

The Ohio Department of Developmental Disabilities has received numerous calls and emails regarding the vocational habilitation service. This memo will help to answer those questions and address the department's plans moving forward.

Since the launch of Ohio Employment First in 2012, service providers and county boards of developmental disabilities staff across Ohio have worked to encourage community employment goals into service planning, incorporating new services and new opportunities as a means to improve the quality of life for Ohioans with developmental disabilities.

Today, this ongoing commitment means that 30 percent of adults receive an integrated employment service, expanding opportunities for community employment and membership. There is no question that Ohio is committed to supporting people with developmental disabilities who want to work in their community.

As a result, both adult day and employment services have evolved rapidly to keep pace. The department has seen tremendous growth and flexibility from service provider agencies responding to changes in federal and state regulation. In support, the department established a workgroup representing Ohio Association of County Boards of DD, Ohio Providers Resource Association, The Arc of Ohio, Ohio Self Determination Association, Ohio Association of Adult Services, and Privatization Support Group.

This diverse stakeholder group began meeting in September 2017 to identify the range of payment practices used for waiver-funded adult day and employment services. The group also provided the department with valuable insights that could help providers to align payment practices in compliance with state and federal requirements.

## Home and Community-Based Waiver Guidance: Vocational Habilitation Services

This guidance is a result of the workgroup's efforts and the department's desire to support service providers in their efforts to align with state and federal regulations<sup>1</sup> as they continue to transform their services, their organizations, and the lives of the people with developmental disabilities they support.

This guidance is directed to providers certified by the Ohio Department of Developmental Disabilities who provide the vocational habilitation service.

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<sup>1</sup> [42 C.F.R 440.180](#)

Ohio's vocational habilitation service is categorized as a prevocational service by the Centers for Medicare and Medicaid Services (CMS).

- Prevocational services are those services that further habilitation goals such as attendance, attention to task, problem solving, and interpersonal skills.
- Federal regulations distinguish prevocational services from non-covered vocational services by the following criteria:
  - A. The services are provided to people who are not expected to be able to join the general work force or participate in a transitional sheltered workshop within one year (excluding supported employment programs);
  - B. if the beneficiaries are compensated, they are compensated at less than 50 percent of the minimum wage\*;
  - C. the services include activities that are not primarily directed at teaching specific job skills but at underlying habilitative goals (for example, attention span, motor skills, attendance, problem solving, interpersonal skills);
  - D. and the services are reflected in a plan of care directed to habilitative rather than explicit employment objectives.

When the regulation references habilitative, rather than explicit employment objectives, it means the vocational habilitation service is not aimed at employing the individual but teaching general work skills.

These work skills could include, but are not limited to, things such as

- the ability to communicate effectively with supervisors, coworkers, and customers,
- generally accepted community workplace conduct,
- workplace safety,
- and mobility training.

Services are expected to occur over a defined period of time, with specific outcomes to be achieved as determined by the individual and their team. Occasionally, CMS will issue guidance to the field to clarify federal requirements.



CMS issued an [Informational Bulletin in September 2011](#)<sup>2</sup> to clarify existing guidance about employment and employment related services and a [Technical Guide](#)<sup>3</sup> in January 2015 to aid states in designing home and community-based waivers. Those guidance documents remain useful tools for providers.

**All vocational habilitation providers should review current practices and determine if services are delivered in accordance with the federal regulations described above. If a provider identifies an area of non-compliance with compensation standards, the provider must develop a plan by August 1, 2019, indicating how they will resolve the issue. The plan should include a realistic timeline for achieving compliance.**

DOOD will support people with developmental disabilities, families, providers, and county boards through the process of adjusting current practices to align with federal and state regulations. DODD will provide support by

- reconvening the Payment in Adult Day and Employment Services Work Group that started in September 2017 to develop a plan of action to ensure systemic compliance with both service and compensation standards while minimizing disruption for people with developmental disabilities; the group has representation from OACB, OPRA, The Arc of Ohio, OAAS, PSG, and OWN. As always, it is DODD's full intention to develop this plan in concert with the department's stakeholders.
- providing \$250,000 to bring in business experts to work with an identified number of providers through this transition and develop road maps for other providers across Ohio.
- contacting providers who may be faced with making significant changes to their service delivery and business model in order to come into full compliance; the information learned from these conversations will be shared with the Payment in Adult Day and Employment Services Work Group for review and planning.
- developing an outreach and communication plan to communicate these changes to people and families over the next several months.

If you are a provider who has questions about this memorandum or who would like other assistance, please connect with the Community Life Engagement Project Manager assigned in your region.

A Community Life Engagement Project Manager has been designated for each of four Ohio regions. See map below for an outline of each region and the [name and contact](#) information for each of the four Community Life Engagement Project Managers.

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<sup>2</sup> [Mann, Updates to the § 1915\(c\) Waiver Instructions and Technical Guide regarding employment and employment related services, CMCS Informational Bulletin \(September 16, 2011\).](#)

<sup>3</sup> [Application for a §1915\(c\) Home and Community-Based Waiver \[Version 3.5, Includes Changes Implemented through November 2014\] \(January 2015\).](#)

## Ohio Department of Developmental Disabilities Community Life Engagement Project Manager Map

