

**Employment and Community First (ECF) CHOICES
Referral List Management and Intake/Enrollment Prioritization Criteria**

Definitions

For purposes of intake/enrollment priority groups, the following definitions shall apply;

Employment: Sustained paid employment in a competitive or customized job that is expected to continue with an employer for which an individual is compensated at or above the state’s minimum wage, with the optimal goal being 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; does not include a paid internship which is expected to be time-limited. May also include sustained self-employment that is home-based or conducted in an integrated setting where net income in relation to hours worked is equivalent to no less than the state’s minimum wage, after a reasonable self-employment start-up period.

Paid Internship: Internship that mirrors the same aspects of employment such as: occurs in an integrated setting, qualifications requirements, earning competitive wage, benefits and opportunities for interns to become hired employees; but is expected to be time-limited.

Unpaid Internship: Internship that while unpaid, mirrors many aspects of employment such as: occurs in an integrated setting, qualifications requirements and teaches job skills that may be used for opportunities to obtain employment; also expected to be time-limited and a preparation for employment.

Volunteer Opportunity: Time willingly given without financial gain to take on tasks, responsibilities or projects that will aid in the development of skills that may be transferrable to a paid internship or employment.

Referral List Management

Upon implementation of the ECF CHOICES program, there will be no new enrollment into the existing 1915(c) waivers, except for the limited populations (current and former Arlington and Clover Bottom class members and persons institutionalized in a state institution—GVDC or HJC—for a minimum of 90 days) specified in the currently approved Comprehensive Aggregate Cap waiver application.

A new intake and enrollment process will be established for ECF CHOICES. This includes the establishment and management of a new statewide referral list for ECF CHOICES.

The waiting lists for the current 1915(c) HCBS waivers will be one source of “referrals” for ECF. Notification will be provided to each of the persons on the current waiting list for HCBS waivers, advising that enrollment into the HCBS waivers will be closed. The notice will also advise them that they will be “referred” for potential enrollment into a new HCBS program, ECF CHOICES. The notice will explain enrollment and prioritization criteria for ECF CHOICES, and set appropriate expectations regarding the volume of enrollment expected in the first year. Persons on the waiting list for a Section 1915(c) waiver will be requested to

provide documentation of any priority category they may qualify in for ECF CHOICES, or if they may qualify for a reserve slot. Persons on the waiting list who do not respond to the notice will be automatically placed on the ECF CHOICES referral list in the “Other active” category, unless they are currently on the HCBS waiver waiting list in a “Deferred” category, in which case they will be automatically placed on the ECF CHOICES referral list in the “Deferred” category.

The referral list for ECF CHOICES will be maintained electronically on a statewide basis.

Outreach will also be conducted to other potential referral sources for ECF CHOICES, targeted primarily to persons with DD who have not been eligible for the current HCBS waivers, and to specified groups that will be prioritized for intake and enrollment. Potential referral sources include but are not limited to students identified by local school districts, persons served by advocacy organizations serving people with developmental disabilities and their families, persons served in the Family Support program, and medical/clinical professionals.

ECF Intake/Enrollment Prioritization Criteria

ECF CHOICES is specifically designed to promote integrated employment and community living as the first and preferred outcome for individuals with I/DD. As such, individuals, regardless of their level of disability, who need assistance maintaining individualized integrated employment and those who need assistance obtaining individualized integrated employment will be prioritized for enrollment. This is also consistent with feedback received from stakeholders during the public input process used to develop the new program, and will help set expectations and align incentives in the education and transition planning processes.

Please note that these criteria apply **only** to prioritization for enrollment into ECF CHOICES. Employment is not a condition or requirement for participation in ECF CHOICES. Persons who are not employed and not interested in employment may be enrolled in ECF CHOICES in accordance with specified intake and enrollment policies and procedures, including prioritization criteria. Persons prioritized for enrollment in ECF CHOICES on the basis of employment who are enrolled in ECF CHOICES and subsequently lose their job will not be disenrolled from ECF CHOICES, but will be assisted in pursuing new employment opportunities, in accordance with the person’s goals and person centered support plan.

The second priority population identified by stakeholders in the public input process is individuals with aging caregivers. Pursuant to State law, individuals who have an intellectual disability and have aging caregivers (currently defined by TN state statute as caregivers age 75 or older) will be eligible for enrollment in ECF CHOICES, subject to Medicaid and program eligibility criteria. Reserve capacity will be established in the new program based on the number of persons who have an intellectual disability and have aging caregivers expected to be served in each program year.

In addition, reserve capacity will be established in the new program for a limited number of individuals in an emergent situation. An emergent situation will be defined as one that meets one or more of the criteria below **and** for which enrollment into ECF CHOICES is the most appropriate course, as determined through an interagency committee review process, including both TennCare and DIDD. The review will include consideration of other options, including the relative costs of such options. Discharge from another service system (DCS, DMHSAS, etc.) shall not be deemed an emergent situation unless other emergent criteria are

met **and** unless diligent and timely efforts to plan and prepare for discharge and to facilitate transition to community living without long-term services and supports available in ECF CHOICES have been made, and it is determined through the interagency committee review process that enrollment in ECF CHOICES is the most appropriate way to provide needed supports.

Emergent criteria shall be as follows:

- The person's primary caregiver is recently deceased and there is no other caregiver available to provide needed long-term supports;
- The person's primary caregiver is permanently incapacitated and there is no other caregiver available to provide needed long-term supports;
- There is clear evidence of serious abuse, neglect, or exploitation in the current living arrangement; the person must move from the living arrangement to prevent further abuse, neglect or exploitation; and there is no alternative living arrangement available;
- Enrollment into ECF CHOICES is necessary in order to facilitate transition out of a long-term care institution, i.e., a NF or a private or public ICF/IID into a more integrated community-based setting.
- The person is an adult age 21 or older enrolled in ECF CHOICES Group 4 (Essential Family Supports) or ECF CHOICES Group 5 (Essential Support for Employment and Independent Living) and has recently experienced a significant change in needs or circumstances. TennCare has determined via a Safety Determination that the person can no longer be safely served within the array of benefits available in ECF CHOICES Group 4 (Essential Family Supports) or 5 (Essential Supports for Employment and Independent Living), as applicable, the person meets NF level of care, and must be transitioned to ECF CHOICES Group 6 in order to sustain community living in the most integrated setting.
- The health, safety or welfare of the person or others is in immediate and ongoing risk of serious harm or danger, other interventions including Behavioral Health Crisis Prevention, Intervention and Stabilization services, where applicable, have been tried but were not successful in minimizing the risk of serious harm to the person or others without additional services available in ECF CHOICES, and the situation cannot be resolved absent the provision of such services available in ECF CHOICES.

All requests for enrollment in a reserved emergent "slot" will be subject to critical review. Review of emergent circumstances and selection of persons who meet criteria for reserve slots will be determined by an interagency review committee, including both DIDD and TennCare.

In addition, reserve capacity will be established for a limited number of individuals who have multiple complex chronic or acquired health conditions that prevent the person from being able to work, **and** are in urgent need of supports in order to maintain the current living arrangement and delay or prevent the need for more expensive services, **and** for which enrollment into ECF CHOICES is the most appropriate course, as determined through an interagency committee review process, including both TennCare and DIDD. The review will include consideration of other options, including the relative costs of such options.

This document describes employment-related prioritization categories for intake/enrollment into ECF CHOICES. The categories and corresponding criteria/guidance are listed in the order of prioritization. These criteria will be applicable for all non-reserve capacity slots for individuals of all ages, levels of disability, and all ECF CHOICES benefit groups.

- 1 - **Any age or level of disability, employed and in need of supports to maintain employment** that are not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730, or as special education or related services as those terms are defined in section 602 of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1401. Includes youth age 18-22 transitioning from school and young adults completing post-secondary education or training who are employed and in need of supports to maintain employment. If employment is lost after enrollment occurs, persons will not be disenrolled if other supports are needed, which may include supports to obtain and maintain new employment
- 2 - **18-22 years old, regardless of the level of disability, transitioning from school and young adults completing post-secondary education or training who are employed or who have the commitment of employment from an employer and in need of employment supports** that are not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730; includes 18-22 year olds and young adults completing post-secondary education or training participating in paid or unpaid internships with the commitment of employment and individuals with more significant needs who may require employment customization
- 3- **Any age or level of disability, recently unemployed and in need of supports to obtain and/or maintain new employment** that are not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730
- 4 - **18-22 years old, regardless of the level of disability, transitioning from school with expressed desire for employment**
- 5 - **Unemployed, regardless of the level of disability, with desire and commitment to work**

For Essential Family Supports *only*, there will be an additional priority category, as follows:

- 6 - Youth of transition age, regardless of the level of disability, living at home with family caregivers who are actively planning for employment as part of the transition process, and in need of supports provided in ECF CHOICES, including for individuals with more significant needs, employment customization, in order to achieve and maintain employment that are not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730, or as special education or related services as those terms are defined in section 602 of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1401.

Priority Categories and Intake Guidance:

Priority	Descriptor	Intake Guidance
1	Any age or level of disability, employed and in need of supports to maintain employment	<ul style="list-style-type: none"> • Verify employment and need for on the job supports • Are VR benefits exhausting? • Are school benefits exhausting? • Need assistance with performance issues? • Loss of transportation? • Change in work environment? <ul style="list-style-type: none"> - Loss of natural coworker support • Change in person’s condition?

		<ul style="list-style-type: none"> - New medical condition - Emotional trauma • Promotion or new job duties? - Assigned or desired
2	18-22 years old, regardless of the level of disability, transitioning from school and young adults completing post-secondary education or training who have a commitment of employment and are in need of employment supports	<ul style="list-style-type: none"> • Review school records • Verify with identified employer the commitment to employ • Verify need for employment or non-employment supports, if applicable
3	Any age or level of disability, recently unemployed and in need of supports to obtain and/or maintain new employment	<ul style="list-style-type: none"> • Verify recent employment via last pay stub • Explore reasons for unemployment • Verify need for supports to obtain/maintain new employment
4	18-22 years old, regardless of the level of disability, transitioning from school with expressed desire for employment	<ul style="list-style-type: none"> • Review school records • Verify transition plan documents, including planning/preparation for employment • Initiation of an active case with VR • Establishment of a Ticket to Work • Is the person volunteering or participating in an unpaid internship
5	Unemployed, regardless of the level of disability, with desire and commitment to work	<ul style="list-style-type: none"> • Has the person had previous employment • What has or is the person doing to prepare for employment <ul style="list-style-type: none"> - Volunteering or participating in an unpaid internship - Training - Secondary education - Skills/vocational certification - Initiation of an active case with VR - Establishment of a Ticket to Work
6	Transition age youth under age 21 planning for employment in need of employment supports not available through IDEA or VR <i>Note: This priority category only applicable to individuals enrolling in Group 4.</i>	<ul style="list-style-type: none"> • Review school records including IEP/504 plan, as appropriate and other related documents • Review VR application and documentation • Interview person and parents/primary caregiver • Verify services not available through IDEA or VR

Individuals actively seeking services who do not fall into one of the above prioritization categories will be categorized as "Other active."

Individuals not actively seeking services will be categorized as "Deferred."

Prioritization criteria will be reviewed on a periodic basis and adjusted as necessary based on input and to ensure program objectives are met.

Copies of all documentation reviewed as part of the screening process shall be maintained as part of the intake file.