

Adult Day Training and Employment Redesign

Purpose

- The Agency for Persons with Disabilities (APD) is working to bring iBudget Waiver funded Adult Day Training (ADT) and Supported Employment services into compliance with the federal Home and Community-Based (HCBS) Settings Rule (CMS Final Rule). Florida has until March 2023 to come into compliance with the regulations.

CMS Final Rule

- In 2014, the Centers for Medicare & Medicaid Services (CMS) implemented the CMS Final Rule that requires States to increase opportunities for individuals with intellectual and developmental disabilities to access employment in competitive integrated settings.
- The CMS waiver application instructions and technical guide do not allow *day habilitation* services to provide for the payment of services that are vocational in nature. [The CMS Instructions, Technical Guide, and Review Criteria](#) document dated January 2019 states, “Waiver funding is not available for the provision of vocational services (e.g., sheltered work performed in a facility) where individuals are supervised in producing goods or performing services under contract to third parties. Employment related waiver services must be provided in accordance with [CMCS Informational Bulletin dated September 16, 2011](#).”

Current Situation

- The current Life Skills Development Level 3 – ADT service is categorized as a *day habilitation* service and is considered a bundled service because of the multitude of services covered. These services include volunteering, job exploration, accessing community resources, self-advocacy, meaningful day activities, and training in the activities of daily living, adaptive skills, and social skills. The services also include paid employment services, including sheltered workshops, mobile work crews, and enclaves.
- Many of the existing ADT settings are minimally compliant with the requirements of the CMS Final Rule because the settings are not ensuring individuals who want to work have access to opportunities to seek competitive integrated employment. Although the sheltered workshops provide vocational training to individuals, the settings are not integrated and the individuals in these 14(c) settings receive sub-minimum wages.
- There are currently 62 Adult Day Training waiver providers who are paying clients during Adult Day Training services. 23 of those providers have a 14c exemption that allow the provider to pay subminimum wage.

Actions Taken to Date

- APD sought and received CMS technical assistance on transitioning ADT and other employment-related services to federal compliance. APD and a contracted CMS technical assistance provider facilitated four stakeholder workgroups. The workgroups included self-advocates, service providers, waiver support coordinators, parents, guardians, advocacy agencies, and other state agencies to ensure those stakeholders most effected were actively involved.
- APD finalized a data sharing agreement with the Department of Education and Vocational Rehabilitation as required by the US Workforce Innovation and Opportunity Act to ensure coordination and collaboration between agencies.

Proposed Actions to Achieve Compliance by March 2023

- Currently ADT rates are higher than Life Skills Development Level 2 - Supported Employment Group Rates. Increase the existing Supported Employment group rates to the current ADT rates to incentivize transitioning clients to employment.
- Update the iBudget Handbook and federal waiver to clarify that ADT providers are prohibited from paying clients during iBudget Wavier service provision in accordance with federal requirements.
- Collaborate with AHCA to seek amendments to the iBudget Waiver as follows:
 1. Revise Supported Employment services to include group employment in competitive integrated settings.
 2. Revise ADT services to include Day Support Services to assist individuals in developing and maintaining life skills that enable them to participate in community-engaged meaningful day activities.
 3. Create a Life Skills Development Level 4 – Pre-Vocational service to provide pre-vocational training and work experiences. The Pre-Vocational service will include volunteer work to develop general, non-job-specific skills to help participants obtain employment in integrated community settings.
- Increase collaboration and communications with providers, Qualified Organizations, and clients to improve understanding of the changes and requirements for accessing, providing, and billing for the new and revised services.

Long Term Opportunities

APD will investigate revisions to the Life Skills Development rate structure to incentivize competitive employment and employment services in the community.