



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Memorandum

Date: January 20, 2022

To: Local Management Entities-Managed Care Organizations (LME-MCOs)

From: Dave Richard, Deputy Secretary for NC Medicaid
Chris Egan, Senior Director for Employment and Community Inclusion, DHHS
Deepa Avula, Director, DMH/DD/SAS
Kathie Trotter, Director, DVRS

Subject: NCDHHS Enhancing Support for Individuals with Disabilities Choosing to Seek & Maintain Competitive, Integrated Employment and Other Meaningful Day Options

In January 2022, pursuant to a formal agreement with Disability Rights of North Carolina (DRNC) and the Center for Public Representation (CPR), the NC Department of Health and Human Services (NCDHHS) will move forward with important new steps to advance its ongoing work to promote and expand Competitive Integrated Employment (CIE) services to maximize employment opportunities for individuals with intellectual and other developmental disabilities (I/DD). CIE is defined as working in the community, earning minimum wage or above. It also reflects access to the same employment benefits offered to others in the same workplace such as healthcare, vacation time, sick leave and retirement savings. The goal is to explore, seek, obtain and maintain CIE, for all individuals, particularly those receiving services in segregated employment settings. These new steps will include implementation of the new Strategic Plan to promote and expand CIE for Individuals with I/DD (CIE I/DD Plan) adopted by the Department on January 20, 2022.

CIE I/DD Plan. The plan's implementation is contingent upon additional funding from the General Assembly. The Department's new CIE I/DD Plan will update and expand available pathways to CIE for individuals with I/DD. Services and related supports addressed in the Plan include ADVP Services and Day Components of Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-IID) In Lieu Of Services provided in ADVP settings. Key components of the CIE I/DD Plan, which is subject to available funding, include:

- No new admissions to ADVP Services and Day Components of ICF-IID In Lieu of Services Provided in ADVP Setting (collectively, ADVP) after June 30, 2022;

- By July 1, 2023, conduct employment assessments and develop career development plans for individuals who have received ADVP since Jan. 1, 2020;
- Facilitate the provision of individualized supported employment services and related support services, focusing initially on individuals who have received ADVP since January 1, 2020.
- Facilitate the provision of the information, reasonable accommodations, and opportunities sufficient to allow individuals receiving ADVP to make an informed choice to seek CIE and/or other meaningful day options.
- Make guidance and technical assistance available to ADVP providers, through nationally recognized experts, to assist them with transforming their program and business models to become providers or, or to increase capacity within their existing, Integrated Employment Services resulting in CIE.
- Establish and implement core competencies and training requirements consistent with professional standards from accepted accreditation or certification entities like APSE, ACRE, or other similarly recognized organizations for job developers, job coaches, discovery leaders, and case managers who are responsible for the provision of Individual Supported Employment and other services that allow people to work in CIE.
- End funding for ADVP by July 1, 2026;
- Phased Implementation of CIE updates and reforms by July 1, 2028

Agreement to Work in Consultation with DRNC and CPR. NCDHHS developed the CIE I/DD Plan as part of an ongoing effort in consultation with Disability Rights of North Carolina (DRNC) and Center for Public Representation (CPR) (a disability rights public advocacy law firm). NCDHHS received a demand letter in June 2020 from DRNC and CPR alleging that the State of North Carolina violated the Americans with Disabilities Act (ADA) and the Supreme Court’s decision in *Olmstead* by failing to serve individuals with intellectual and developmental disabilities (I/DD) in the most integrated employment setting appropriate for their needs. Since receiving the demand letter, NCDHHS has been working cooperatively with DRNC and CPR and has reached an agreement with them to develop and implement a comprehensive plan to update and expand Competitive Integrated Employment services and supports for North Carolinians with I/DD.

The focus of the Department’s agreement with DRNC and CPR and the new CIE I/DD Plan are individuals in segregated facility-based and sub-minimum wage day programs. Implementation of the Department’s CIE I/DD Plan will include continuing to move forward with ongoing key updates to improve supported employment opportunities for individuals with I/DD and align Medicaid and State-funded supported employment services for these individuals, all consistent with the Department’s future vision for facilitating supported employment as part of tailored care planning for individuals with I/DD.

The DHHS CIE I/DD Plan provides a framework for how DHHS will enhance employment services and supports for individuals with intellectual and other developmental disabilities, including Traumatic Brain Injury (TBI), by aligning them with evidence-based and promising practices to promote informed choice towards a successful transition to CIE.

The new CIE I/DD Plan builds upon the Department’s strong history in support of North Carolinians with disabilities living their lives as fully included members of the community. This step also aligns

closely with the Department's commitment to equity and inclusion and its ongoing work to implement its updated Olmstead Plan in keeping with the integration mandate of the Americans with Disabilities Act.

Prioritizing competitive integrated employment for North Carolinians with disabilities is consistent with the Home and Community Based Services (HCBS) Final Regulation settings requirements, the integrated setting principles of the U.S. Supreme Court's landmark *Olmstead v. L.C.* decision, and other federal reports that have determined that segregated work settings, as well as subminimum wage jobs, are no longer best practices in serving these individuals. The Department will continue to advance the unified collaborative work across Divisions to help support individuals with disabilities making informed choices regarding employment options and potential training opportunities and understanding how to access support services, which could lead to employment in a competitive setting.

Next Steps:

- In support of CIE alignment efforts, DHHS will create web pages and online resources that will go live in January 2022.
- DHHS also will create formal and informal stakeholder advisory groups for individuals, families and providers to serve as an ongoing platform for education, stakeholder feedback and input, and sharing of perspectives as the CIE I/DD Plan is implemented.
- DHHS will be submitting a detailed funding plan to, and engaging cooperatively with, the General Assembly, regarding the additional State funds needed to implement the CIE I/DD Plan.
- DHHS will host virtual trainings for service providers on CIE, Career Development Planning and Assessments, Supported Employment, Customized Employment and other topics beginning February 2022.
- DHHS will host monthly technical assistance calls for LME/MCO and Future Tailored Plan care managers beginning in February 2022.
- Individuals will continue to have access to supported employment services through their respective LME/MCO or future BH I/DD Tailored Plan. The key difference is that DHHS will support such entities, providers and individuals to facilitate an informed choice process so that individuals are aware of options that support with Competitive Integrated Employment goals.
- Persons with disabilities that want to apply with the NC Division of Vocational Rehabilitation Services for assistance in seeking competitive integrated employment are encouraged to request information at <https://www.ncdhhs.gov/divisions/vocational-rehabilitation-services/vocational-rehabilitation-information-request>

To learn more:

- DHHS will host stakeholder webinars, trainings, and town halls beginning in January 2022 to launch the initiative and inform stakeholders about what happens next.

- Stakeholders can visit our CIE Initiative web pages (launching in January 2022), which will host an expanding library of information and resources related to the initiative.

The Department understands that the unprecedented circumstances of the ongoing COVID-19 pandemic have given rise to operational and other challenges for providers and the individuals and families they serve. The Department also realizes the pandemic has contributed to certain economic developments across the U.S. which may significantly impact potential competitive, integrated employment opportunities in local communities for some time to come. With these key factors in mind, we are committed to implementing these updated supported employment services in a transparent and forward-thinking manner informed by feedback from individuals with disabilities and their families, providers, advocates, and other stakeholders.

Detailed communications will be provided by NC DHHS in the near future regarding the phased rollout of the CIE I/DD Plan, including upcoming opportunities for stakeholder input.

If you have any questions, please contact the Department via email at DMHIDDContact@dhhs.nc.gov or call LaToya Chancey at 984-236-5044.

Previous bulletins can be accessed at:

www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins

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