



utah department of
human services
SERVICES FOR PEOPLE WITH DISABILITIES

Home and Community Based Services (HCBS) Settings Rule & Employment

Presented by:

Amy Huppi, DSPD

Ben Robison, DSPD

Bryn Peterson, DSPD

Lisa Wade, Utah Parent Center (UPC)

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What are Home and Community Based Services?



- Home and Community Based Services are sometimes called “HCBS”
 - HCBS helps individuals with disabilities live in their own homes and communities instead of institutions
- HCBS is offered through waivers by the Division of Services for People with Disabilities (DSPD)

Definitions

- A **“setting”** is where individuals with disabilities live or receive services.
 - Residential settings: where individuals live, like in an apartment or group home
 - Non-residential settings: where individuals receive services such as a day program or employment services
- **“Providers”** are agencies who provide services and supports that help individuals with disabilities.
- **“Supports”** are the help or tools that individuals need to do something successfully.
- **“Support coordinators”** are people who help individuals with disabilities make sure they get the supports they need and write a yearly person-centered support plan.
- **“Self-advocates”** are individuals who have a disability and may or may not be in DSPD services.

What is the HCBS Settings Rule?

- In 2014, the Settings Rule was announced
 - Set of rules that providers, support coordinators, and states must follow in regards to:
 - HCBS settings - Residential and Non-Residential Services
 - Person Centered Planning (PCP) process
- The Settings Rule was created for people who receive HCBS and in response to self-advocates' desire for more choice in where they live, work, and socialize

Standards for HCBS Settings

The Settings Rule says that there are five standards that all HCBS settings need to meet:

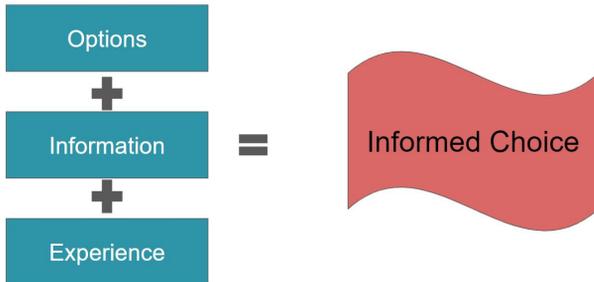
1. Integration into the Community
2. Individual Choice
3. Individual Rights
4. Individual Independence
5. Choices Regarding Services and Providers

Settings Rule Standards: #1

1. Integration into the Community:

- a. Individuals with disabilities have the same chance to be an included member of their community as someone without disabilities
- b. Individuals are not forced to go into the community if they don't want to, but they should be given the opportunity

Settings Rule Standards: #2



2. Individual Choice: individuals have the options, information, and experience to decide how they want to live their lives

Settings Rule Standards: #3, #4 and #5

3. **Individual Rights** means that individuals have the right to privacy, dignity and respect, and freedom from coercion and restraint

4. **Individual Independence** also known as autonomy, means that individuals can do things on their own as much as possible and make choices about the activities they participate in and who they do them with

5. **Choice Regarding Services and Providers** means that individuals choose their services and supports and who provides them

Definitions for Individual Rights:

Privacy: you can be alone if you want to and can decide when and with whom to share spaces, conversations, and information with

Dignity: feeling good about yourself and being treated like someone that has value and worth

Freedom from coercion: people cannot make you do something you do not want to do

Freedom from restraint: people cannot hold you against your will, this includes physical restraints and other types of restraints

Respect: being treated with kindness and consideration by others

Additional Requirements for Residential Settings

- The Settings Rule also has additional requirements for residential settings (where individuals live). Individuals are required to have:
 - A lease or other legal agreement to protect from unlawful eviction
 - Privacy in an individual's room, including a lock on the door; choice of roommates; and freedom to decorate
 - Control of individual schedule and activities
 - The ability to have visitors of an individual's choosing at any time
 - Physical accessibility of the setting

Important to Note:

You, or your family member will NOT lose access to services and supports because of the HCBS Settings Rule changes.

They may be delivered in a different way, but the needed services and supports will still be there.

HCBS Settings Rule & Employment

- The setting is integrated in, and supports full access of individuals receiving Medicaid HCBS to the greater community, including **opportunities to seek employment and work in competitive integrated settings...**
 - **Competitive Integrated Employment** means that individuals with disabilities are able to work in the community with people of all abilities; and that they are paid at a rate comparable to those people without disabilities who work in the same place.

HCBS Settings Rule & Employment (cont.)

- What does providing an opportunity to work look like?
 - Individuals with disabilities are not required to work, but they must be given the opportunity to look for work in a community setting.
 - “Providing an opportunity to work” looks like having discussions about what possibilities and support options exist when it comes to employment, which may include exploring and experiencing possible work options.

Why Work Matters

Supporting individuals with disabilities to work in community settings is important to:



Access the greater community



Helping bring people with disabilities out of poverty



Facilitates relationships with peers that do not have disabilities



Reduced utilization of other Medicaid services



Building new skills and self-esteem



Provide meaningful ways for people to spend their days

A Message from Self-Advocates

ThinkWork: <https://www.thinkwork.org/>

DSPD is working with the State Employment Leadership Network (SELN) to make internal system and process improvements and to better employment supports.

SELN sponsors thinkwork.org as a location for programs and resources related to employment for individuals with disabilities.

The video in the top left corner of the thinkwork.org website is a message from self-advocates about employment: “When you meet a person with a disability, assume they are capable.”

Competitive Integrated Employment Success Stories: Jon



This picture is of Jon. Jon was diagnosed with Cerebral Palsy and scoliosis at age 3, which has required the lifelong use of a wheelchair. Jon has always wanted to work, but it was seen as out of reach for many years. Jon was deemed “unemployable” by four provider agencies in the past.

Jon still had a desire to work, so another provider agency stepped in to help. Jon, with the help both the Utah State Office of Rehabilitation (USOR) and DSPD and was able to find part time, competitive integrated employment in an office setting. The position has been great and Jon has been employed now for over a year!

Now a little information about how this happened... Jon started the process with Vocational Rehabilitation, but when the VR job coach funding was coming to an end, DSPD quickly picked up the long-term job coaching to allow Jon to continue working. DSPD also provides Supported Living services, which help Jon in his daily routine and everyday life. DSPD has been able to assist with Paratransit services to help Jon get to and from both his day program and his job. Jon also tested several pieces of assistive technology in an effort to identify devices that help him on the job. Jon now effectively uses assistive technology to successfully complete all of his assigned tasks at work.

Jon is an advocate for people with disabilities and has served on DSPD’s Disability Advisory Council for many years. Jon’s service on the Council taught him to how to be a strong self advocate; a skill he used to continually assert his rights in his pursuit of competitive integrated employment.

Jon considers himself a “people person,” and loves that he has the opportunity to socialize with people throughout his days at work. Jon is typically the most positive person in the room, with an enormous and warm personality. Jon quickly became one of the most popular people in the building (at work), gaining friends and colleagues alike.

Jon’s story shows how different resources and agencies (in this case DSPD, ParaTransit and Vocational Rehabilitation and others) can work together to support work, but also shows how work can be one part of a full rewarding life.

Competitive Integrated Employment Success Stories: Brandon

- Brandon's Obstacles to Employment
 - Disability and disability-related
 - Behaviors
 - Parents
- Brandon's Road to Employment
 - Post-high
 - Pilot Program



Lisa Wade (Utah Parent Center) shares her son Brandon's successful employment story:

Brandon has different obstacles to employment:

- Brandon has autism and an intellectual disability, along with sensory issues, limited interests (movies), a short attention span, and a tendency to perseverate on things. Brandon has communication issues and he is verbal but not conversational, meaning he may not respond to questions, doesn't speak in sentences, and is hard to understand. However, Brandon can get his needs met through communication.
- His behaviors including yelling, hitting, pushing, and being generally intimidating when he is upset.
- As his parents, we were obstacles as well in that we know him and his behaviors, and wondered how his behaviors would translate in the workplace.

I don't typically focus on all of Brandon's obstacles but I wanted to paint a picture for you that he is not someone you would naturally think of as a good candidate for employment. You should know - He also has some wonderful skills! He can read, has computer skills – Google, cut and paste, email/share documents. He can take things apart, put them together, organize, alphabetize, sort, etc. and he knows MOVIES!

Brandon's road to employment:

- Brandon was in post-high and had tried a few jobs in the community but his behaviors were too much. Brandon worked at a school office shredding paper

- and crushing cans for recycling. And I remember thinking, was this as good as it would get? We were discouraged but did not give up – we just hadn't found a good fit yet.
- In 2015, we heard about a pilot program with Employment First (a state initiative), DSPD and Easter Seals for a customized employment program using staff (who know Brandon) as job coaches. For 2 years, our staff was coached by Easter Seals on customized employment activities. One staff member caught the vision and was passionate. Knowing his love for movies, she sought out Cinemark and got an interview for Brandon. We had to problem-solve how to complete the job interview. We asked for a copy of the questions, wrote out answers to the questions, and had Brandon practice reading them. He nailed the interview!

Competitive Integrated Employment Success Stories: Brandon



This video is an interview with Brandon about his job in the community. To access the video, please click the following link:

<https://drive.google.com/file/d/14J1SLzhiBBQYMkLnZ9GbO5pHEIAYk7IO/view?usp=sharing>

Competitive Integrated Employment Success Stories: Brandon

Now that Brandon is employed. . .

- He has income!
- He goes to movies for free
- He has a community
- He has pride in his job
- He scores preview sheets
- I'm a believer in employment
- I've been amazed by what he can do
- I have hope for the future



How employment has affected Brandon's life:

- Now that Brandon is employed, he earns his own unencumbered money.
- He and a staff member get to go to the movies for free almost on a weekly basis.
- He has a community of co-workers that he knows and they know him
- He takes pride in doing his job well, enjoys showing off what he does to others, takes care of his uniform
- He scores preview sheets from production companies of upcoming movies and release dates

How employment has affected my life:

- I'm a believer in employment – And I encourage other parents to not be a barrier! Our loved ones have enough barriers, we just need to get out of their way.
- I have been surprised by Brandon's abilities, such as washing his uniform, and responding to criticism.
- I have hope for the future that Brandon will have an independent life and need less support.

What Individuals & Families May Need

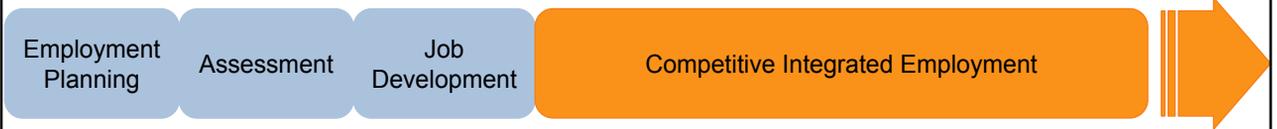
- Most individuals with disabilities want to work (and their families are supportive), but first they may need:
 - An opportunity to learn about what work might be available to them
 - Help to recognize the strengths/skills they have to offer employers
 - A chance to understand all of the supports available to help them work
 - An opportunity to voice their questions, concerns and hesitations – and get those addressed

Person-Centered Support Plan (PCSP)

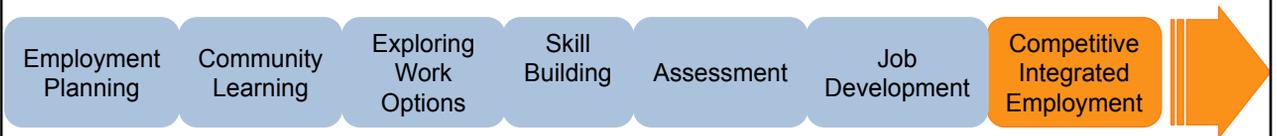
- The Person Centered Support Plan (PCSP) is an individual's yearly plan that is written in the individual's words about what their goals, preferences, and interests are. The PCSP can be updated on an as-needed basis.
 - The PCSP can:
 - Help individuals achieve their employment goals
 - Address any challenges or barriers to work
 - Connect individuals to employment resources and information

Successful Person-Centered Employment Examples

PERSON READY TO WORK



PERSON UNSURE IF THEY WANT TO WORK



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Sometimes there is a fear of failure around community employment. This visual shows two possible examples of the steps that could be taken when a person is either 1) “ready to work” or 2) if the person is “unsure if they want to work.”

While the goal of each of these processes, is competitive integrated employment, each case is individual and so some of those steps might be in a different order, take longer or be removed altogether from the process depending on need. For example, you may not need any community training because the person you are working with has developed those skills somewhere else. This is just two examples, not a requirement.

DSPD is developing an employment tool (in the form of suggested employment discussion questions, resources and next steps) for support coordinators, individuals in services, and families to use to in that first bubble the “Employment Planning” and/or Employment Discussion step.

What is Vocational Rehabilitation (VR)?



OUR MISSION

To assist eligible individuals with disabilities to prepare for and obtain employment and increase their independence.

- Vocational Rehabilitation (VR) supports individuals with disabilities in preparing for, obtaining, and maintaining competitive integrated employment and achieving independence.
- There are VR services that are open to the public that individuals with disabilities can access without being a VR client. Certain VR services are only available to those who are found eligible.

When can I go to VR?

Services available to the public (do not need to be eligible for VR services):

- **VR Orientation Information** - <https://www.youtube.com/watch?v=9eXcpUm9HaU>
- **Vocational Counseling and Guidance** - (individual is unsure about pursuing employment) helps individuals understand their potential, set realistic goals, develop successful work skills, and begin a satisfying career
- **Utah Center for Assistive Technology (UCAT)** - offers assistive technology to individuals with disabilities. Assistive technology is equipment that provides functioning and independence in home, education or work environments and helps individuals overcome challenges.
- **Utah Work Incentive Planning Services (UWIPS)** - helps individuals make informed choices about how work affects their benefits

When can I go to VR? (cont.)

Services available when an individual is found eligible for VR services:

- **Vocational Counseling and Guidance** - (individual is interested in pursuing employment) helps individuals understand their potential, set realistic goals, develop successful work skills, and begin a satisfying career
- **Restoration** - medical and psychological services, including treatment and equipment, ensures an individual's disability is stable
- **Training** - basic academic, vocational/technical, college, supported employment, independent living skills, work adjustment and work-based training that may be needed
- **Job Placement** - job development, counseling, coaching, customized employment, self-employment assistance or on-the-job training are services that may be offered

Benefits Planning

- Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) are two types of benefits that individuals with disabilities may receive
- Both SSI and SSDI have programs that let you try working without worrying about losing benefit payments
- The system has been set up so that individuals receiving disability benefits can always do better financially if they work*

Benefits Planning (cont.)

Programs that help individuals who would like information on how work may affect their benefits:

- Utah Work Incentives Planning Services (UWIPS) under VR
 - You do **not** need to be a VR client in order to speak with a UWIPS benefits counselor. Call (801) 887-9530 or visit:
<https://jobs.utah.gov/usor/vr/services/uwips.html>
- Disability Law Center (DLC) Benefits Planning
 - Call (800) 662-9080 or visit:
<http://disabilitylawcenter.org/employment/benefits-planning/>

What can YOU do?



Questions?



Contact:

Employment

- Ben Robison
brrobison@utah.gov
(385) 707-6898
- Bryn Peterson
brynpeterson@utah.gov
(385) 228-3122

Settings Rule

- Amy Huppi
amyhuppi@utah.gov
(385) 303-7267

Family Advocate

- Lisa Wade
lisa@utahparentcenter.org
(801) 272-1051