

Agency for Persons with Disabilities: Redesign of Adult Day Training and Employment Services

May 23, 2019

In recent years, law and policy and new expectations from those receiving services are driving the demand for system reform.

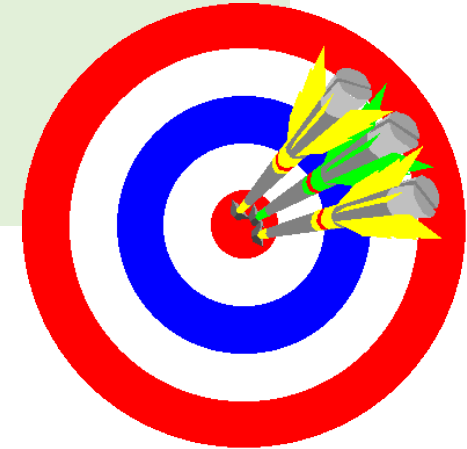
Agenda

- 1) Welcome and Introductions
- 2) National Influences
- 3) State Challenges
- 4) Q & A



KEEP
CALM
AND
SET NEW
GOALS

Today's Goal



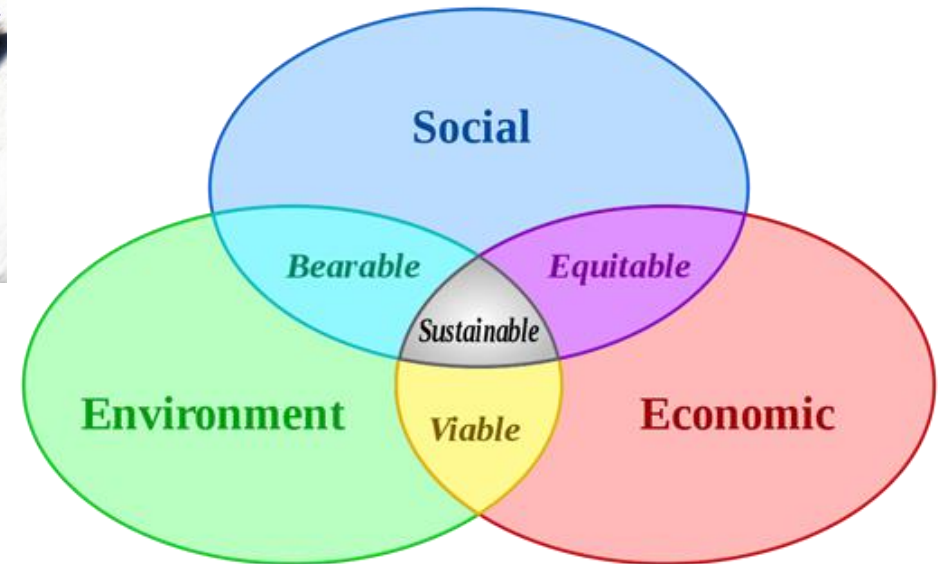
*The Inevitable: **Understanding the Forces** That Will Shape Our Future*

Gaining Participation in Implementation

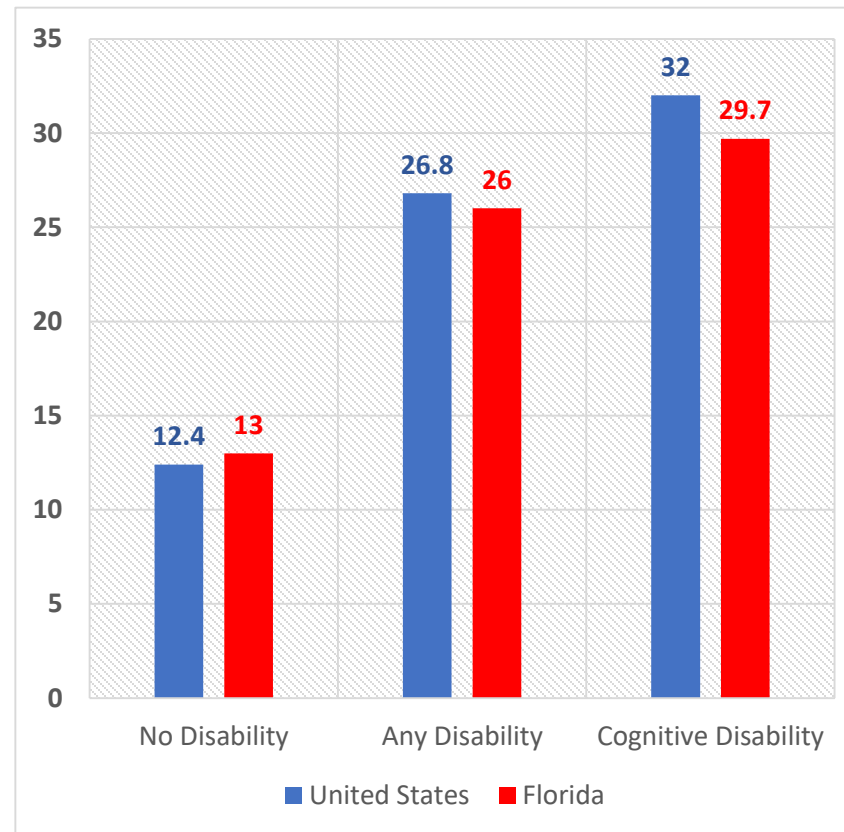
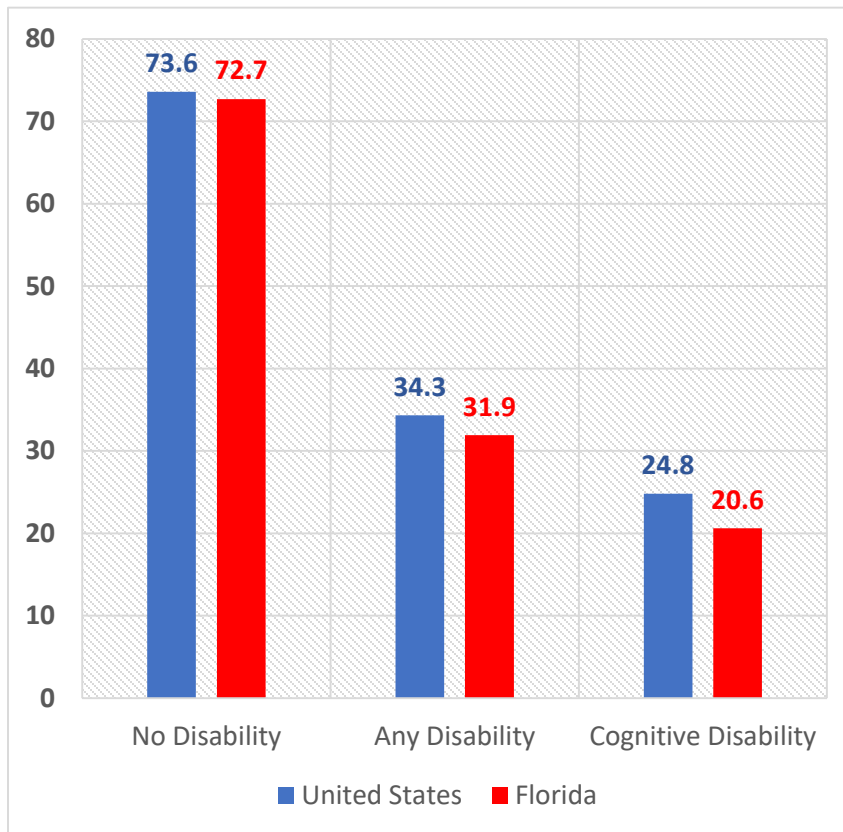


What is Behind all of the Change....

**The
People's
Choice.**



The National and State Disparity



American Community Survey, 2016

Barriers Contributing to the Disparity

- ❖ Myths and misperceptions of the “limitations” of working with a disability
- ❖ Fear of losing health benefits from public assistance programs due to income and resource limits
- ❖ Historic trend of employment not being a priority within the disability service systems

Floridians with Disabilities Receiving SSI Benefits in 2016

Total Recipients	439,184
Total Employed	12,673
Percent Employed	2.6%
Total Receiving an SSI Work Incentive	338
Percent Receiving an SSI Work Incentive	<0.01%

Social Security Administration, “SSI Disabled Recipients Who Work”

National Influences

- American with Disabilities Act
- Employment First Movement
- Medicaid Home & Community Based Services Final Regulation 2014
- Workforce Innovation and Opportunity Act 2014
- Changing demographics and expectations from individuals and their families
- Proposed Federal Legislation to eliminate section 14(c) of Fair Labor Standards Act (subminimum wage option)

The Americans With Disabilities Act (ADA) of 1990

The nation's first comprehensive civil rights law addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications.

DISABILITY RIGHTS
ARE CIVIL RIGHTS

Olmstead Decision

June 22, 1999

- The Court held that **public entities must** provide community-based services to persons with disabilities when
 - (1) such services are appropriate;
 - (2) the affected persons do not oppose community-based treatment; and
 - (3) community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity.

Medicaid Home & Community Based (HCBS) Services Final Regulation

HCBS Rules Were: Published January 16, 2014

Effective: March 17, 2014

Compliance Date **for Settings Portion of the Rule:** March, 2022

The final Home and Community-Based Services (HCBS) regulations set forth new requirements for several Medicaid authorities under which states may provide home and community-based long-term services and supports. The regulations enhance the quality of HCBS and provide additional protections to individuals that receive services under these Medicaid authorities.

HCBS character



- The home and community-based setting requirements establish an **outcome oriented** definition that focuses on the **nature and quality of individuals' experiences**
- The requirements maximize opportunities for individuals to have access to the benefits of community living and the opportunity to receive services in the most integrated setting
- The new standards are **“experiential”** and about **“qualities”** of the setting



HCBS setting requirements

42CFR441.310(C)(4)



- Is integrated in and supports access to the greater community
- Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- **Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services**

HCBS setting requirements

- Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
- **Optimizes individual initiative, autonomy, and independence in making life choices**
- Facilitates individual choice regarding services and supports, and who provides them

Workforce Innovation and Opportunity Act (WIOA)

- Signed into law on July 22, 2014
- Provides for a **continuum of services and supports** including transition services available to students and youth with disabilities; and
- Ushers in a new set of services for students with disabilities: **Pre-Employment Transition Services (Pre ETS)**.

WIOA's Legislative Purpose

- WIOA is designed to eliminate “the disproportionate burden of unemployment and underemployment experienced by people with disabilities in our country... [and] **to help a new generation of young people with disabilities to prepare for, obtain, and succeed in competitive integrated employment....**” See Congressional Record, S3964-S3991, Statement of Senator Tom Harkin (June 25, 2014).

Legislative purpose and intent was to build employment outcomes that maintain:

- Parity
 - Comparability and
 - Typicality.
-
- Access to employment opportunities that are the same as those available to workers in mainstream economy.

Definitions Drive the System

- Begin with the end in mind.
- The definitions under the Rehabilitation Act as amended by WIOA set forth important parameters for the **employment outcomes** that must result from VR funding.
- It was Congress' intention that VR funds be used to afford individuals with disabilities, including significant disabilities, "a full opportunity to integrate within their communities and participate **in jobs that are available to the general population.**" Final Regulations for State VR Services Program, 66 Fed. Reg. 7249 (Jan. 22, 2001).

WIOA emphasis on Competitive Integrated Employment (CIE)

The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), places emphasis on the achievement of **competitive integrated employment (CIE)** for individuals with disabilities. Definition outlines CIE as having the following qualities:

- (1) competitive earnings,
- (2) integrated location, and
- (3) opportunities for advancement.

Employment First Policies:



- **38 states with official policy**
- **20** states passed legislation – like **Florida** these states state that integrated employment is a preferred over other service options
- **18** have policies issued by state agencies, Executive Orders, etc.
- **26** state polices cross-disability

As of April 2019



STATES Response to the Changing Demands



New Service Models

- Supporting families
- Develop relationship-based living arrangements
- Focus on employment
- Pay Family Caregivers

New Finance Models

- Implement resource allocation methodologies
- Adopt managed care strategies
- Look at new federal authorities for HCBSs
- Create support waivers

National Landscape of Day and Employment Services

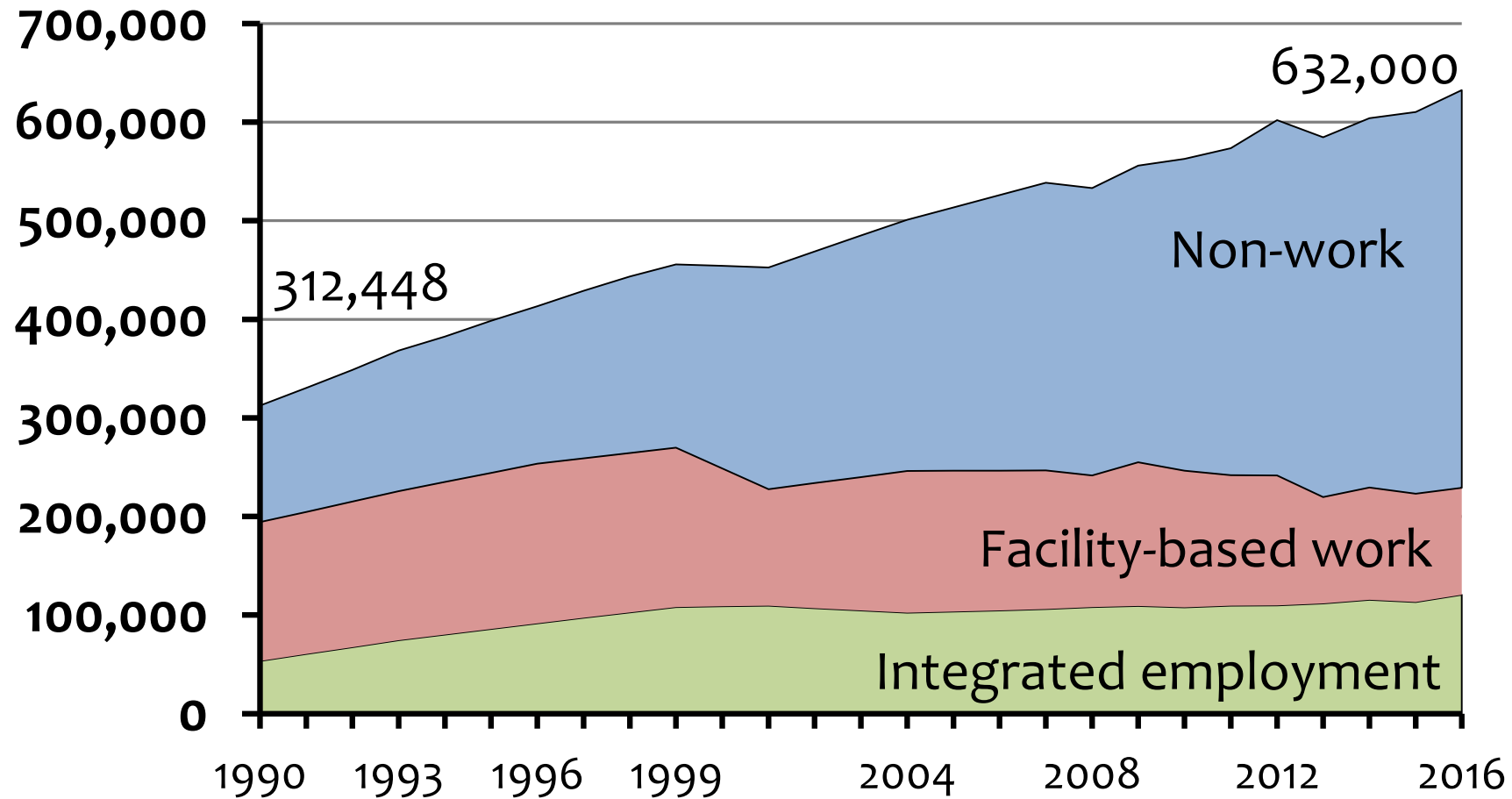
Wide variation on a local, state, and regional level in service investments and outcomes, nationwide, the service delivery system for individuals with IDD currently falls short of providing the demand for employment and community integration supports.



National Landscape of Day and Employment Services

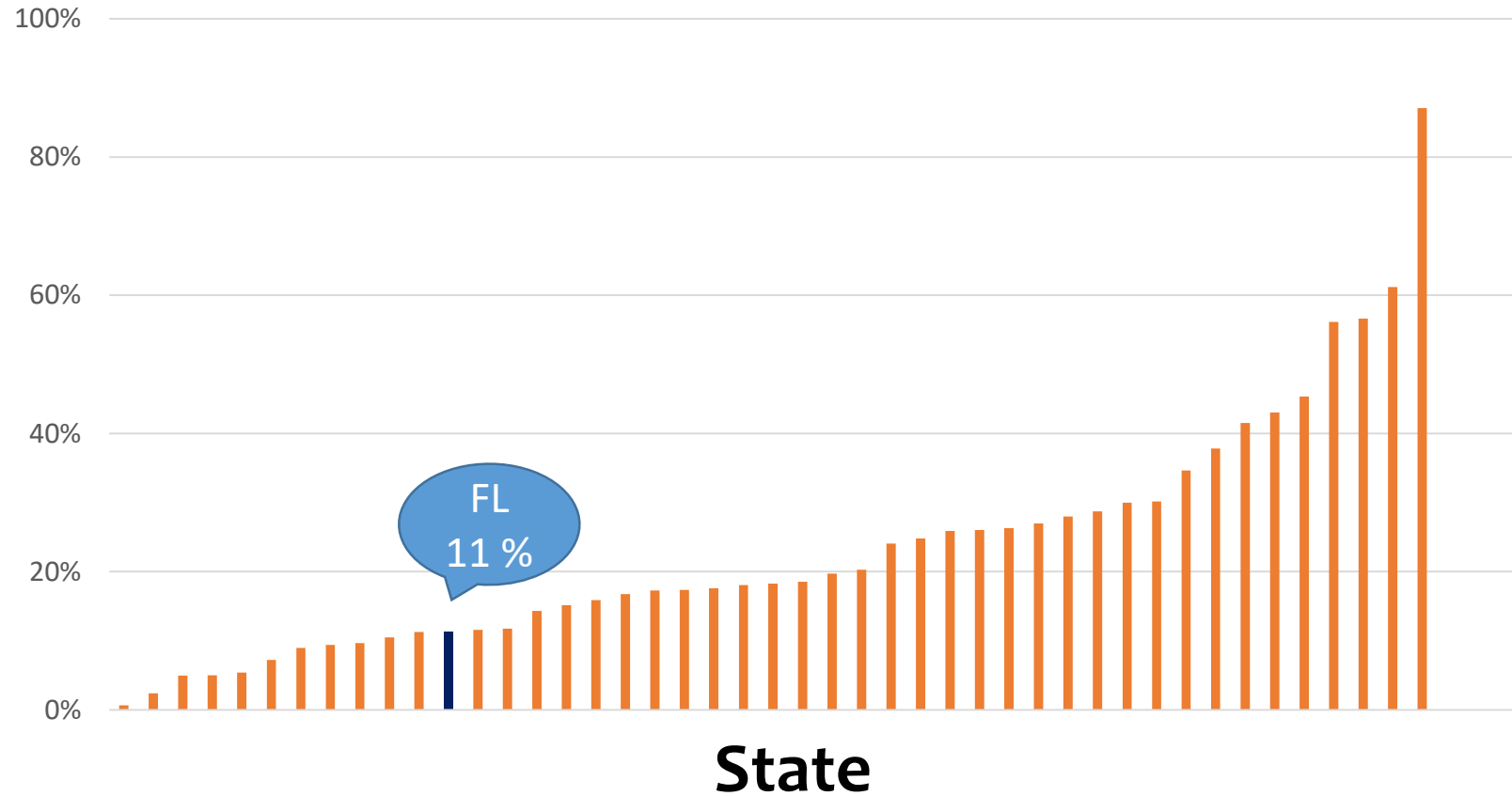
- *Almost half* of the individuals supported by state IDD agencies who are not working in integrated jobs state *they want to work in the community*.
- Only **11%** of the Medicaid waiver dollars spent by state IDD agencies go to integrated employment services. The majority of Medicaid dollars are spent on facility-based non-work (42.3%) and community-based non-work (33%) services.

Number in Employment and Day Services



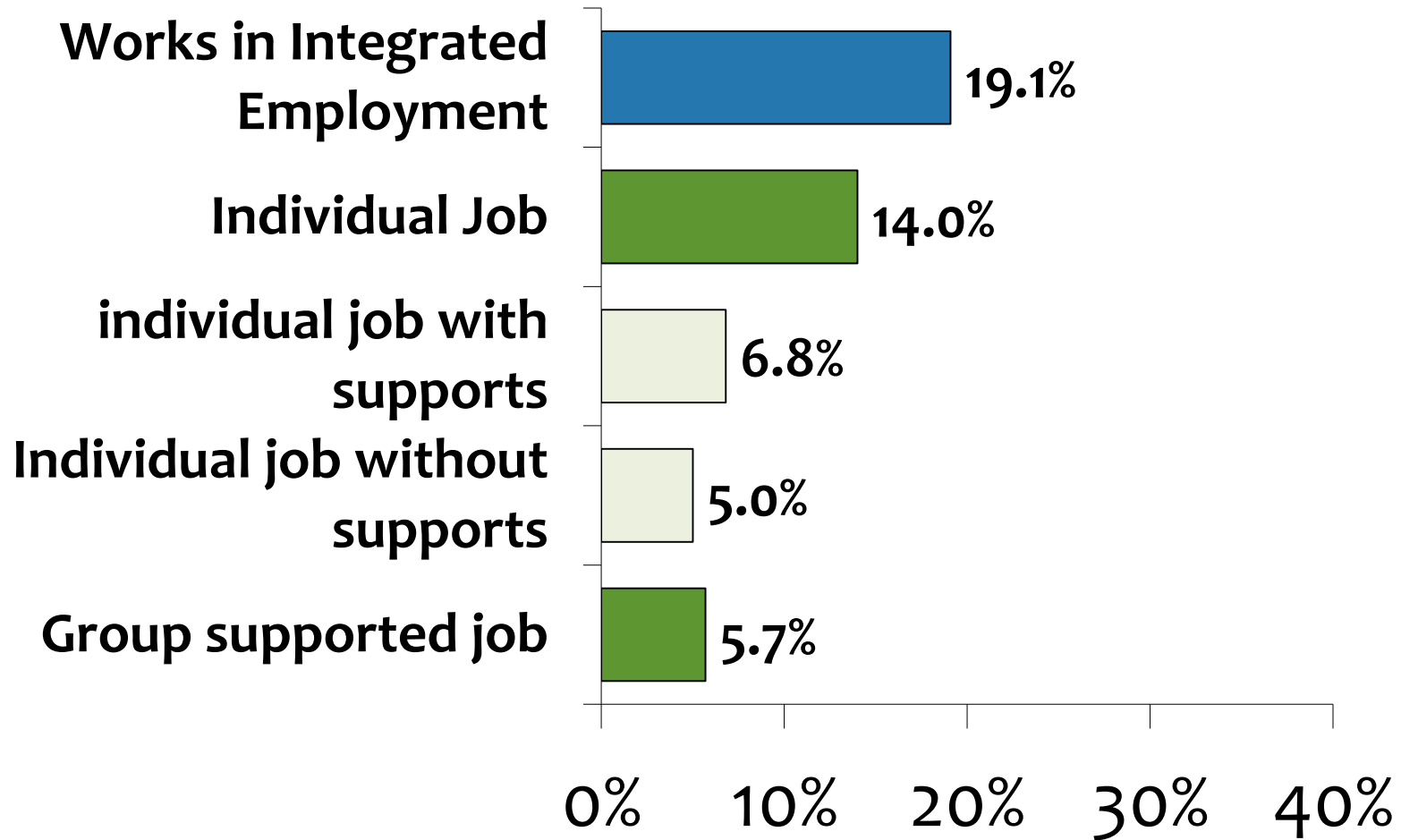
Source: ICI National Survey of State IDD Agencies

State IDD Agency Investment in Employment Services



Source: ICI National Survey of State IDD Agencies 2016

Works In Integrated Employment Nation



Source: National Core Indicators
2015-2016

Self Sufficiency & Meaningful Day

Mean Hours and Wages per 2 weeks

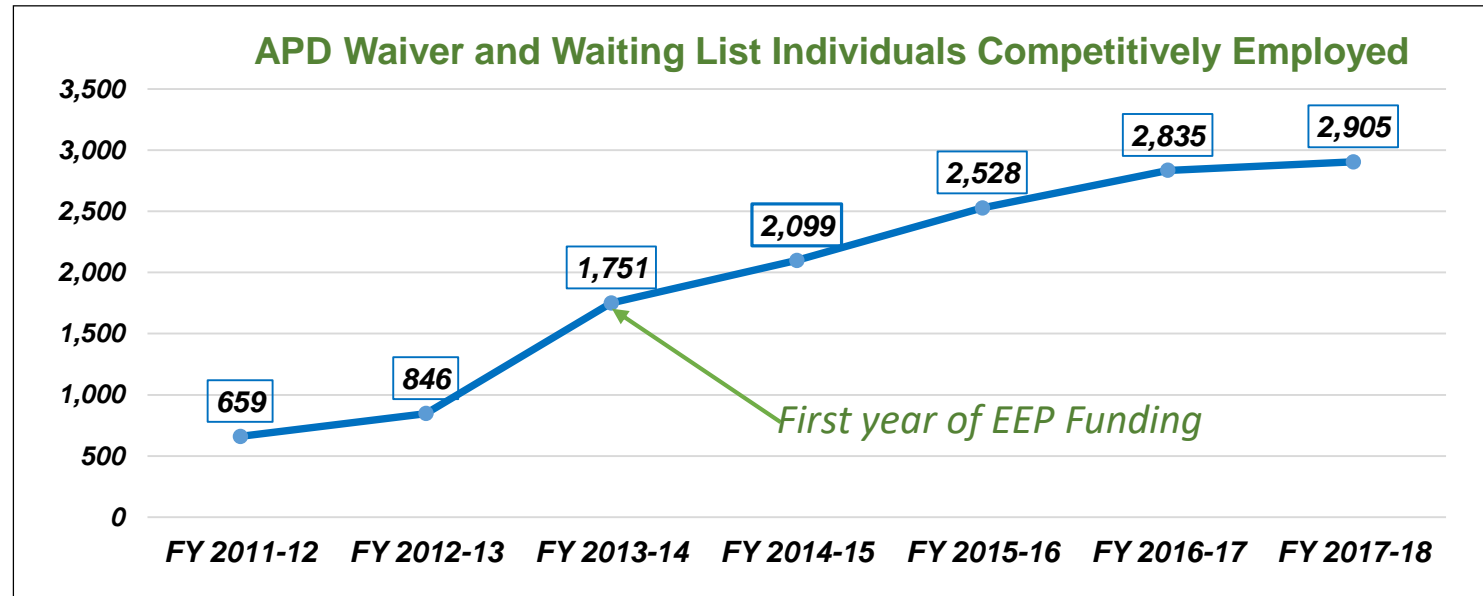
	Hours worked	Gross Wages
Individual job with supports	25	\$222
Individual job without supports	27	\$237
Group supported job	26	\$167

Source: National Core Indicators
2015-2016

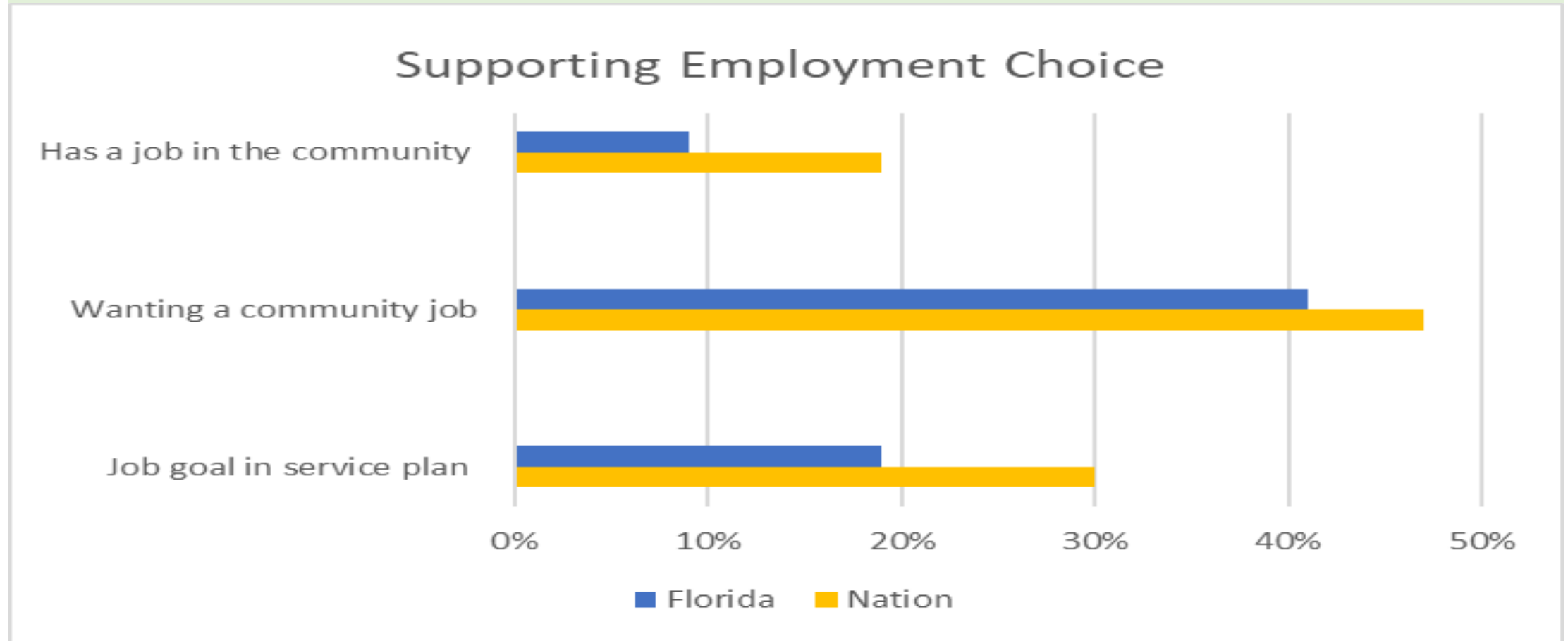
What is the State of the State?

Florida's leaders have worked to increase employment outcomes:

- ❖ The Florida Employment First Act of 2016
- ❖ The Employment Enhancement Program (EEP) for individuals on the APD waiting list
- ❖ Employer outreach initiatives, such as the "Abilities Work" Help Desk
- ❖ Other collaborative efforts, such as Career Counseling and Information Referral (CCIR) for individuals in subminimum wage employment

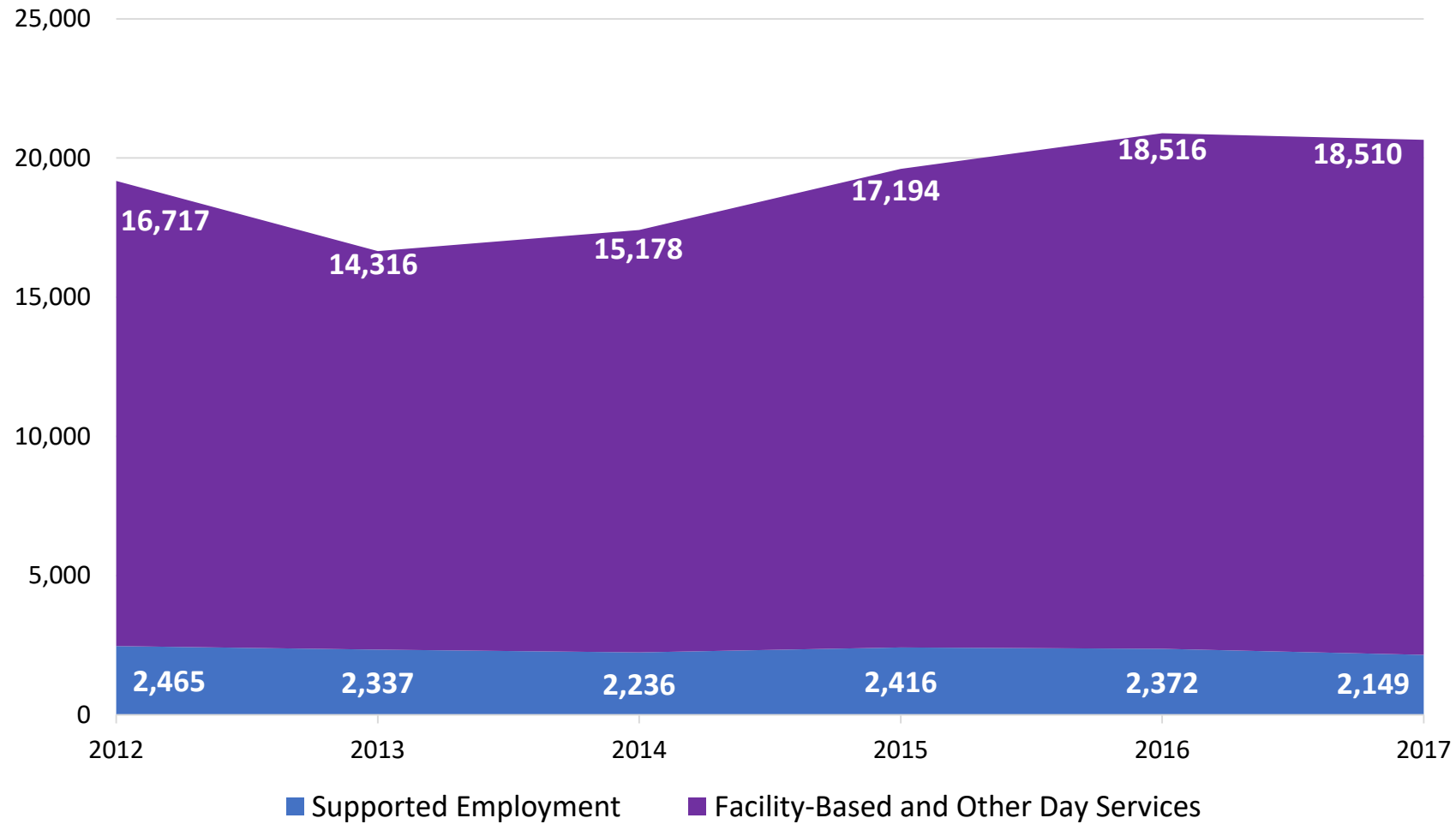


What is the State of the State?



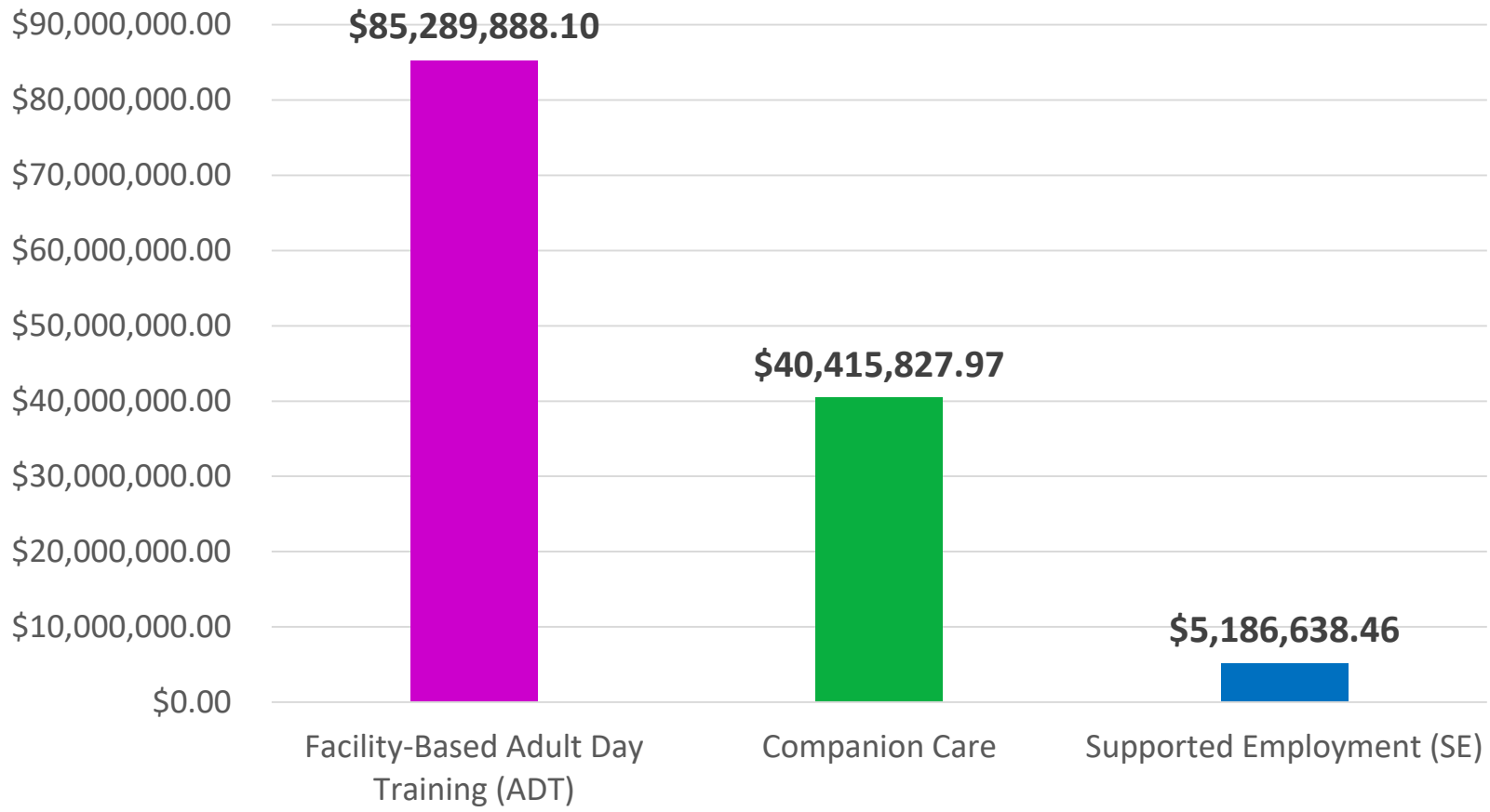
Source: National Core Indicators 2015-2016

APD Employment and Day Services



Institute for Community Inclusion (ICI), UMass-Boston, "The National Survey of IDD Agencies' Day and Employment Services," 2017

iBudget Expenditures on Life Skills Development Fiscal Year 2017-18



Breakdown of iBudget Expenditures in Life Skills Activities in FY17-18

<u>Life Skills Participant</u>	<u>Spend in ADT Facility</u>	<u>Spend in SE</u>	<u>Spend in All Life Skills</u>
Average Billable Hours	1041.61	80.85	
Average Spend in ALL Life Skills Activities	\$6,441.35	\$3,001.53	\$7,161.84
Average Spend if in BOTH ADT and SE	\$3,291.92	\$2,473.35	\$6,479.15
Average Spend if NOT in SE	\$6,508.15		\$6,987.75
Average Spend if NOT in ADT		\$3,101.49	\$3,798.68

Achieving Objectives

- Demands Collaborative Partnerships
 - Shared knowledge
 - Shared Resources
 - Shared attention



Opportunities and Solutions?



Discussion

What is the single biggest issue you face with the expected systems changes?

Discussion

What is the best way for APD to keep you informed and involved as the system transformation unfolds?

Contacts

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