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## Report Prepared in Response to LD 28

### Resolve, To Improve Employment Opportunities for Persons with Intellectual Disabilities and Autistic Disorders

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To the  
Joint Standing Committee of the 125<sup>th</sup> Legislature

Health and Human Services Committee

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**LD 28 Report: Resolve, To Improve Employment Opportunities for Persons  
with Intellectual Disabilities and Autistic Disorders.  
February 17, 2012**

**Section I: Overview**

**Summary:**

The Department of Health and Human Services, Office of Adults with Cognitive and Physical Disabilities (OACPDS) has supported employment as an outcome of services for individuals with developmental disabilities. Through MaineCare rule, DHHS Policy, and OACPDS practice Developmental Services currently has over 900 people working in hundreds of businesses throughout Maine who are receiving employment support through a Community Provider Agency. Individuals with disabilities who are employed earn wages, benefits where their skills are utilized. Businesses benefit when they have a diverse workforce that includes people with disabilities and people with disabilities benefit when they earn wages and benefits, increase self-esteem, control, and obtain greater independence. By emphasizing the importance of employment The Center for Medicare and Medicaid Services 1915 c waiver programs released new guidance in September, 2011, to “increase States efforts to increase employment opportunities and meaningful community integration for waiver participants.”<sup>1</sup>

This report is in response to LD 28 and a request to DHHS to evaluate the various models of employment currently funded and report data on available employment opportunities. Information on participation in, costs of and outcomes of individual vs. group employment are provided and requested recommendations to rule change and service enhancement are provided.

**History:**

A 1998 Report of the then Department of Mental Health, Mental Retardation and Substance Abuse Services recommended Employment Policy should be enacted that would set the direction for increased employment outcomes for service recipients. A Vocational Policy was developed in October, 2000, and from 2000–2010 this Policy was a cornerstone in a system developed to increase the focus on employment for people in DHHS Services. In 2010, the Employment of Individuals Served Policy<sup>2</sup> was updated and broadened to include recipients in the new Department of Health and Human Services, stating:

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<sup>1</sup> The Center for Medicare and Medicaid Services Informational Bulletin 1915 c Waiver Instructions and Technical Guide regarding employment and employment related services, September 16, 2011.

<sup>2</sup> Department of Health and Human Services Policy # CS-01-10, Employment of People Served, November 15, 2010.

The Department of Health and Human Services shall support career development and meaningful employment for all working age individuals receiving services through the Department. Employment is part of the natural course of adult life and provides opportunities for economic gain, personal growth and contributing to one's community. The development of a skilled and motivated workforce is essential to meeting the needs of Maine businesses.

In 2005, Chapter 570 (HP 1351, LD 1910) "An Act to Create Employment Opportunities for People with Disabilities" was enacted. This public law included the shift toward integrated, community based employment for individuals receiving services and annual reporting on a systemic Plan. In January, 2007, a joint report from DHHS and The Department of Labor was submitted to The Labor Committee on Part B of LD 1910: Employment Opportunities for Individuals with Developmental Disabilities. Included within the report were seven recommendations to increase the outcome of employment for people with developmental disabilities. This collaboration between DHHS and DOL-Bureau of Rehabilitation Services (BRS) has had the outcome of increased efficiency and effectiveness as we jointly serve the same individuals and work with the same businesses.

In FFY2011, two hundred and twenty seven (227) individuals with a cognitive disability<sup>3</sup> were successfully closed in employment at minimum wage or above through The Maine Bureau of Rehabilitation Services. On average those individuals worked 21.9 hours per week and earned \$224.00 per week. As of September 30, 2011, there were 2,035 individuals in with a cognitive impairment in active case status with BRS.

### **Moving Forward 2012:**

OACPDS provides MaineCare employment services (in order to maintain employment) to over nine hundred (900) individuals who work in businesses throughout Maine. OACPDS continues through individual planning to focus on employment for all working age adults. Quality employment outcomes, sufficient wages, benefits, and integrated workplaces that allow people to be in the least restrictive environments are available to any recipients receiving MaineCare Section 21 or Section 29 Services by going to work. OACPDS is currently serving 3,000 working age adults (21-62) in the MaineCare Section 21 or Section 29 system. Individual planning for each of these people includes opportunities for discussion about employment and career development. An additional 100-150 people are believed to also be working and no longer require an ongoing paid employment MaineCare Service.

Businesses in Maine such as Procter and Gamble, Hannaford's Supermarkets, Wal-Mart, Mardens, Lowe's, and many small Maine businesses have hired individuals with developmental disabilities into their workforce. Support is also being provided to approximately 20 individuals who own their own business and are self-employed. People

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<sup>3</sup> Cognitive Impairment includes people with developmental disabilities and autism along with any individual who has an impairment that involves learning, thinking, processing information, and concentration.

with developmental disabilities do have access to opportunities for evaluation of work skills and interests, assistance with approaching employers, technology, and employment staff to provide support through the joint systems available to them by BRS and OACPDS MaineCare waivers.

OACPDS in conjunction with stakeholders: people with disabilities, families, businesses, advocacy agencies, commissions, and employment groups, providers of services, and The Department of Labor-Bureau of Rehabilitation Services is continuing to increase the numbers of citizens with developmental disabilities who are working in integrated, competitive employment in Maine.

### **2012 Report Findings:**

As requested, this report contains data regarding the outcomes of the employment of people with developmental disabilities in Maine in the fall of 2011. The data comes from two sources: (i) information provided by Community Providers of MaineCare Employment Services about specific service recipients and their employment in a web based portal during the Fall of 2011 (Sections 21 and Section 29-1915c Waivers); and (ii) Paid Claims information from MECMS and MHIMS on MaineCare Work Supports/Employment Services FY 2011 (Section 21 and Section 29, 1915 c Waivers).

#### (i) Community Provider Information

Based upon the request of The Committee of Health and Human Services, the Department evaluated two models for employment of people with developmental disabilities: individual employment, and group employment. As requested, we evaluated these two models by collecting data and analyzing differences by earned wages and by costs.

“Individual Employment” is one person working at one job or self employment in an integrated business in the community (who is receiving work support through MaineCare).

“Group Employment” is more than one person working (together) at an integrated business. It includes the models of mobile work crews, enclaves, small business, and multiple placements at a business (who are receiving work supports through MaineCare).

The evaluation collected outcome data to support both individual level outcome and systemic/resource outcomes. Information provided will assist the Department to:

- Clarify what services are necessary to:
  - Measure and document individual level progress.
  - Evaluate effectiveness of services and supports.
- Guide statewide program and service system planning and development.

- Document results of public tax dollar spending.
- Effectiveness of Employment by Person-Level Outcomes:
- Community agencies reported wage information for 708 persons working and receiving employment services from the community agency in September, 2011.
- These 708 people reported working at a total of 733 jobs in September, 2011.

**Finding 1:** The mean wage for persons in individual employment was significantly higher than the mean wage of those in group employment (\$7.86 vs. \$5.22).

**Finding 2:** In September, 2011, 6.2% of persons working in individual employment worked below the minimum wage vs. 61% in group employment.

Effectiveness of System/Resource:

- Community agencies reported billing information for 708 persons working and receiving employment services from the community agency in September, 2011. A total of \$27.50/hour was used for cost of billing to DHHS by a community provider for employment support.

**Finding 3:** On average, DHHS spends significantly less money (\$2.25/hour) for every dollar a person earns in individual employment vs. group employment (\$2.69/hour).

(ii) MaineCare Paid Claims Information

Claims to MaineCare from Section 21 and Section 29 Work Supports by Provider agency show 909 individuals received services during FY 2011. Average cost per person for support to maintain employment (Work Supports) was \$4,411.46. (Comparative FY 2010 data is provided in the appendix). This shows a decline in the average cost (957 people) from FY 2010 which was reported at \$5,305.99 per person.

**Section 2: Recommendations**

OACPDS with our stakeholders gathered input for recommendations. These are in two sections: (i) recommended changes to MaineCare rule in order to align Section 21 and Section 29 1915 c Waivers with the recent (September, 2011) Technical Guidance Bulletin from The Center for Medicare and Medicaid Services which will allow for increased employment opportunities for people; and (ii) recommendations for enhancement and continuation of practices that will increase the employment opportunities for people with developmental disabilities.

Recommendations have been developed through input gathered during the Employment Summit November, 2010, and from a work group in December, 2011. Stakeholders involved include: persons with disabilities, family, Employment Provider agencies, The Developmental Disabilities Council, The Disability Rights Center, The Commission on Disability and Employment, Department of Labor-Bureau of Rehabilitation Services, Work Force Development System, Maine APSE, and DHHS-OACPDS.

(i) MaineCare Section 21 and Section 29

Based on CMS Information Bulletin released September 16, 2011, regarding *Updates to the 1915(c) Waiver Instructions and Technical Guide regarding employment and employment related services* the following recommendations are necessary to ensure compliance and the intended focus on competitive, integrated employment. The Center for Medicare and Medicaid Services bulletin is attached.

1. **Within overall Definitions Section (21.02 or 29.02)** add language that clearly states integrated, community based employment is the intended outcome of employment services.
2. **Within Community Support Section (21.05 and 29.05)** add clear language that outlines Pathway to Employment (Career Planning) services available that allow a participant to build the skills necessary to perform work in the most integrated setting possible and in a job matched with individual strengths, skills, priorities, and capabilities determined through an individualized discovery process.
3. **Within Community Support Section (21.05 and 29.05)** add clear language that Pathway to Employment (Career Planning) services are to plan with people to obtain, maintain, and advance in competitive employment or self-employment at or above the States minimum wage. It may include benefits planning as well as assessment for use of assistive technology to increase independence in the workplace. It may be used to develop experiential learning opportunities and career options consistent with the person's skills and interests.
4. **Within Community Support Section (21.05 and 29.05)** add clear language that Pathway to Employment (Career Planning) must be time limited, included within the Person Centered Planning process with employment related goals, and have the optimal outcome of competitive, integrated employment for which the person is compensated at or above minimum wage.
5. **Within Community Support Section (21.05 and 29.05)** add clear language that Pathway to Employment (Career Planning) services can be provided within a variety of community settings as documented in the Person Centered Plan and must be reviewed at least annually.

6. **Within Community Support Section (21.05 and 29.05)** add clear language that Pathway to Employment (Career Planning) includes transportation within the fixed rate statement.
7. **Within Employment Setting (21.07 and 29.07)** - this language can be included within the recommended new rules for **individual and small group (below)** - and clarify language to align with CMS Integrated definition and align expectations regarding the payment of at least minimum wage for all individual employment supports service recipients. Within small group employment require employee being paid subminimum wage be reviewed at 2 year point on a Federal and State subminimum wage certificate. Add clear language that Person centered plan must address the need to evaluate and review subminimum wages and have a clear goal regarding the usage of a Certificate.
8. **Develop new Employment Services Sections**

A. **Supported Employment – Individual Employment Support.** Supports to recipients that who because of their disabilities need intensive ongoing support to obtain and maintain an individual job in competitive or customized employment, or self-employment, in an integrated work setting in the general workforce for which the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

- Expand self-employment to include home-based self-employment – ongoing counseling, guidance, and support once the business has been launched.
- Add in Customized employment for individuals with severe disabilities – include long term support to successfully maintain a job due to the ongoing nature of the recipients support needs, changes in life situation, or evolving and changing job responsibilities.
- Add in coworker support model – allowing qualified coworkers to provide onsite individual Employment Supports for a stipend (TBD).
- Continue Employment Specialist Services and Work Supports Services under this section (update and align training requirements and other information as needed).

B. **Supported Employment – Small Group Employment Support.** Supports to recipients that are provided in regular business, industry and community settings for groups of 2-8 workers with disabilities. Mobile



work crews, and business based workgroups (enclaves) are examples of the models allowed. Supported Employment-Small Group Employment must be provided in a manner that promotes the integration into the workplace and interaction between participants and people without disabilities in those workplaces. The outcome of this service is sustained paid employment and work experience leading to further career development and individual integrated community based employment for which the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Supported Employment-Small Group Employment support does not include vocational services provided in a facility based work setting.

- Information must be provided to the recipient that individual employment is available to them in order to make an informed decision.
- Add in coworker support model – allowing qualified coworkers to provide Supported Employment-Small Group Employment Support for a stipend (TBD).
- Continue Employment Specialist and Work Supports Services under this section (update and align as needed).

9. Clarify that Ticket to Work Milestone and Outcome payments are not in conflict with Medicaid Services.

(ii) Enhancement of Employment Practices

10. DHHS to develop clear internal practices that support individual employment as the preferred outcome for recipients of OACPDS in order to increase employment opportunities for waiver participants.
11. DHHS together with Bureau of Rehabilitation Services (BRS) and other stakeholders continue discussions concerning transportation resources available and identify methods to improve knowledge of people and support staff about those options.
12. DHHS together with BRS and other stakeholders determine current usage of Impairment Related Work Expenses (IRWE) and Plans to Achieve Self Support (PASS) available through the Social Security Administration and develop a plan to increase their usage to offset work related expenses such as transportation.
13. DHHS to develop a secondary internal review process for situations where individuals are being paid subminimum wage, ensure they are legally covered

under a Certificate from DOL, and make recommendations to the team on ways to move toward employment at minimum wage or better.

14. DHHS to develop new resources that are for families, transition age youth, and support teams that provide information on customized employment and stories of successful employment.
15. DHHS to continue to develop and add to [www.employmentforme.org](http://www.employmentforme.org) the web site created as a one-stop informational clearing house on employment and disability for people with disabilities, Providers of Employment Services, and Business.
16. DHHS to continue to enhance the Employment Workforce Development System in Maine through [www.employmentformewds.org](http://www.employmentformewds.org) that is in conjunction with Syntiro Inc. and The Bureau of Rehabilitation to provide quality employment training, mentoring, and certification for employment staff across the State of Maine.
17. DHHS to continue the Business Development work that has occurred in conjunction with The Department of Labor-Bureau of Rehabilitation Services over the past year. Strengthen ties with The Maine State Chamber of Commerce, Walgreens, Procter and Gamble, L.L. Bean, and other businesses that are now working in partnership with the State of Maine to offer increased opportunities to people with disabilities.
18. DHHS to continue to provide support and guidance to the start-up of the Maine affiliate of The United States Business Leadership Network to promote the business-to-business approach to employment of people with disabilities.
19. OACPDS to continue to work together with Office of Adult Mental Health Services and other Offices within DHHS to create effective employment support systems.
20. DHHS to further enhance the Employment Outcome data being collected by OACPDS yearly by moving toward a permanent, ongoing reporting system that allows for the management of resources based on desired quality employment outcomes.

**Section 3: Data on Employment Outcomes 2011**

(i) Community Provider Employment Outcomes 2011

- Data based on 708 persons.
- Data based on information for September, 2011.
- Data reported by Community Provider Agencies.

		<b>Group 1: Individual Placement</b>	<b>Group 2: Group Placement</b>
<b>Person Level Outcomes</b>	Sample Size	438 jobs	295 jobs
	Wage: Mean	\$ 7.86*	\$ 5.22*
	Wage: Median	\$ 7.58	\$ 5.34
	Wage: High	\$ 12.98	\$ 12.30
	Wage: Low	\$ 0.33	\$ 0.30
	Count and Percentage: Below Minimum Wage	27 or 6.2%	180 or 61%
	Persons working under Federal Minimum Wage certification	28	88
	Count and Percentage: At or above Minimum Wage	411 or 93.8%	115 or 39%
	<b>Systemic / Resource Level Outcomes</b>	Average \$ Earned by Person	\$ 199.57
Average \$ Billed to DHHS		\$ 448.94	\$ 477.07
		On average, for every \$1 earned, DHHS pays \$2.25 to support the person in an individual placement*	On average, for every \$1 earned, DHHS pays \$2.69 to support the person in a group placement*

**\* Differences were found to have statistical significance. “Statistical significance” means that the results were not likely to have occurred by chance but more likely to be attributed to a specific cause.**

(ii) MaineCare Claims Paid 2011

- Data by Community Provider Agency/Organization.
- Data on 909 persons.
- Data from full FY 2011.
- Data from both MECMS and MHIMS systems.

<b>MaineCare Comprehensive and Support Waiver                      Work Support Paid Claims for FY2011                      Prepared by the Office of Adults with Cognitive and Physical                      Disability Services – January 2012</b>				
ORGANIZATION-Provider Agency	Paid Service Hours	Total Paid Amount	People Supported	Average Cost Per Person
AMICUS	24,790	\$674,740.77	74	\$9,118.12
WORK OPPORTUNITIES UNLIMITED	14,176	\$382,351.03	96	\$3,982.82
WORK FIRST INC	12,457	\$339,036.39	39	\$8,693.24
PATHWAYS INC	9,312	\$252,770.01	52	\$4,860.96
PERSONAL ONSITE DEVELOPMENT	8,486	\$234,055.52	20	\$11,702.78
YORK - CUMBERLAND ASSOCIATION FOR HANDICAPPED PERSONS	6,989	\$192,063.45	68	\$2,824.46
EMPLOYMENT SPECIALISTS OF MAINE	6,949	\$185,802.99	46	\$4,039.20
MAINE VOCATIONAL AND REHABILITATION ASSOCIATES, INC.	6,752	\$183,969.92	74	\$2,486.08
GOODWILL INDUSTRIES OF NORTHERN NEW ENGLAND	5,856	\$159,268.59	49	\$3,250.38
INDEPENDENCE ASSOCIATION INC	4,896	\$131,746.06	34	\$3,874.88
THE PROGRESS CENTER INC	4,856	\$129,445.03	25	\$5,177.80
SKILLS, INC.	4,227	\$116,212.38	39	\$2,979.80
SUPERIOR EMPLOYMENT ASSOCIATES, LLC	3,978	\$105,904.96	23	\$4,604.56
GROUP HOME FOUNDATION INC	3,850	\$104,043.87	31	\$3,356.25
COMMUNITY LIVING ASSOCIATION	3,546	\$96,843.65	15	\$6,456.24
MOBIUS INC	3,493	\$92,435.07	19	\$4,865.00
KFI	2,204	\$60,759.63	15	\$4,050.64
PERSONAL SERVICES OF AROOSTOOK, INC.	2,088	\$57,097.33	12	\$4,758.11
COMMUNITY PARTNERS, INC.	1,944	\$52,605.83	19	\$2,768.73
WABAN PROJECTS INC	1,854	\$51,244.56	14	\$3,660.33
HOPE ASSOCIATION, INC.	1,610	\$44,431.30	15	\$2,962.09
CENTRAL AROOSTOOK A.R.C.	1,367	\$37,770.06	11	\$3,433.64
CHARLOTTE WHITE CENTER	1,230	\$33,997.20	18	\$1,888.73
BEST	1,228	\$33,637.88	7	\$4,805.41
ELMHURST INC	1,129	\$31,198.65	8	\$3,899.83
UPLIFT INC	1,120	\$30,846.24	8	\$3,855.78
MAINE MEDICAL CENTER VOCATIONAL SERVICES	925	\$23,680.57	13	\$1,821.58
JOHN F. MURPHY HOMES INC.	818	\$22,118.91	4	\$5,529.73

DEH (DOWNEAST HORIZONS) OPERATING CO	714	\$19,741.87	3	\$6,580.62
COASTAL OPPORTUNITIES	704	\$17,309.55	5	\$3,461.91
GREEN VALLEY ASSOCIATION, INC.	598	\$16,397.43	6	\$2,732.91
MEDICAL CARE DEVELOPMENT	519	\$14,338.25	11	\$1,303.48
MOMENTUM INC.	515	\$14,234.60	3	\$4,744.87
TRI COUNTY MENTAL HEALTH SERVICES	983	\$13,186.54	17	\$775.68
PEREGRINE CORP	302	\$8,347.28	1	\$8,347.28
GREAT BAY SERVICES	240	\$6,619.78	3	\$2,206.59
LANDMARK HUMAN RESOURCES	221	\$6,101.53	1	\$6,101.53
MOTIVATIONAL SERVICES INC	219	\$6,046.25	1	\$6,046.25
JOB PLACEMENT SERVICES INC	209	\$5,769.85	2	\$2,884.93
SMITH, E. TERRANCE	198	\$4,871.55	2	\$2,435.78
COMMUNITY REHABILITATION SERVICES INC.	156	\$4,318.75	2	\$2,159.38
DANFORTH HABILITATION ASSOCIATION	135	\$3,738.31	2	\$1,869.16
WOOSTER HILL HOME	120	\$3,123.32	5	\$624.66
ADDISON POINT SPECIALIZED SERVICES	98	\$2,314.85	3	\$771.62
GALLANT THERAPY SERVICES	72	\$1,990.08	2	\$995.04
EASTER SEALS NEW HAMPSHIRE	42	\$1,160.88	1	\$1,160.88
SUNRISE OPPORTUNITIES	12	\$331.68	2	\$165.84
<b>TOTALS</b>	<b>148,183</b>	<b>\$4,010,020.20</b>	<b>909</b>	<b>\$4,411.46</b>

**Section 4: Appendices**

MaineCare Comprehensive and Support Waiver, Paid Claims 2010

DHHS Employment of People Served Policy

The Center for Medicare and Medicaid Services Informational Bulletin

Fall 2011 Outcome Based Employment Screenshot

The Maine Biz Article on Disability Employment in Maine

The Economics of Supported Employment Article