

## vaACCSES

### *Comments on the Part IV Intellectual Disability Waiver (ID)*

Regulation/Page #	Regulation Area	Statement of Concern	Comments/Recommendations
12VAC30-120-1005 Page 102	Waiver Description and legal authority	F. Confusing. A “waiver program” may be interpreted as a program of the waiver. If the sentence ended at waiver, it would make it crystal clear that what is mean is a separate waiver (i.e. ID vs. EDCD waiver)	F. An individual shall not be simultaneously enrolled in more than one waiver <del>program</del> .  Further define in Manual – enrolled vs. on waiting list(s).
Page 104		D.4. Inconsistent time frames between initiation and/or completion of SIS with the existing 60-day enrollment timeline.	D.4. Change back to “services can be initiated within <del>30</del> 60 days” OR change to “services are to be completed within 60 days.”
Page 104		D.5. Inconsistency. Regulation says “The designated provider shall periodically monitor the DMAS-designated system.....” The manual states “monthly”.	Either change both to periodically or monthly.in both the regulations and the manual.
12VAC30-120-1020 Page 105 -	Covered Services; limits on covered services	Service Units and service limitations: Block definition is defined as “a period of time from one hour through three hours and 59 <b>“seconds”</b> ”.	Should be “a period of time from one hour through three hours and 59 <del>seconds</del> minutes.” Needs to be changed from seconds to minutes throughout section.
Page 109	Day Support Service Units and Service Limitations	5. “Service providers shall be reimbursed only for the amount and level of day support services included in the individual’s approved Plan for Supports based on the setting, intensity and duration of the service to be delivered.” This wording suggests that any preparation such as administering and analyzing the SIS would not be reimbursable.	Wording needed to allow flexibility in Manual language that allows providers to be compensated for SIS analysis and administration.  SIS development as a key component of the Plan for Supports should be an allowable billable service.
Page 109		Support the change from Unit to Unit Block. This supports a clear definition of “rounding” when increments of time are provided. The new definition seems logical and easier to implement in that a Unit Block is ANY time from one hour through 3 hours and 59 minutes. Anything over one hour would equal one Unit Block.	Further definition (and example) is needed in Manual for consistent interpretation across Virginia. Additional training is needed for Community Resource Consultants so that consistent TA can be provided across the state.
Page 111	Prevocational Services	I.5. “Prevocational services shall be provided when the individual’s compensation for work	<del>DELETE 5. Prevocational services shall be provided when the individual’s compensation for</del>

		<p>performed is less than 50% of minimum wage.”</p> <p>Should be deleted. Provides disincentive for an individual to be in Prevocational versus Day Support. Day Support does not have this provision.</p> <p>Many states no longer include this provision in their regulations with approval from CMS.</p>	<p><del>work performed is less than 50% of minimum wage.</del> Depending upon the geographic area, a person with significant disabilities may be at a low productivity but compensated at a higher wage even with a low productivity. This higher wage may exceed 50% of the minimum wage based on a higher salary or wage in that area. (i.e. NoVa). We do not want to provide a disincentive to working at a higher wage.</p>
Page 115	SE Services	<p>N. “Intensive” is not the appropriate word to be used here. Ongoing supports may be intensive or may be periodic depending upon the individual’s circumstances and employer requirements and/or changes.</p>	<p>DELETE “Intensive”. CHANGE to – “These services shall consist of <del>intensive</del>, ongoing supports that enable individuals.....”</p> <p>As the overall definition for both individual and group - it should be as flexible as possible to allow fluctuations in service needs.</p>
Page 115	SE Services	<p>N.2.a. “Intermittent” is not the appropriate word to be used in regards to individual supported employment. The definition for “intermittent” in Webster’s is “occurring at irregular intervals”. We don’t believe this is what should be the definition of “support”.</p>	<p>DELETE “Intermittent”. CHANGE to – “Individual supported employment shall be defined as <del>intermittent</del> support, usually provided.....” We recommend “support” or “ongoing support” which provides flexibility to accommodate individualized support according to the needs of the individual on the job which can change at any time. Support can continuously change depending upon changing job requirements, site movement, employer needs as well as the individual’s circumstances. The definition of support can be further defined in the Manual.</p>
Page 115	SE Services	<p>N.2.a. “collateral contacts by providers”</p>	<p>This term/phrase needs to be further defined in the Manual. Inconsistent interpretations &amp; TA have been provided to providers.</p>
Page 115		<p>N.2.b. “Eight or fewer” is problematic and rigid to some employment circumstances (i.e. grounds maintenance, building maintenance, etc.)</p>	<p>DELETE “eight or fewer” in the regulations. CHANGE to - “Group supported employment shall be defined as continuous support provided by staff to <del>eight or fewer</del> individuals with disabilities .....</p> <p>Further define in manual to provide flexibility for ever-changing employment opportunities and circumstances as well as staff to client ratios.</p>
Page 115	SE Criteria	<p>N.3.a. The wording in this section is problematic and does not allow for maximum flexibility in job development tasks on behalf of an individual. Regulations should be as broad as possible to allow further definition in Manual to correspond to SE best practices with allowable activities</p>	<p>DELETE “specifically include” and “search”. CHANGE to – “Only job development tasks that <del>specifically include</del> are specific to the individual shall be allowable job <i>development search</i> activities under the .....</p> <p>Job search is only one aspect of job development.</p>

		accepted by DRS SE practices and CARF accreditation in SE.	
Page 115	SE Service Units and Definitions	N.4.c. The regulations specifically mention compensation for “group models of SE” and the DMAS fee schedule. However, no mention of Individual SE hourly rates based upon provider specific rates authorized by DRS.	ADD – Individual SE rate statement <i>“Individual supported employment rates are provider specific based on rates authorized by the Department of Rehabilitative Services (DRS)”</i>  This statement is already used on the DMAS rate schedule and differentiates between the Group and Individual SE services.
Page 115	SE Service Units and Definitions	N.4.d. Should be “minutes” versus “seconds”.	Should be “a period of time from one hour through three hours and 59 <del>seconds</del> minutes.”