s county of residence) in Dec. 2013 is authorized, or
- when there is a change in the unit rate of an existing service agreement for residential or day services.

Rate stabilization adjustments do not apply to new service providers.

To mitigate overpayments, rate file limits are set in MMIS. While some services with state established singular rates only allow for payments at an exact, actual rate, framework and market rate services may be billed at varying rates with a rate file limit established to function as a protection in the system. Rate file limits for every service offered under the disability waivers are based on analysis of historic unit rates in the MMIS system. These rate file limits are changed as rate adjustments occur. DHS sets rate file limits for all services, regardless of payment methodology, as found in the Long-Term Services and Supports Service Rate Limits document: mn.gov/dhs-stat/images/historicrates.pdf

[add] Providers of services described in Minnesota Statutes, section 256B.4913 subd. 5 are required to report business costs every five years. [end add] The state will analyze data for each service at the individual, provider, lead agency and state levels and provide reports [add] which include rate re-base recommendations [end add] to the legislature on [delete] the following schedule: [end delete] [add] 1/15/20 and every 4 years thereafter. [end add] [delete] 01/15/17 01/15/19 [end delete]
A full report will be provided to the legislature once every 4 years thereafter.

DHS uses several methods to monitor waiver functions delegated to lead agencies, to ensure support plans are being met, ensure equitable access to services for participants and to evaluate purchase. These included lead agency reviews by regionally assigned staff as outlined in Appdx A of this waiver.

To monitor rate system integrity, DHS will analyze data and create two types of reports to ensure that lead agencies accurately enter required elements in RMS to produce correct payment rates. An analysis, conducted annually, will identify high and low outliers at the individual service level. A second, annual analysis will be conducted through random sample and will assess systems continuity by service and region and identify data trends that may indicate inconsistent RMS utilization. These reports will be issued to lead agencies for analysis and necessary correction. Regional staff will conduct follow-up and assistance to ensure appropriate remediation.

For residential supports and day program services, the licensing process under Minn. Stat., Ch. 245D will involve a comparison of the staffing hours and staffing ratios used for purposes of the payment rate to the actual staffing hours and ratios in a sampling of case files, as part of ensuring that needs identified in the community support plan have been met. Where staffing hours/ratios are not sufficient to meet identified needs, remediation will occur through the licensing process as identified in Minn. Stat., Ch. 245D. This process began with technical assistance visits in July 2014, with a 2 year licensing review cycle beginning Jan. 2015.

For residential supports and day program services, the lead agency review process will be modified to review individual needs identified in the community support plan in comparison to the staffing hours/ratios identified for purposes of the payment rates. This review may be used to inform the determination in the licensing process as to whether needs identified in the support plan have been met.

Beginning 2012 and every 2 years thereafter, the state conducts a gaps analysis survey and reports to the Legislature regarding the capacity and gaps in long-term care services and supports.

All reports are available upon request.
CDCS budget methodology

Updates language to reflect additional criteria for which an exception to a CDCS budget may be approved.

BI, CAC, CADI and [add] DD waivers [end add]

Appendix E-2: Participant Direction of Services – Opportunities for Participant-Direction

b. Participant – Budget Authority

ii. Participant-Direction Budget. Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.

Participant Budgets. The individual budget maximum amount is set by the state. The lead agency is responsible to review and approve final spending decisions as delineated in the participant’s community support plan.

CDCS Budgets for participants are determined through a four-step process:
1) Calculation of base rate for each participant
2) Adjustment of the base rate to exclude cost of services that aren’t allowed under CDCS.
3) Adjustment of the base rate to account for cost of living adjustments provided under state law.
4) Adjustment for persons with a documented need for employment/day supports that cannot be provided within the budget determined by step 3.

Step 1: A base rate is determined for each participant using scores on 28 assessment variables. Assessment scores are used in a formula that applies coefficients to a constant to determine the base rate.

Assessment variables, coefficients, and constant were identified through multiple regression analyses of assessment information with historic expenditures.

The following summarizes the variables, coefficients, and constants used in the formula.

Variable: Age group; Weight: 19.432; Range: 1 – 4
Variable: Level of Support & Services; Weight 48.724; Range 1 – 4
Variable: Risk Status; Weight: -56.839; Range: 1 – 4
Variable Profile; Weight: -4.263; Range 1-4
Variable: DTH Service Authorization Level; Weight: -8.737; Range: 1 - 3
Variable: Medical; Weight: 9.934; Range: 0 – 5
Variable: Mobility; Weight: 4.780; Range 0 – 8
Variable: Mental Health Services; Weight: 14.358; Range: 0 – 1
Variable: Self Preservation; Weight: 5.973; Range: 1 – 3
Variable: Psychosis; Weight: 35.518; Range: 0 – 1
Variable: Cerebral Palsy; Weight: 8.394; Range: 0 – 1
Variable: Epilepsy; Weight: 7.004; Range: 0 – 1
Variable: Seizures; Weight: 2.151; Range: 0 – 5
Variable: Level of Developmental Disabilities; Weight: 5.128; Range: 1 – 4
Variable: Related Condition(s); Weight: 13.063; Range: 0 – 1
Variable: Vocational; Weight: -1.481; Range: 0 – 6
Variable: Leisure & Recreation; Weight: 2.590; Range: 0 – 5
Variable: Occupational Therapy; Weight: 5.078; Range: 0 – 1
Variable: Community Living; Weight: 3.248; Range: 0 – 5
Variable: Daily Living Skills/House Mgmt; Weight: -3.108; Range: 0 – 5
Variable: Expressive Communication; Weight: 1.086; Range: 0 – 8
Variable: Aggressive, Verbal/Gestural; Weight: 1.629; Range: 0 – 5
Variable: Aggressive, Physical; Weight: 7.188; Range: 0 – 5
Variable: Property destruction; Weight: 5.627; Range: 0 – 5
Variable: Inappropriate Sexual Behavior; Weight: 4.093; Range: 0 – 5
Variable: Injurious to Self; Weight: 2.910; Range: 0 – 5
Variable: Breaks law; Weight: 7.782; Range: 0 – 5
Variable: Runs Away; Weight: 4.980; Range: 0 – 5
Constant: -120.534
Coefficient: 09964

Note: The 0.9964 factor reflects the 1% reduction imposed in the 2003 legislative session.

Step 2: The Base rate calculated in step one is adjusted to exclude the cost of non-eligible services. The major non-eligible service is foster care. Because foster care is costly, exclusion of these costs results in a reduction of the individual base rate. The formula is:
(Individual Base Rate from step 1) x (0.70)

Note: The 0.70 factor accounts for the exclusion of non-eligible services.

Step 3: The rate from step 2 is adjusted to account for the cumulative effect of cost of living adjustments approved by the legislature. This adjustment produces the final individual CDCS budget. The percent change from year to year and the cumulative adjustment factors are as follows:
Effective Date: 10/1/05; percent change 2.5199; cumulative percent change 2.5199
Effective Date: 10/1/06; percent change 2.2533; cumulative percent change 4.832
Effective Date: 10/1/07; percent change 2.0; cumulative percent change 6.92872
Effective Date: 10/1/08; percent change 2.0; cumulative percent change 9.0672
Effective Date: 7/1/09; percent change -2.58; cumulative percent change 6.2533
Effective Date: 9/1/11; percent change -1.5; cumulative percent change 4.65950
Effective Date: 7/1/13; percent change .5; cumulative percent change 5.18270
Effective Date: 4/1/14; percent change 1; cumulative percent change 6.2345
Effective Date: 7/1/14; percent change 5; cumulative percent change 11.15462
Effective Date: 7/1/15; percent change 2.53; cumulative percent change 14.3832

[delete] Step 4: Exception process for person with a documented need for employment or day supports that cannot be provided within the budget determined by step 3. For persons with a documented need, the amount from step 3 is multiplied by 1.2. [end delete]
When a CDCS participant experiences a significant change in need, the commissioner may authorize a budget change for that CDCS participant based on the results of the assessment.
If a CDCS participant exits the waiver more than once during the participant’s community support plan year, the participant is ineligible for CDCS for the remainder of their community support plan year.

Expenses covered outside of the individual budget, must be managed within the lead agency’s allowable waiver budget. These supports whether included in the individual budget or not, must be identified on the community support plan.

In a 12 month service agreement period, the participant’s individual budget will include all goods and services to be purchased with the exception of required case management and criminal background studies.

Case management is separated into activities that are required and those that are flexible. Required case management functions are provided by lead agencies and are not included in the participant’s budget. Flexible case management is included in the budget.

If the combined costs of environmental modifications and assistive technology during a 12 month service agreement period, exceed $5000 and cannot be covered within a participant’s individual budget, the participant may request additional funding from the lead agency to cover these items.

[add] There are circumstances when a participant may have exceptional needs which cannot be met by their CDCS budget. Exceptions to the CDCS budget methodology may be allowed under the following criteria:
• Individuals who require greater resources than are allowed in order to leave institutions.
• Individuals who require greater resources than are allowed in order to increase the amount of time they can work.
• Individuals who require greater resources than are allowed in order to transition to their own home.
• Individuals who require greater resources than are allowed to develop a positive support plan. [end add]
Specialist services

Clarifies that specialist services can provide mental health symptom support and management of harmful conduct that could endanger self and others.

BI, CAC, CADI and DD waivers
Appendix C-1/C-3: Participant Services – Service Specification

Service Definition (Scope):
Specialist services include assessments, program development, training and supervision of staff and caregivers, monitoring of specific program implementation and evaluation of service outcomes identified in the community support plan. This service is designed to promote competency of staff and caregivers.

To be eligible for this service, a participant must have documented needs in the areas of:
- augmentative communication,
- personal health care,
- [add] mental health symptom support to strengthen effective emotional and behavioral functioning, and manage harmful symptom expression and endangering conduct, [end add]
- functional motor skills,
- community safety training and support,
- social skills,
- leisure and recreational skills, or
- independent living skills.

Behavior [delete] supports that require additional expertise [end delete] [add] and mental health symptom support [end add] can occur when not covered within the scope of Positive Support Services.

Specialist services include services that exceed the scope and duration of available services, including state plan and extended state plan services. Services must not duplicate other services that are provided to the participant, and must be cost-effective and necessary to meet the needs of the participant.