

## **DIVISION OF TENNCARE LONG TERM SERVICES AND SUPPORTS OPERATIONAL PROTOCOL**

<b>PROTOCOL TITLE: EMPLOYMENT INFORMED CHOICE IN 1915(c) WAIVERS</b>
<b>EFFECTIVE DATE: OCTOBER 1, 2021</b>

### **Background:**

The Managed Care Organizations (MCOs), the Department of Intellectual and Developmental Disabilities (DIDD), and Independent Support Coordination Agencies (ISC Agencies) are jointly supporting the introduction and implementation of the Employment Informed Choice (EIC) process for members in each of the 1915(c) Waivers with the expectation of exploring employment and supporting the member with making informed choices about work and other integrated service options. This process educates and promotes competitive integrated employment and self-employment for members in the 1915(c) Waivers along with identifying the benefits of work, potential jobs that align with the member's skills and interests, and addresses questions or concerns the member or their family may have related to employment.

Employment is the first and preferred option for people with disabilities. The Employment First initiative is a national framework for systems change, centered on the premise that **all** citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life. Moreover, Executive Order #28 was signed in 2013 by Governor Bill Haslam, establishing the Tennessee Employment First initiative to expand community employment opportunities for Tennesseans with disabilities.

### **Protocol:**

**This protocol sets forth the requirements for the Employment Informed Choice (EIC) process to be used by the MCOs, DIDD, and ISC Agencies in the 1915(c) Waivers.**

Employment Informed Choice is the process that Independent Support Coordinators (ISCs) or DIDD Case Managers, as applicable, shall complete for working age members (ages sixteen (16) to sixty-two (62)) enrolled in a 1915(c) Waiver when the member is not either: (1) working in Individualized Integrated Employment or Individualized Integrated Self-Employment (with or without support services, depending on need); or (2) actively pursuing Individualized Integrated Employment or Individualized Integrated Self-Employment (with Supported Employment Individual or comparable Vocational Rehabilitation/Special Education/Workforce services). The EIC process includes, at minimum, an orientation to Individualized Integrated Employment and

Individualized Integrated Self-Employment, employment supports/services, Vocational Rehabilitation, and basic benefits/work incentives education provided by the member's ISC or DIDD Case Manager. The process may also include the authorization and completion of Exploration services, subject to the member's willingness to participate in such services, in order to explore various employment options that are aligned with the member's interests, aptitudes, experiences, and/or skills, to address concerns or questions, and ensure an informed choice regarding Individualized Integrated Employment and Individualized Integrated Self-Employment. Upon completion of Exploration services, if the member elects to pursue Individualized Integrated Employment or Individualized Integrated Self-Employment, the ISC or DIDD Case Manager shall proceed with authorization of the appropriate employment service(s) and/or referral to Vocational Rehabilitation, as appropriate.

**Who Must Complete the Employment Informed Choice Process:**

The EIC process must be completed for all 1915(c) Waiver members who are of working age.<sup>1</sup> The EIC process is also required for continued authorization of Facility Based Day.<sup>2</sup>

Members are exempt from the EIC process if they meet any of the following criteria:

- Are younger than age 16 or older than age 62;
- Currently working in Individualized Integrated Employment or Individualized Integrated Self-Employment (with or without support services); or
- Actively pursuing Individualized Integrated Employment or Individualized Integrated Self-Employment through 1915(c) Waiver employment supports or other formal services such as Vocational Rehabilitation (VR), internship programs such as Project SEARCH, and colleges or universities including inclusive higher education programs and trade schools such as Tennessee College of Applied Technology (TCAT).

**Elements of the Employment Informed Choice Process:**

The EIC process must address the following topics and subjects:

- Orientation to Individualized Integrated Employment or Individualized Integrated Self-Employment;

---

<sup>1</sup> Working age is 16-62 years old.

<sup>2</sup> Continued authorization of Facility Based Day will not begin or be an EIC requirement until notification from TennCare is given.

- An overview of all employment supports and applicable services available to the member based on their waiver program. The supports to be reviewed include, but are not limited to the following:
  - Assistance assessing a member's interests and skills;
  - Assistance working on employability skills prior to looking for work;
  - Assistance with finding and obtaining a job aligned with the member's interests and skills;
  - Long-term job coaching, if needed;
  - Personal Assistance supports while working;
  - Transportation;
  - Assistive Technology/Enabling Technology; and
  - Self-employment options.
- Education on how employment may impact a member's Social Security Administration (SSA) benefits, financial assistance, accounts, or other benefits, such as Medicaid or HCBS;
- Vocational Rehabilitation and ways their services can be used to achieve employment goals including the VR referral process, supports offered by VR, and supports available after a member has worked with VR;
- Discussion of basic benefits of working and work incentive education; and
- The sharing of success stories of members who have completed the EIC process and/or employment and employment supports.

The EIC process may also include the authorization and completion of Exploration services in order to explore various employment options that are aligned with the member's interests, aptitudes, experiences, and/or skills, to address concerns or questions, and to ensure the member makes an informed choice regarding Individualized Integrated Employment or Individualized Integrated Self-Employment.

Throughout the EIC yearly review, the ISC or DIDD Case Manager should seek to involve those who are close and actively involved in the member's life such as family, friends, and natural supports. Employment conversations with a broader group of individuals can provide additional insight and encouragement for members to actively pursue employment. As a member's circle is aware of the benefits of employment they can serve as secondary advocates for seeking competitive integrated employment.

### **Results of the Employment Informed Choice Process:**

*If the member elects to pursue Employment or Employment Services:*

If the member elects to pursue Individualized Integrated Employment or Individualized Integrated Self-Employment, the ISC or DIDD Case Manager shall proceed with authorization of the appropriate employment service(s) and referral to Vocational Rehabilitation, as required. It is also highly recommended that the ISC or DIDD Case Manager connect the member with a Community Work Incentives Coordinator (CWIC) at this time.

*If the member elects not to pursue Employment or Employment Services:*

Upon completion of the Employment Informed Choice process, if the member elects not to pursue employment or to continue exploring employment through employment services, it should be documented on the member's PCSP. The Employment Informed Choice form must also be completed and stored in the member's file by their ISC or DIDD Case Manager. Each member who is not actively engaging in employment, employment supports, or who has completed the Exploration process within the last year will be expected to go through the EIC process annually.

**Materials Provided to Member:**

Each member, whether they desire to pursue employment/employment supports or not, is expected to receive Employment Informed Choice materials developed by TennCare in collaboration with the MCOs and DIDD. These materials will be distributed by the ISC or DIDD Case Manager and should, at a minimum, include the following:

- An information sheet with basics of benefits counseling;
- Information on work incentives for both SSI/SSDI; and
- An Infographic of members employed through the program (including average hours/wages with lists of various employers where members are employed and quotes from employed members, and their families and employers).

**Tracking & Quality Oversight:**

Starting October 1, 2021, DIDD and the ISC Agencies will be expected to monitor the outcomes of each member who completes the Employment Informed Choice process as well as cumulative totals for all members supported by an ISC agency or DIDD. Additionally, DIDD will submit to TennCare an Employment Report specific to 1915(c) Waiver members. One section of this report is dedicated to the EIC process and should be updated monthly and shared with TennCare for tracking purposes to see the number of members completing the EIC process and the outcome for each member. At a later date to be determined and communicated by TennCare, this report will shift from DIDD's responsibility to the MCOs.

While tracking will be ongoing, the intent of tracking is to monitor the quality and outcomes of the EIC process. As data is gathered, TennCare and DIDD will examine these results to see if changes should occur to the EIC process, trainings, or materials used to increase positive employment outcomes.

**ISC & DIDD Case Manager Requirements:**

- All ISCs and DIDD Case Managers are required to go through a yearly training and overview of the Employment Informed Choice process. This training will be developed by TennCare in partnership and collaboration with DIDD and the MCOs. All documents and materials to be left with members and families will also be developed by TennCare with assistance from DIDD and the MCOs to ensure the EIC process and materials are clear and effective.
- The ISCs and DIDD Case Managers are required to communicate -that employment is the expectation and a viable outcome for all members regardless of their disability, current waiver status, or past employment history. The continuum of benefits available to help achieve the goal of gainful and competitive integrated employment should also be discussed frequently, at least annually, with members not currently working or exploring work as an outcome. The ISC or DIDD Case Manager is to ensure the PCSP is documented appropriately, whether or not employment or employment services are pursued.
- See the above section *“Results of the Employment Informed Choice Process”* for guidance on proceeding with the authorization of services and/or the storage of documentation.

**References:**

- 1915(c) Waivers
- CRA Section A.2.9.7.1.4.1 Describes specific tasks to be performed by the Support Coordination entity including facilitating the Employment Informed Choice process with the expectation of exploring employment and supporting the person to make informed choices about work and other integrated service options.