

**Proposed Changes to Attachment G**  
**Employment and Community First CHOICES Service Definitions**

**Comment [TennCare1]:** Note that ONLY service definitions with proposed changes are included in this document. Other service definitions remain unchanged, except for the addition of new benefits as proposed in Amendment 37.

**A. Employment Services/Supports**

**Supported Employment—Individual Employment Support**

These services are provided on an individual basis<sup>1</sup> for a person who, because of his or her disabilities, needs support that is not available to the person through a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.) in order to obtain, maintain and/or advance in a competitive or customized job, or self-employment, in an integrated community setting for which the individual is compensated at or above the minimum wage.

The expected outcome of these services is individualized integrated employment or self-employment defined as follows:

- (1) Sustained paid employment in a competitive or customized job with an employer for which an individual is compensated at or above the state's minimum wage, with the optimal goal being not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities; or
- (2) Sustained paid self-employment that is home-based or conducted in an integrated setting(s) where net income in relation to hours worked is equivalent to no less than the state's minimum wage, after a reasonable self-employment start-up period.

These services are designed to support the achievement of individualized integrated employment and self-employment outcomes consistent with the individual's personal and career goals, as determined through Exploration, Discovery and/or other similar career planning processes and which include an introduction to the variety of work incentives available to individuals receiving SSI and/or SSDI, Medicaid and/or Medicare.

The Supported Employment—Individual Employment Support provider shall be responsible for any personal assistance needs during the time that Supported Employment-Individual

<sup>1</sup> [Note that Integrated Employment Path Services may include services provided to support participation in internship programs as approved by TennCare with a minimum staffing ratio of 1:4, as further defined in this attachment. In some circumstances, Integrated Employment Path Services may also be provided with a staffing ratio of 1:2. Except for Integrated Employment Path Services as defined herein, all individual employment support services must be provided on a 1:1 basis.](#)

Employment Support services are provided; however, personal assistance services may not comprise the entirety of the Supported Employment—Individual Employment Support service(s) being rendered at any given time. All providers of personal assistance under Supported Employment—Individual Employment Support shall meet the Personal Assistance service provider qualifications, except that a separate PSSA license shall not be required.

Transportation of the individual to and from these services is not included in the rates paid for these services. Transportation *during* the provision of these services is included in the rates paid for these services.

An individual's person-centered support plan may include more than one non-residential habilitation service; however, they may not be billed for during the same period of time (e.g., the same 15 minute or hour unit of time).

ECF CHOICES will not cover Supported Employment-Individual Employment Support services which are otherwise available to the individual under section 110 of the Rehabilitation Act of 1973, or the IDEA (20 U.S.C. 1401 et seq.). If one or more of these services are authorized, documentation is maintained that the service is not available to the individual under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

These services will not duplicate other services provided through ECF CHOICES or the Medicaid State Plan.

Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

- Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment;
- Payments that are passed through to users of supported employment services; or
- Payments for training that is not directly related to an individual's supported employment program.

A provider of Supported Employment-Individual Employment Support services may also receive Social Security's Ticket to Work Outcome and Milestone payments. These payments do not conflict with CMS regulatory requirements and do not constitute an overpayment of Federal dollars for services provided.

Supported Employment—Individual Employment Support services are individualized and may include one or more of the following components:

### **3. Discovery**

This is a time-limited and targeted service for an individual who wishes to pursue individualized integrated employment or self-employment but for whom more information is needed to determine the following prior to pursuing individualized integrated employment or self-employment:

- Strongest interests toward one or more specific aspects of the labor market;
- Skills, strengths and other contributions likely to be valuable to employers or valuable to the community if offered through self-employment;
- Conditions necessary for successful employment or self-employment.

Discovery involves a comprehensive analysis of the person in relation to the three bullets above. Activities include observation of person in familiar places and activities, interviews with family, friends and others who know the person well, observation of the person in an unfamiliar place and activity, identification of the person's strong interests and existing strengths and skills that are transferable to individualized integrated employment or self-employment, Discovery also involves identification of conditions for success based on experience shared by the person and others who know the person well, and observation of the person during the Discovery process. The information developed through Discovery allows for activities of typical life to be translated into possibilities for individualized integrated employment or self-employment.

Discovery results in the production of a detailed written Profile, using a standard template prescribed by TennCare, which summarizes the process, learning and recommendations to inform identification of the person's individualized integrated employment or self-employment goal(s) and strategies to be used in securing this employment or self-employment for the person.

If Discovery is paid for through ECF, the person ~~should~~will be assisted by his or her Support Coordinator to apply to Vocational Rehabilitation (VR) for services to obtain individualized integrated employment or self-employment. The Discovery Profile ~~should~~will be shared with VR staff to facilitate the expeditious development of an Individual Plan for Employment (IPE). Discovery shall be limited to no more than ninety (90) calendar days from the date of service initiation. This service is expected, on average, to involve fifty (50) hours of service.

The provider shall document each date of service, the activities performed that day, and the duration of each activity. The written Profile is due no later than fourteen (14) days after the last date of service is concluded. Discovery is paid on an outcome basis, after the written Profile is received and approved, and the provider submits documentation detailing each date of service, the activities performed that day, and the duration of each activity.

After an individual has received the service for the first time, re-authorization may occur a maximum of once every three years (with a minimum of three 365-day intervals between services), and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment, and the person has a goal to obtain individualized integrated employment or self-employment within twelve (12) months.

#### **4. Situational Observation and Assessment**

This is a time-limited service that involves observation and assessment of an individual's interpersonal skills, work habits and vocational skills through practical experiential, community integrated volunteer experiences and/or paid individualized, integrated work experiences that are uniquely arranged and specifically related to the interests, preferences and transferable skills of the job seeker as established through Discovery or a similar process. This service involves a comparison of the actual performance of the individual being assessed with core job competencies and duties required of a skilled worker in order to further determine the work competencies and skills needed by the individual to be successful in environments similar to where the Assessment is taking place. It also permits the individual to evaluate and confirm areas of employment interest based on real-life experience. The individual shall be reimbursed at least the minimum wage and all applicable overtime for work performed, except as permitted pursuant to the Fair Labor Standards Act for unpaid internships.

Situational Observation and Assessment shall be completed within ~~be limited to no more than~~ thirty (30) calendar days from the date of service initiation, provided that this period may be extended for up to thirty (30) additional calendar days when needed for completion of all four (4) work experiences. Situational Observation and Assessment shall be limited to no more than sixty (60) calendar days from the date of service initiation. Each job seeker may be authorized for up to four (4) such experiences within the thirty (~~630~~) calendar day period. A summary report, using a standard template prescribed by TennCare, is due within ten (10) days after the last date of service is concluded. Reimbursement is paid on an outcome basis for each individual experience, which is expected to involve an average of twelve (12) hours of service per individual experience. The Situational Observation and Assessment outcome payment is made after the written summary report is received and approved, and the provider submits documentation detailing each date of service, the activities performed that day, and the duration of each activity.

The learning from this service described in the summary report is to be used to help inform the job development plan or self-employment plan.

After an individual has received the service for the first time, re-authorization may occur a maximum of once every three years (with a minimum of three 365-day intervals between services), and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment, and the person has a goal to obtain individualized integrated employment or self-employment within twelve (12) months.

##### **5. Job Development Plan or Self-Employment Plan**

This is a time-limited and targeted service designed to create a clear and detailed plan for Job Development or for the start-up phase of Self-Employment. This service is limited to thirty (30) calendar days from the date of service initiation. This service includes a planning meeting involving the individual and other key people who will be instrumental

in supporting the individual to become employed in individualized integrated employment or self-employment.

This service culminates in a written plan, using a template prescribed by TennCare, that incorporates the results of Exploration, Discovery, and/or Situational Observation and Assessment, if previously authorized. The written plan is due no later than thirty (30) calendar days after the service commences. For self-employment goals, this service results in the development of a self-employment business plan, including potential sources of business financing (such as VR, Small Business Administration loans, PASS plans), given that Medicaid funds may not be used to defray the capital expenses associated with starting a business. This service is paid on an outcome basis, after the written plan is received and approved, and the provider submits documentation detailing each date of service, the activities performed that day, and the duration of each activity.

After an individual has received the service for the first time, re-authorization may occur a maximum of once every three years (with a minimum of three 365-day intervals between services), and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment, and the person has a goal to obtain individualized integrated employment or self-employment within twelve (12) months.

Job Development may not include placement services of an employment agency or business/financial services.

## **6. Job Development or Self-Employment Start Up**

This is a time-limited service designed to implement a Job Development or Self-Employment Plan as follows:

- **Job Development** is support to obtain an individualized competitive or customized job in an integrated employment setting in the general workforce, for which an individual is compensated at or above the minimum wage, but ideally not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. The Job Development strategy should reflect best practices and adjusted based on whether the individual is seeking competitive or customized employment.
- **Self-Employment Start Up** is support in implementing a self-employment business plan.

The outcome of this service is expected to be the achievement of an individualized integrated employment or self-employment outcome consistent with the individual's personal and career goals, as determined through Exploration, Discovery and/or the Situational Observation and Assessment, if authorized, and as identified in the Job Development or Self-Employment Plan that guides the delivery of this service.

This service will be paid on an outcome basis once the person has ~~completed two calendar weeks of~~begun participation in individualized integrated employment or self-employment. Outcome payment amounts are tiered based upon the assessed level of challenge anticipated to achieve the intended outcome of this service for the individual being served. Outcome payments are also paid over three phases (two calendar weeks, six calendar weeks, and ten calendar weeks following the start of individualized integrated employment or self-employment so long as employment or self-employment is sustained) to incentivize retention of the job or self-employment situation.

After an individual has received the service for the first time, re-authorization may occur a maximum of once per year (with a minimum 365-day interval between services), and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment, and the person has a goal to obtain individualized integrated employment or self-employment within nine (9) months.

#### **Integrated Employment Path Services (Time-Limited, Community-Based Prevocational Training)**

The provision of time-limited learning and work experiences, including volunteering opportunities, where a person can develop general, non-job-task-specific strengths and skills that contribute to employability in individualized integrated employment or self-employment. Services are expected to specifically involve strategies that facilitate a participant's successful transition to individualized integrated employment or self-employment.

Individuals receiving Integrated Employment Path Services must have a desire to obtain some type of individualized integrated employment or self-employment and this goal must be documented in the PCSP as the goal that Integrated Employment Path Services are specifically authorized to address.

Services should be customized to provide opportunities for increased knowledge, skills and experiences specifically relevant to the person's *specific* individualized integrated employment and/or self-employment goals and career goals. If such *specific* goals are not known, this service can also be used to assist a person to identifying his/her specific individualized integrated employment and/or self-employment goals and career goals.

The expected outcome of this service is measurable gains in knowledge, skills and experiences that contribute to the individual achieving individualized integrated employment or self-employment.

Integrated Employment Path Services are intended to develop and teach general skills that lead to individualized integrated employment or self-employment including but not limited to: ability to communicate effectively with supervisors, co-workers and customers; generally accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem solving skills and strategies; and general workplace safety and mobility training.

Service limitations:

- This service is limited to no more than twelve (12) months. One extension of up to twelve (12) months can be allowed only if the individual is actively pursuing individualized integrated employment or self-employment in an integrated setting and has documentation that a service(s) (i.e., Job Development or Self-Employment Start-Up funded by Tennessee Rehabilitation Services, ECF CHOICES or another similar source) is concurrently authorized for this purpose. The twelve (12) month authorization and one twelve (12) month reauthorization may be repeated only if a person loses individualized integrated employment or self-employment and is seeking replacement opportunities.
- This service must be delivered in integrated, community settings and may not be provided in sheltered workshops or other segregated facility-based day, vocational or prevocational settings.
- Integrated Employment Path Services shall not be provided or reimbursed if the person is receiving Job Coaching (for Individualized Integrated Employment or Self-Employment) Co-Worker Supports or is working in individualized integrated employment or self-employment without any paid supports. Integrated Employment Path Services are only appropriate for individuals who are not yet engaged in individualized integrated employment or self-employment.

Transportation of the individual to and from this service is not included in the rate paid for this service but transportation during the service is included in the rate.

ECF CHOICES will not cover services which are otherwise available to the individual under section 110 of the Rehabilitation Act of 1973, or the IDEA (20 U.S.C. 1401 et seq.). If this service is authorized, documentation is maintained that the service is not available to the individual under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).

This service will not duplicate other services provided through the waiver or Medicaid state plan services.

[Integrated Employment Path Services may be used in ECF CHOICES to support participation in paid and unpaid internship opportunities<sup>2</sup> as approved by TennCare.<sup>3</sup> The provider must ensure](#)

<sup>2</sup> [A paid internship mirrors the aspects of individualized integrated employment, including integrated setting, competitive wage, and benefit opportunities, with potential for interns to become hired as employees, but is expected to be time-limited. An unpaid internship mirrors certain aspects of individualized integrated employment such as integrated setting, and teaches general job skills that may be used for diverse opportunities to obtain employment. An unpaid internship is also expected to be time-limited and preparation for individualized integrated employment.](#)

<sup>3</sup> [Internship opportunities approved by TennCare include Project Search, REDI \(Walgreens Retail-Store Internship Program for People with Disabilities\), BEST \(Building Economic Strength Together\); the Union EDGE Program, and](#)

and service documentation must reflect that skills being taught through Integrated Employment Path Services as part of the approved internship program are transferable to more than one type of job after the internship, and not job/task-specific. Integrated Employment Path Services may be provided for coaching and skill development during work-based components of the internship program. It is expected that interns will be dispersed throughout the place of business hosting the internship program, and support staff being funded under Integrated Employment Path Services will float between the participants to provide individualized supports as needed for learning and skill development. Only for Integrated Employment Path Services provided as part of an approved internship program, the minimum staffing ratio is 1:4. Integrated Employment Path Services cannot be used during classroom instruction time or to offset tuition for post-secondary internship programs, but may be used when a person enrolled in a post-secondary internship program needs more support than the program can provide during their internship experience.

For youth still enrolled in school, MCO must document that the specific supports being funded through Integrated Employment Path Services are not otherwise available to the individual through the school (IDEA (20 U.S.C. 1401 et seq.) or through Vocational Rehabilitation (Section 110 of the Rehabilitation Act of 1973).

For adults no longer enrolled in school, MCO must document that the specific supports being funded through Integrated Employment Path Services are not otherwise available to the individual through Vocational Rehabilitation (Section 110 of the Rehabilitation Act of 1973).

## **B. Other (non-Employment) Non-Residential Habilitation Services and Supports**

**Community Integration Support Services:** Services which coordinate and provide supports for valued and active participation in integrated daytime and nighttime activities that build on the person's interests, preferences, gifts, and strengths while reflecting the person's goals with regard to community involvement and membership. This service involves participation in one or more integrated community settings, in activities that involve persons without disabilities who are not paid or unpaid caregivers. Community Integration Support Services are designed to promote maximum participation in integrated community life while facilitating meaningful relationships, friendships and social networks with persons without disabilities who share similar interests and goals for community involvement and participation.

Community Integration Support Services shall support and enhance, rather than supplant, an individual's involvement in public education, post-secondary education/training and individualized integrated employment or self-employment (or services designed to lead to these types of employment).

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[Next Steps at Vanderbilt University. Additional internship programs may be submitted to TennCare for review and consideration of approval.](#)



Community Integration Support Services enable the person to increase or maintain his/her capacity for independent participation in community life and to develop age-appropriate social roles valued by the community by learning, practicing and applying skills necessary for full inclusion in the person's community, including skills in arranging and using public transportation for individuals aged 16 or older.

Community Integration Support Services provide assistance for active and positive participation in a broad range of integrated community settings that allow the person to engage with people who do not have disabilities who are not paid or unpaid caregivers. The service is expected to result in the person developing and sustaining a range of valued, age-appropriate social roles and relationships; building natural supports; increasing independence; and experiencing meaningful community integration and inclusion. Activities are expected to increase the individual's opportunity to build connections within his/her local community and include (but are not limited to) the following:

- Supports to participate in age-appropriate community activities, groups, associations or clubs to develop social networks with community organizations and clubs;
- Supports to participate in community opportunities related to the development of hobbies or leisure/cultural interests or to promote personal health and wellness (e.g. yoga class, walking group, etc.);
- Supports to participate in adult education and postsecondary education classes;
- Supports to participate in formal/informal associations or community/neighborhood groups;
- Supports to participate in volunteer opportunities;
- Supports to participate in opportunities focused on training and education for self-determination and self-advocacy;
- Supports for learning to navigate the local community, including learning to use public transportation and/or private transportation available in the local area;
- Supports to maintain relationships with members of the broader community (e.g. neighbors, co-workers and other community members who do not have disabilities and who are not paid or unpaid caregivers) through natural opportunities and invitations that may occur.

This service includes a combination of training and supports as needed by the individual. The Community Integration Support Services provider shall be responsible for any personal assistance needs during the hours that Community Integration Support Services are provided; however, the personal assistance services may not comprise the entirety of the Community

Integration Support Service. All providers of personal care under Community Integration Support Services meet the Personal Assistance provider qualifications.

This service shall be provided in a variety of integrated community settings that offer opportunities for the person to achieve his or her personally identified goals for community integration, involvement, exploration and for developing and sustaining a network of positive natural supports. All settings where Community Integration Support Services are provided must be non-disability specific and meet all federal standards for HCBS settings. This service is provided separate and apart from the person's place of residence. This service does not take place in licensed facilities, sheltered workshops or any type of facility owned, leased or operated by a provider of this service.

This service is available only:

- For children not yet old enough to work and/or not yet eligible for employment services who are enrolled in Essential Family Supports;
- As “wrap-around” supports to employment or employment services (Supported Employment Individual or Small Group services and/or Integrated Employment Path Services) for individuals not receiving Community Living Supports or Community Living Supports-Family Model; or
- For individuals who are of legal working age (16+) not receiving Community Living Supports or Community Living Supports-Family Model who are completing, after an Employment Informed Choice Process as defined by TennCare (see below), or who, after completing such Employment Informed Choice Process, have decided not to pursue employment; or
- For individuals of retirement age not receiving Community Living Supports or Community Living Supports-Family Model who have made a choice not to pursue further employment opportunities.

For individuals receiving Community Integration Support Services and not participating in employment or employment services, the option to pursue employment should be discussed at least semi-annually.

For individuals receiving Community Living Supports or Community Living Supports-Family Model, all services necessary to support community integration and participation are part of the scope of benefits provided under the CLS or CLS-FM benefit.

For individuals of appropriate age (18+), it is expected that individuals will be supported to become more independent in their community activities and to develop natural supports. Fading of the service and less dependence on paid support for on-going participation in community activities and relationships is expected. Strategies to increase independence, build natural supports, and fade paid services~~Fading strategies~~, similar to those used in Supported Employment Job Coaching, should be utilized. Milestones for increasing independence, building

natural supports, and the reduction/fading of paid supports and the enhancement of natural supports must be established ~~and monitored~~ for this service; and reviewed on an ongoing basis.

Payment for registration, materials and supplies for participation in classes, conferences and similar types of activities, or club/association dues can be covered, but cannot exceed \$500 per year for children under age 21 or \$1,000 per year for adults age 21 and older. These costs are not included in the rates paid to the providers of Community Integration Support Services and must be prior approved before being incurred.

Transportation to and from the service is not included in the rate paid for the service; but transportation during the service (when no-cost forms of transportation are not available or not being accessed) is included in the rate paid for the service.

### **Independent Living Skills Training**

Independent Living Skills Training services provide education and skill development or training to improve the person's ability to independently perform routine daily activities and utilize community resources as specified in the person's person-centered support plan. Services are instructional, focused on development of skills identified in the person-centered support plan and are not intended to provide substitute task performance. ~~Daily-Independent Living Skills Training~~ may include only education and skill development related to:

- Personal hygiene;
- Food and meal preparation;
- Home upkeep/maintenance;
- Money management;
- Accessing and using community resources;
- Community mobility;
- Parenting;
- Computer use; and
- Driving evaluation and lessons.

This service is available only:

- For children not yet old enough to work and/or not yet eligible for employment services who are enrolled in Essential Family Supports;
- As “wrap-around” supports to employment or employment services (Supported Employment Individual or Small Group services and/or Integrated Employment Path Services) for individuals not receiving Community Living Supports or Community Living Supports-Family Model; or
- For individuals who are of legal working age (16+) not receiving Community Living Supports or Community Living Supports-Family Model who are completing an Employment Informed Choice Process as defined by TennCare (see below), or who, after completing such Employment Informed Choice Process, have decided not to pursue employment; or
- For individuals of retirement age not receiving Community Living Supports or Community Living Supports-Family Model who have made a choice not to pursue further employment opportunities.

Independent Living Skills Training is intended as a short-term service designed to allow a person not receiving Community Living Supports or Community Living Supports-Family Model to acquire specific additional skills that will support his/her transition to or sustained independent community living. Individuals receiving Independent Living Skills Training must have specific independent-living goals in their person-centered support plan that Independent Living Skills Training is specifically designed to support.

The provider must prepare and follow a specific plan and strategy for teaching specific skills for the independent living goals identified in the person-centered support plan. Systematic instruction and other strategies used in Supported Employment Job Coaching should also be employed in this service. The provider must document monthly progress toward achieving each independent living skill identified in the person-centered support plan.

This service will typically originate from the person’s home and take place in the person’s home and their home community. Providers of this service should meet people in these natural environments to provide this service rather than maintaining a separate service location. Transportation during the service (when no-cost forms of transportation are not available or not being accessed) is included in the rate paid for the service.

Individuals receiving Community Living Supports or Community Living Supports-Family Model are not eligible to receive this service, since the scope of benefits provided to a person under the CLS and CLS-FM benefits include habilitation training and supports to help the person achieve maximum independence and sustained community living.

### **NON-RESIDENTIAL HABILITATION SERVICES Employment Informed Choice Process**

As part of Support Coordination responsibilities, an Employment Informed Choice Process must

be ~~completed~~initiated by the MCO for all working age individuals prior to authorization of Non-Work Services/Supports included in the ECF Non-Residential Habilitation Services Category (Community Integration Support Services and Daily-Independent Living Skills Training) that do not wrap employment or employment services (Supported Employment Individual or Small Group services ~~and/or~~ Integrated Employment Path Services, or comparable Vocational Rehabilitation/Special Education services). For purposes of this Employment Informed Choice Process, "employment" shall mean Individualized Integrated Employment or Individualized Integrated Self-Employment as defined in this attachment.

Employment Informed Choice Process required components:

1. Initial meeting with individual and involved family, guardian and conservator (as applicable) to provide an orientation to employment, including Supported Employment services, how it works, including the role of VR and basic benefits education. Describe Exploration and Discovery Services, and discuss questions/concerns/hopes.
2. Authorize Exploration service included under Supported Employment-Individual Employment Supports. Non-Work Services/Supports included in the ECF Non-Residential Habilitation Services Category (i.e., Community Integration Support Services and Independent Living Skills Training) may be authorized up to applicable limits, along with the Exploration service, as long as Exploration service is authorized and the individual receives the Exploration service simultaneously with Community Integration Support Services and/or Independent Living Skills Training.
3. Upon completion of Exploration services and receipt of the written report, if the individual wishes to pursue individualized, integrated employment or self-employment, proceed with authorization of ~~appropriate-necessary employment~~ service(s) and/or referral to Vocational Rehabilitation, as appropriate, to ensure progress toward employment continues to be made without delay or gap, which may include Community Integration Support Services as wraparound.
4. If the individual has not decided to pursue individualized, integrated employment or self-employment, meet with the individual and involved family, guardian, conservator (if applicable) to review results of Exploration services, provide re-education or additional education on the benefits of employment and supports available for employment. If the person still declines to pursue employment and declines to participate in any employment service, obtain written confirmation of the person's informed choice not to pursue individualized, integrated employment or self-employment at this time. For persons not receiving Community Living Supports or Community Living Supports-Family Model services, Non-Work Services/Supports included in the ECF Non-Residential Habilitation Services Category (i.e., Community Integration Support Services and Independent Living Skills Training) may ~~then continue to~~ be authorized up to a combined maximum of twenty (20) hours per week.

## II. OTHER ECF SERVICES:

### **Family Caregiver Stipend in lieu of Supportive Home Care:**

A monthly payment to the primary family caregiver of a person supported when the person lives with the family in the family home, ~~and~~ the family is providing daily services and supports that would otherwise be defined within the scope of Supportive Home Care services, the person supported wishes to maintain this living arrangement and to have the family caregiver provide these supports, and the person is receiving all necessary services to support: 1) age-appropriate community integration and involvement with persons not limited to family members or other persons with disabilities; 2) development of age-appropriate skills for independence and personal growth; and 3) individualized integrated employment for members age 14-62. The Family Caregiver Stipend is appropriate only when it supports and sustains the family to “guide their member with a disability toward being self-determined individuals and achieving the nation’s goals for people with disabilities as set out in federal legislation, namely, equal opportunity, economic productivity, independent living, and full participation.”<sup>4</sup>

This service is available only in lieu of Supportive Home Care (including Personal Assistance) services and shall not be authorized for a person receiving Supportive Home Care (including Personal Assistance) services.

The Family Caregiver Stipend is not intended to supplant natural family caregiving supports by providing a payment for family caregiver supports that were already being provided prior to program enrollment and that are expected to continue at the same level. ECF CHOICES benefits are intended to sustain and enhance natural supports rather than replacing or supplanting them with paid supports. The funds Family Caregiver Stipend may be used to compensate lost wage earning opportunities that are entailed in providing support to a family member with a disability and to help offset the cost of other services and supports the person needs that are not covered under this program.

When needed and appropriate, this service wraps around ECF CHOICES HCBS and other services the individual is actively receiving that support(s) age-appropriate community integration and involvement, development of age-appropriate skills for independence and personal growth and, for members age 14 and older, services that support employment. The ongoing service(s), around which the Family Caregiver Stipend wraps shall be identified in the Person-Centered Support Plan, customized to the person’s age and individualized goals/needs, and authorized through the program unless they are otherwise available through other programs, as verified by the MCO and documented in the Person-Centered Support Plan. Other programs may include special education, vocational rehabilitation, workforce or other programs pre-

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<sup>4</sup> From the *Joint Position Statement on Family Support from the AAIDD (American Association on Intellectual and Developmental Disabilities) and The Arc*, available at: <https://aaid.org/news-policy/policy/position-statements/family-support>

approved by TennCare.

For a child under age 18, the Family Caregiver Stipend shall be limited to an amount between \$100 and \$500 per month. For an adult age 18 or older, the Family Caregiver Stipend shall be ~~no more than~~ limited to an amount between \$100 and \$1,000 per month. The ~~specific amount of Family Caregiver Stipend approved/authorized~~ shall be determined based on: ~~-(1) the needs of the person supported; (2) the family's need for support in order to support the person's continued growth, independence and self-determination; (3) the availability of funds within the member's Expenditure Cap, after supports for age-appropriate community integration, the development of age-appropriate skills for independence and personal growth and, for members age 14 and older, supports for employment have been addressed; and (4) the extent of the supports being provided by the family caregiver; and may take into account the family's intent to use some or all of the funds to provide other services and supports the person needs that are not covered under this program.~~

~~the needs of the individual taking into account the supports necessary for employment and community integration and participation, and shall ensure that supports necessary for employment and community integration and participation are provided first, or available to the person through other sources (whether paid or unpaid) or as part of the supports provided by the family caregiver.~~

#### **Conservatorship and Alternatives to Conservatorship Counseling and Assistance Decision Making Supports and Options:**

This service offers up to \$500 in one-time consultation, education and assistance to family caregivers in understanding ~~conservatorship and alternatives to conservatorship~~ legal, financial, and other decision making supports and options for a person supported who cannot make some or all of their own decisions. These services shall be provided in a manner that seeks to provide support in the least-restrictive manner, preserving the rights and freedoms of the individual to the maximum extent possible and appropriate. This service begins with education and consultation from a qualified professional to help ensure understanding of the array of options available, including less restrictive options that can be used to preserve the person's rights and freedoms to the maximum extent possible and appropriate, while addressing decision making needs. Reimbursable services may then include 1) legal fees or other assistance with completing necessary paperwork and processes to establish an alternative to conservatorship like such as supported decision making, limited (and revocable) power of attorney, health care proxy, or trust; or limited or full-or-conservatorship that is specifically tailored to the individual's capacities and needs, if appropriate it is determined to be the least restrictive alternative;- Reimbursable services may include 2) evaluating the appropriateness of a decision-making instrument currently in place and assistance with costs associated with terminating, or revoking a conservatorship when less restrictive options would be appropriate; 3) training associated with decision-making support; or 4) payment of court fees necessary to formalize a less restrictive alternative to conservatorship like Power of Attorney or conservatorship, but only upon completion of education and consultation from a qualified professional to help preserve the person's rights and freedoms to the maximum extent possible and appropriate.