

Whatcom County Developmental Disabilities Employment and Community Access Services

Program Implementation Guide



2011-2013

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2011-2013 Developmental Disabilities Program Implementation Guide

Table of Contents

Whatcom County Developmental Disabilities.....	i
Program Implementation Guide	i
1.0 PURPOSE.....	1
1.1 Modification.....	1
2.0 DEFINITIONS OF TERMS	1
3.0 APPLICABLE POLICIES, LAWS, AND REGULATIONS.....	3
4.0 ORDER OF PRECEDENCE	4
5.0 HEALTH, SAFETY, AND INDIVIDUAL RIGHTS.....	4
5.1 Background Checks	4
5.2 Mandatory Reporting Requirements.....	5
5.3 Access to Disability Rights Washington (DRW).....	6
5.4 Client Rights	6
5.5 Health and Safety Regulations.....	7
5.6 Staff Intervention	7
5.7 Community Protection Standards for Employment and Day Program.....	7
5.8 Updated Medical Information.....	7
5.9 Confidentiality	8
5.10 Non-Discrimination	9
5.11 Culturally-Appropriate Services	9
6.0 SERVICES ACCORDING TO INDIVIDUAL NEED.....	9
6.1 Eligibility	9
6.2 Admission and Termination Criteria	9
6.3 DSHS/DDD Individual Service Plan.....	10
6.4 Individual Plan for County Services.....	10
6.5 Annual County Plan Review.....	10
6.6 Progress Reports	10
6.7 Assessing Employment Strategies and Progress Measures	11
6.8 Pathway to Employment Plan.....	11
6.9 Community Access Plan	12
6.10 Informed Choice	12
6.11 Staffing Levels.....	13
6.12 Other Services/Supports.....	13
6.13 DVR and Social Security Work Incentives	13
6.14 Transportation.....	13
6.15 Documentation.....	13
7.0 ORGANIZATIONAL REQUIREMENTS.....	14
7.1 Board of Directors.....	14
7.2 Administration	15
7.3 Performance Plan.....	15
7.4 Client Involvement.....	15
7.5 Continued Qualification.....	15
7.6 Audit Requirement.....	16

8.0	Staff Training	
8.1	Staff Qualifications	16
8.2	Staff Training	17
8.3	Training Reimbursement	18
9.0	DSHS/DDD COUNTY SERVICE AUTHORIZATIONS.....	18
9.1	Necessary Pre-Authorization	18
9.2	County Service Authorization.....	18
9.3	Coordination with the Division of Developmental Disabilities (DDD)	19
10.0	COUNTY-GENERATED SERVICES FORMS	19
10.1	Service Change Form.....	19
10.2	Communication of Service Changes	20
10.3	Exceptional Funding Request	20
10.4	Exception to Minimum Service Level	20
10.5	Individualized Technical Assistance.....	20
11.0	OUTCOMES	20
12.0	MONITORING AND EVALUATION	21
12.1	Access to Records	21
12.2	Corrective Action.....	21
12.3	Extended Records Retention Timeframe	21
13.0	NON-COMPLIANCE.....	22
	Attachment A: DDD Policy 6.08 Reporting Timelines.....	23
	Attachment B: DDD Policy 6.08 Assurance Form.....	24

2011-13 Developmental Disabilities Program Implementation Guide

1.0 PURPOSE

The Whatcom County Health Department, Developmental Disabilities Program currently contracts with providers within the State of Washington to provide Employment and Retirement Services for clients of the Washington State Department of Social and Health Services, Division of Developmental Disabilities (DSHS/DDD).

The purpose of this Program Implementation Guide (PIG) is to provide an overview of County service requirements, policies, and procedures related to the implementation of County-funded employment and retirement services.

The requirements outlined in this guide, as well as those contained in the attached contract, will provide the basis for contract compliance reviews. All references to DSHS/DDD policy may be found online at <http://www1.dshs.wa.gov/ddd/policy.shtml#Ch4>.

1.1 **Modification**

This guide provides a summary of State policy and County procedures and references applicable state and federal laws. The Implementation Guide may be amended or updated with prior notification by the County and agreement from County-contracted providers. A contract amendment is not required.

2.0 DEFINITIONS OF TERMS

CMIS: Case Management Information System

Client: An individual with a developmental disability, authorized for service by the Washington State Department of Social and Health Services, Division of Developmental Disabilities

Confidential information Information that is exempt from disclosure to the public or other unauthorized persons under Chapter 42.56 RCW or other federal of state laws. Confidential information includes, but is not limited to personal information.

Contractor: A vendor (i.e. a for-profit or non-profit agency) that delivers specified services under contract with the Whatcom County Health Department, Developmental Disabilities Program

CSA: County Service Authorization

DDD:	Department of Social and Health Services, Division of Developmental Disabilities
DSHS:	Washington State Department of Social and Health Services
DVR:	DSHS, Division of Vocational Rehabilitation
<u>Encrypt:</u>	<u>Means to encode Confidential Information into a format that can only be read by those possessing a “key”; a password, digital certificate or other mechanism available only to authorized users. Encryption must use a key length of at least 128 bits.</u>
IRWE:	Impairment-Related Work Expense, a Social Security Work Incentives program
ISP:	Individual Support Plan; a document that authorizes and identifies the DDD paid services to meet a client’s assessed needs.
PASS:	Plan for Achieving Self-Support, a Social Security Work Incentives program
<u>Personal Information:</u>	<u>Information identifiable to the person, including but not limited to information that relates to a person’s name, health, finances, education, business, use or receipt of governmental services , address, telephone number, social security number, driver’s license number, financial identifiers or other identifying numbers.</u>
<u>Physically Secure :</u>	<u>Access is restricted through physical means to authorized individuals only.</u>
RCW:	Revised Code of Washington
<u>Secured Area:</u>	<u>An area to which only authorized representatives of the entity possessing the Confidential Information have access. Secured Areas may include buildings, rooms or locked storage containers (such as a filing cabinet) within a room, as long as access to the Confidential Information is not available to unauthorized personnel.</u>
<u>Trusted Systems:</u>	<u>Includes only the following methods of physical delivery (1) hand-delivery by a person authorized to have access to the Confidential Information with written acknowledgement of receipt; (2) United States Postal Service (“USPS”) first class mail, or USPS delivery services that include Tracking, such as Certified Mail,</u>

Express Mail or Registered Mail; (3) commercial delivery services (e.g. FedEx, UPS, DHL) which offer tracking and receipt confirmation; For electronic transmission, the Washington State Governmental Network (SGN) is a Trusted System for communications within that Network.

WAC: Washington Administrative Code

3.0 APPLICABLE POLICIES, LAWS, AND REGULATIONS

The Contractor will provide employment and community access services to persons determined eligible by DSHS/DDD in accordance with the following policies, laws, and regulations and will comply with all applicable federal state and local laws, rules, and regulations in implementing this contract.

A. Federal Law

Americans with Disabilities Act (ADA) (<http://www.usdoj.gov/crt/ada/adahom1.htm>)
Individuals with Disabilities Education Act (IDEA) (<http://idea.ed.gov/>)
Fair Labor Standards Act (FLSA) (<http://www.dol.gov/esa/whd/flsa/>)
Rehabilitation Act of 1973 (<http://www.ed.gov/policy/speced/reg/narrative.html>)

B. Revised Code of Washington

26.44	Abuse of Children
42.56	Public Records Act
43.43.830 - 845	Background Checks
49.17	Washington Industrial Safety & Health Act
71A.14.070	Confidentiality of Information, Oath
74.15.30	Background Checks
74.34	Abuse of Vulnerable Adults

C. Washington Administrative Code

296-24	General Safety & Health
296-62	General Occupational Health Standards
388-823	Division of Developmental Disabilities Eligibility
388-825	Division of Developmental Disabilities Service Rules
388-845	Home and Community Based Waivers
	0001: Definitions
	0030: Criteria for Waiver funded services
	0205: Basic Waiver Services
	0210: Basic + Waiver Services
	0215: Core Waiver Services
	0220: Community Protection Waiver Services
	0600-0610: Community Access- Service
	1200-1210: Person to Person

1400-1410: Prevocational Services
2100-2110: Supported Employment services

388-850-025: Program Operations, General provisions

D. DDD Policies (<http://www1.dshs.wa.gov/ddd/policy.shtml#Ch4>)

4.11 Working Age Adults Policy
5.01 Background Authorizations
5.06 Client Rights
5.13 Protection from Abuse
5.14 Positive Behavior Supports
5.15 Use of Restrictive Procedures
5.17 Physical/Manual Intervention Techniques
6.08 Mandatory Reporting
6.13 Day Program Provider Qualifications
9.07 HIV/AIDS

E. County Guidelines

Please see http://www1.dshs.wa.gov/pdf/adsa/ddd/c_guidelines.pdf.

F. County Criteria for Evaluation

Please see <http://www.dshs.wa.gov/pdf/adsa/ddd/CriteriaEvaluationSystem.pdf>

4.0 ORDER OF PRECEDENCE

In the event of any inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order to:

- Applicable federal, state, and local law, regulations, rules, and ordinances
- This Agreement
- Any document incorporated in the Agreement by reference

5.0 HEALTH, SAFETY, AND INDIVIDUAL RIGHTS

5.1 Background Checks

The contractor is required to conduct criminal background checks on persons who may have unsupervised access to individuals with developmental disabilities.

The Contractor will ensure that:

- The criminal background clearance is completed in line with timelines and requirements outlined in DSHS/DDD policy 5.01 *Background Authorizations*
- The criminal background clearance is completed every three years for all employees, interns, and/or volunteers who may have unsupervised access to vulnerable clients
- Individuals who have resided less than three (3) consecutive years in Washington state must be fingerprinted so that an FBI criminal history may be completed.
- Initial Background checks are completed before hiring.
- Applicant's information provided on the form is verified through photo identification such as driver's license, passport, tribal id. Etc.

The Contractor will make available upon request by the County proof of satisfactory background check clearance, free of disqualifying convictions from the DSHS Background Check Unit (BCCU), for each employee, subcontractor, intern, and/or volunteer involved with the provision of services specified in this Agreement. If an employee, volunteer, or intern is retained after the Contractor receives notice that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to vulnerable adults as defined in Chapter 74.34 RCW, then the County shall deny payment for any subsequent services rendered by the disqualified employee, volunteer, or intern.

DSHS/DDD background check forms and information may be found at:

<http://www.dshs.wa.gov/BCCU/bccuforms.shtml>

Current definitions and listing of disqualifying convictions are available online at:

<http://www.dshs.wa.gov/bccu/bccucrimeslist.shtml>

DSHS backgrounds completed through the Division of Vocational Rehabilitation will also be accepted.

5.2 Mandatory Reporting of Abuse , neglect and other incidents

The staff of the Contractor providing services to individuals with developmental disabilities are deemed mandatory reporters, and are responsible for reporting incidents of suspected abandonment, abuse, exploitation, financial exploitation, mistreatment and neglect of clients of the Division of Developmental Disabilities as well as other types of incidents.

Reporting of incidents involving DDD clients, shall be in line with the requirements and definitions listed within DDD Policy 6.08 .

- Reporting to the County and DDD must comply with the requirements, definitions and timelines outlined in the policy.
- Contractor must have policies and procedures in place consistent with Policy 6.08
- The contractor must use an approved incident reporting form, when providing written report of incidents to the County and DDD.
- Attachment A provides a summary of the reporting timelines in Policy 6.08

- Attachment B provides a copy of the form required for signature by all contractor's staff upon initial hire and then annually thereafter.(effective 7.1.11) This assurance form verifies that contractor's staff have read and will abide by Policy 6.08.
- DSHS form 10-331 DDD Mortality Review referenced in the policy can be found at the following link: http://www.dshs.wa.gov/pdf/ms/forms/10_331.pdf
- The afterhours DDD emergency contact # for Region II, including Whatcom County will be provided to a designated contact at each agency. This number is to be used ONLY AS DESCRIBED WITHIN THE POLICY RELATED TO INCIDENTS REQUIRING NOTIFICATION WITHIN 1 HOUR . See Attachment A.

5.3 Access to Disability Rights Washington (DRW)

Disability Rights Washington (DRW) has the authority and responsibility to investigate all reports of alleged abuse, neglect, and violation of civil rights of individuals with developmental disabilities pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (42 USC, sec. 6000, *et seq.*). If DRW is investigating an allegation of abuse, neglect, or rights violation, the Contractor will cooperate fully, allowing access by WPAS to clients and to client records as outlined in the DSHS/DRW Access Agreement.

5.4 Client Rights

The Contractor will provide each client who is receiving services and/or his/her legal guardian, as appropriate, with information explaining the client's rights as a consumer of contracted services. This information will include the following:

- a. Participant rights, per DSHS/DDD Policy 5.06
- b. Grievance procedures: The Contractor will have written grievance procedures approved by the County that:
 - Are explained to the client, guardian, or advocate upon entry into services
 - Ensures that conflicts are negotiated
 - Provides a dispute resolution process using someone unaffected by the outcome, if the conflict is unresolved
 - Ensures that advocates are available and that participants are encouraged to bring advocates to help negotiate.
 - Includes DDD case management in the grievance process
 - Includes a process for tracking and reporting grievances.
- c. Services and supports that may be expected from the program including type and amount of support.

Grievance procedures and participant's rights should be provided to the client upon entry into the program. The Contractor will confirm that the information was provided through documentation of a client or guardian's signature and date. The County recommends that clients' rights and grievance procedures be reviewed annually with the client/guardian.

5.5 Health and Safety Regulations

All services for persons with developmental disabilities must be provided with attention to their health and safety. The Contractor will comply with all state regulations and all local ordinances related to fire, health, and safety standards whenever services are delivered. This applies to the environment itself (e.g., a facility-based employment site or pre-school), a part of the environment (e.g., machinery present), or program components (e.g., community travel or mobility training).

Contractors will comply with all applicable federal, state, and local fire, health, and safety regulations, which include, but are not limited to:

- a. Federal: Occupational Safety and Health Act of 1970, P.L. 91-596, 84 USC 1590 (http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=2743&p_table=OSHACT)
- b. State: Washington Industrial Safety and Health Act, RCW 49.17, WAC 296-24 and 296-62; State Building Code Act/Uniform Fire Code, RCW 19.27

5.6 Staff Intervention

The Contractor will provide for staff intervention in the most dignified, age-appropriate manner necessary in all situations, including instances when a client's behavior jeopardizes the safety of him/herself or others, or the behavior significantly disrupts program operations. All interventions shall meet requirements under DSHS/DDD Policy 5.14, Positive Behavior Supports, Policy 5.15, Use of Restrictive Procedures, and Policy 5.17, Physical Intervention Techniques.

Restrictive procedures implemented under emergency guidelines as described in DDD Policy 5.15 *Use of Restrictive Procedures* and Policy 5.17 *Physical Intervention Techniques* must be reported in writing to DDD within 1 business day as outlined in Policy 6.08.

5.7 Community Protection Standards for Employment and Day Program Services

Services to DDD identified "community protection" clients referred for Employment or Community access services, will be provided in line with DSHS DDD policy 15.03 "Community Protection Standards for Employment and Day Program Services". For more information on the DDD Community Protection program please go to the DDD website. <http://www.dshs.wa.gov/pdf/EA/Q&ACommProt.pdf>

5.8 Updated Medical Information

The Contractor will maintain a file for each client containing current medical information (e.g., medications, dietary restrictions, allergies, etc.) needed for the safe provision of County-funded services by the Contractor. Medical information will be updated as needed and at minimum annually.

5.9 Confidentiality

- A. The contractor shall not use, publish, transfer, sell or otherwise disclose any confidential information for any purpose that is not directly connected with the performance of County funded services, except:
1. As provided by law
 2. In the case of personal information, as provided by law or with written consent of the person or personal representative of the person who is the subject of personal information.
- B. The Contractor's employees with access to confidential information are required to sign an oath of confidentiality, pursuant to RCW 71A.14.070. In order to share confidential information with other agencies, individuals, or entities, the Contractor will require Release of Information Forms (ROIF) signed by the client or guardian and indicating the type of information released, the agency to whom the information will be released, and for how long or for what purpose(s) the ROIF is valid.
- C. The contractor shall protect and maintain all confidential information gained by reason of contracted County services against unauthorized use, access, disclosure, modification or loss. This duty requires the contractor to employ reasonable security measures, which includes restricting access to the Confidential information by:
1. Allowing access only to staff that have an authorized business requirement to view the confidential information.
 2. Physically securing any computers, documents, or other media containing the confidential information.
- D. Ensure the security of Confidential information transmitted via fax (Facsimile) by verifying the recipient phone number to prevent accidental transmittal of Confidential information to an unauthorized provider.
- E. When transporting six (six) to one hundred and forty nine (149) records containing Confidential Information, outside of a Secure Area, do one or more of the following as appropriate:
1. Use a Trusted System
 2. Encrypt the Confidential Information, including
 - Email and/or email attachments
 - Confidential information when it is stored on portable devices or media, including but not limited to laptop computers and flash memory devices.
- F. In the event that the contractor ends its contractual relationship with the County, all client files and related confidential materials shall be returned to the County. Alternately, with approval from the County, the Contractor may certify in writing the destruction of

confidential materials. Certification must include the method used, entity contracted to carry out file destruction.

- G. Paper documents with Confidential information may be recycled through a contracted firm, provided the contract with the recycler specifies that the confidentiality of information may be protected, and the information destroyed through the recycling process. Paper documents containing Confidential information requiring special handling (e.g. protected health information) must be destroyed through shredding, pulping or incineration **on site** rather than through a contracted provider.
- H. The compromise or potential compromise of Confidential information must be reported to the County DD Coordinator and DDD Regional Administrator within one (1) business days of discovery. The contractor must also take actions to mitigate the risk of loss and comply with any notification or other requirements imposed by law.

5.10 Non-Discrimination

The Contractor will not discriminate against any person on the basis of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical handicap. The Contractor will have written policies prohibiting discrimination, in compliance with state law and Section 504 of the Federal Rehabilitation Act and the Americans with Disabilities Act.

5.11 Culturally-Appropriate Services

The Contractor will respect and support the linguistic and cultural ties of the client and his/her family in the delivery of services.

6.0 SERVICES ACCORDING TO INDIVIDUAL NEED

6.1 Eligibility

Client eligibility and service referral is the responsibility of DSHS/DDD, pursuant to WAC 388-825. Only persons referred by DSHS/DDD shall be eligible for services. Client services provided without authorization will not be reimbursable.

6.2 Admission and Termination Criteria

The Contractor retains the right to deny new referrals for service. The Contractor also retains the right to terminate services to individuals for cause.

- a. The Contractor shall have written policies and procedures in place detailing admission and termination criteria that are provided to the client upon request for or entry into services.
- b. The policies shall describe the reasons that may lead to non-acceptance of a referral or termination of current service to an individual.

6.3 DSHS/DDD Individual Service Plan (ISP)

The Individual Service Plan is the primary tool DDD uses to determine and document client need and to identify the services to meet those needs. The ISP determines the level of County funded Employment and Community Access Services. The County expects the contractor to:

- Identify a primary contact for communication with DDD related to scheduling of ISP meetings
- Identify and train appropriate staff to participate or provide information as needed for the ISP to accurately capture the client's support needs (including current range of service hours.)
- Ensure that staff provide accurate and current information about the individual's support needs
- Respond to DDD requests for information in a timely manner.

The contractor must keep a copy of the ISP in the client's file, or otherwise accessible to direct service staff as needed to provide safe and effective service.

6.4 Individual Plan for County Services

The individual employment or community access plan refers to a document created by the contractor with the individual and his or her circle of support. The Contractor is required to have a written annual individual plan for each client, completed within 60 days of County authorization. This individual plan is meant to be the "driver" or basis for support services delivered by the Contractor. If the client has an existing plan when he/she chooses a Contractor, the Contractor may either accept the plan or write a new one. The individual plan must be updated and reviewed at least annually.

The individual plan requires the development of a planning team including the client, client's guardian when applicable, DDD Case/Resource Managers, and others identified by the client/guardian to provide input. At a minimum, the DDD Case/Resource Manager and the individual and his/her guardian should receive a copy of the completed plan. Other members of the planning team may request a copy with the client's permission.

6.5 Annual Plan Review

The Employment or Community Access plan will be reviewed at least annually for all clients. Annual plan review should include review of current goals, supports and service strategies identified to achieve employment or community access goals.

At a minimum, the DDD Case/Resource Manager and the individual and/or his/her guardian should receive a copy of the updated plan with progress summary.

6.6 Progress Reports

In addition to annual review of the individual plan, the contractor will provide a written progress report every 6 months that describes the progress made toward the client's individual goals, and a brief description of the outcomes of service activities. The progress report will be sent to the DDD Case Resource Manager in a format approved by the County.

If participants in Individual Employment Services (or person-to-person) have not reached their employment goals within six (6) months the contractor will ensure the following:

- Review of progress toward employment goals
- Consultation with the family/participant
- Development of additional strategies with the family/participant, county staff, employment support staff and the case manager. Strategies may include technical assistance, changing to a new provider, and/or providing additional resources as needed to support the individual's employment goals. The additional/new strategies will be documented for each client and kept in the client's file.

If after nine (9) months the client remains unemployed the client may choose to continue in employment services or be referred to their Case Resource Manager if another service is requested.

6.7 Assessing Employment Strategies and Progress Measures

The document link below, "Employment: Strategies and Progress/Outcome Measures" will be used by the County and DDD Case management in assessing progress of client services.

<http://www.dshs.wa.gov/pdf/adsa/ddd/CO%20-%20DDD%20Employment%20Activities%20Strategies%20Progress%20Outcome%20Measures.pdf>

The County recommends this document as a tool for contractors in training staff, developing service strategies and documenting client progress.

6.8 Pathway to Employment Plan

Each client's Pathway to Employment Plan will include:

- The type of employment the individual wishes to obtain or maintain
- The number of hours and schedule the individual wishes to work
- The amount the individual wishes to earn
- The area or location the individual wishes to work
- The types and amounts of support the person is likely to need in securing and maintaining employment.
 - The individual's skills, preferred activities and interests
 - Identify other persons and/or entities (such as family, Division of Vocational Rehabilitation) available to assist in reaching employment goals.
 - The client and/or guardian's signature on the plan

The Contractor should clearly identify and communicate to the individual and planning team action steps, activities, and strategies associated with implementing the plan and achieving employment goals, including defined responsibilities of the individual and the Contractor.

Clients in employment programs will be supported to work towards a living wage. A living wage is the amount needed to enable an individual to meet or exceed his or her living expenses.

6.9 Community Access/Retirement Plan

The individual's Community Access plan is the driver of service for those individuals 62+ and retired by choice or by exception through DDD and should include the following elements:

- The participant's skills, interests, and desired activities
- Interests and goals related to:
 - Developing reciprocal relationships with family, friends, or others in the community
 - Opportunities for contribution to the community
 - Opportunities to participate in typical community organizations and activities similar to others of similar age
- Measures that will be used to determine the client's progress in achieving his/her community access/retirement goals
- Identified supports or skills needed to effectively participate and achieve identified goals
- The client and/or guardian's signature on the plan

6.10 Informed Choice

The Individual Plan will follow "informed choice principles." Principles of informed choice include:

- a. Choices are made based on the provision of accurate information
- b. More than one option relevant to the individual's interests and needs is offered
- c. Sufficient experience is acquired to inform decision-making
- d. Counsel and support are provided to individuals to gather and understand information and options
- e. Decisions are honored once they are made
- f. Supports and services are provided that reflect the decisions made

Opportunity for job placement change should be given to participants receiving employment services.

Opportunity to self-direct services should be given to participants receiving Community Access services.

All clients who communicate to the contractor that he or she is no longer interested in receiving the authorized service, will be referred to his/her DDD Case manager.

6.11 Staffing Levels

The Contractor will ensure that staffing levels and training interventions occur at a level that meets the needs of clients and are designed to achieve the goals outlined in the client's Individual Plan. Ongoing training and support by the Contractor on behalf of the client and his/her employer may include training and supervision, job modification, transportation training and assistance, or any of a wide variety of services that lead to paid employment, community contribution, and an expansion of natural supports for that client.

6.12 Other Services/Supports

The Contractor will support clients as needed in appropriate social behavior, self-care, communication, and specific job skills as essential components to success in the workplace and the community.

6.13 DVR and Social Security Work Incentives

The Contractor will assess client eligibility for and utilize, for those clients who are eligible, DSHS Division of Vocational Rehabilitation (DVR) and Department of Services for the Blind (DSB) funding and Social Security work incentive programs, such as Plans for Achieving Self Support (PASS) and Impairment-Related Work Expense (IRWE). The Contractor will not use these resources to duplicate services paid through County funds.

6.14 Transportation

The Contractor will demonstrate an increase of training in and client use of alternative transportation, including the use of public transportation. It is the expectation of the County that the Contractor assist in the arrangement of transportation for the purpose of pursuing or maintaining employment or for the purpose of participating in community activities similar to those engaged in by adults of retirement age without a disability. Transporting of client's is not a billable activity under the County agreement, unless by written exception of the County.

6.15 Documentation

a. Documentation of Client Support :

The Contractor will ensure that all hours of staff support service, including, but not limited to, minimum service level hours, will have clear, dated documentation showing daily logs of staff activity and any other data relevant to the billed unit, available to the County for review upon request. All documentation, including staff case notes, must be legible and must relate to the client's individual plan and employment efforts. The Contractor will ensure that a supervisor or other responsible agency staff reviews these items. Hours of service should be logged to the nearest quarter hour and should specify job coaching, phone calls, and other types of activity related to the participant's service.

All staff support hours that are shared with one or more other participants, such as enclave support, must be divided by the number of participants being served by that staff support hour and documented as such in the corresponding case notes.

b. Documentation of Client Work Hours and Wages (Employment Services Only)

The Contractor must be able to document proof of employment for individuals reported as being employed, available to the County for review upon request. For individuals receiving support to maintain a job, the Contractor must have on file a pay stub or similar proof for a month falling within each quarter of the calendar year. For individuals newly employed, the Contractor must have on file a copy of a pay stub or similar proof for the first full month of employment for which the agency is reporting.

The Contractor will ensure that client wages are based on the appropriate industry-accepted norm, as determined by the Washington State Department of Labor and Industries and U.S. Department of Labor .

Contractors supporting clients who earn sub-minimum wages to workers with disabilities must provide proof to the County upon its request of a current sub-minimum wage certificate and other documentation related to the payment of such wages required under the Federal Fair Labor and Standards Act (FLSA) (<http://www.dol.gov/esa/sec14c/index.htm>).

c. Documentation of Client Progress (Employment Services Only)

The contractor must ensure that a record of client progress, including the following are available

- Job placement and retention rates are tracked for each participant.
- Evaluation of progress in achieving increased wages and work hours for each participant.
- Information about wages, productivity, benefits and work hours for each participant.

7.0 ORGANIZATIONAL REQUIREMENTS

7.1 Board of Directors

- a. The Contractor, if it has a board of directors, will include members who are knowledgeable about developmental disabilities, who understand their responsibilities as board members, and who are able to give guidance and direction to the legal, fiscal, and programmatic aspects of program activities.
- b. The Board's membership roster, copies of the by-laws, and minutes of meetings will be available for review.

- c. The Board will approve the agency's annual budget, and there will be Board oversight of fiscal operations.

7.2 Administration

- a. The Contractor will maintain current organizational charts describing administrative lines of authority and containing the position titles of program staff.
- b. The Contractor will maintain a job description for each position within the organization detailing duties, responsibilities, and necessary qualifications.
- c. The Contractor will have a written statement describing the mission of the organization.
- d. An appropriate Contractor representative will participate in meetings scheduled by the County concerning County, State, and Federal requirements.
- e. The Contractor will have on file all appropriate certificates and licenses in order for the contracting agency to operate as required by Federal, State, or local law, rule, or regulation.
- f. The contractor will demonstrate the ability to safeguard public funds including maintaining books, records, documents and other materials relevant to the provision of goods and services.

7.3 Performance Plan

The Contractor will develop a written performance plan that describes its mission, program objectives, goal outcomes, and strategies relevant to the County Guidelines and the provision of services under contract with the County. The plan shall be evaluated at least biennially and revised based on actual performance.

For those contractors providing services in facility-based settings, the plan must identify strategies for providing services that move clients along their pathway to community-based employment in accordance with the Working Age Adults Policy (DSHS/DDD Policy 4.11).

7.4 Client Involvement

The Contractor will identify meaningful ways to involve its clients with developmental disabilities in program and policy development and document the impact this has on the program. .

7.5 Continued Qualification

In line with Policy 6.13, *Provider Qualifications for Employment and Day Program Services* The Contractor must maintain their status as a qualified provider through the following means:

- a. Continued provision of services in line with the County Guidelines
- b. Continued development and implementation of service plans in line with 6.13 requirements.
- c. Maintain policy and a system of internal control based on sound accounting practices to ensure the efficient and proper processing and use of Agreement funds.
- d. Maintain a management system that provides for systematic accumulation, filing and retention of timely records and reports related to clients, staff and agency structure including tax status, capabilities and performance.
- e. Assurance that at least one staff member has two years experience meeting Policy 6.13 specifications for the programs the contractor provides.
- f. Maintain CARF (Commission on Accreditation of Rehabilitation Facilities) Accreditation unless otherwise approved by the County. (Employment Providers only)
- g. Ensure access to DSHS Division of Vocational Rehabilitation (DVR) funding. (Employment Providers Only)
- h. Assure , through policy and procedure, that potential conflicts of interest will not arise. Such a conflict will arise when any contractor staff is a guardian, legal representative or other decision maker for the client. A conflict may also arise when any employee of the agency is the decision maker for, or a close family member of, a client of the agency. In these situations, the provider must document the measures taken specific to the situation to assure that a conflict of interest does not exist.

In the event that County qualified contractor can no longer meet any one of the above requirements they will notify the County within ten (10) business days.

7.6 Audit Requirement

The Contractor shall obtain a periodic independent review or independent audit of its financial records. The review or audit shall be performed biennially based upon the fiscal year of the Contractor. This requirement will be included in all subcontractor contracts.

The purpose of the independent review or audit is to reasonably ensure the financial stability of County contractors and that adequate internal control exists to ensure the efficient, proper processing and use of contract funds.

Agency's receiving fewer than \$75,000 annually may ask for an exception from this requirement.

8.0 STAFF TRAINING AND QUALIFICATIONS

8.1 Staff Qualifications

Contractor's staff should, at minimum, meet the provider qualifications outlined in DSHS/DDD Policy 6.13, "Day Program Provider Qualifications."

8.2 Staff Training

New employees providing direct services to individuals with developmental disabilities must be 18 years or older and will receive basic orientation to and training in client services to ensure that employees meet the qualifications specified in DSHS/DDD Policy 6.13. The Contractor will provide documentation of training curriculum and trainer qualifications upon request of the County.

Documentation of staff orientation and training including all training requirements outlined in Policy 6.13 must be documented in the personnel file. The Contractor should maintain an up to date record of training for all employees.

A summary of the training requirements and timelines within Policy 6.13 is outlined below. Any future amendments or modifications to the policy take precedent.

a. Prior to working with clients unsupervised, staff must have knowledge of and receive training in the following areas:

- 1) Client confidentiality;
- 2) Current individual work and support plans for each client with whom the employee works;
- 3) DDD Policy 4.11, *Working Age Adult*
- 4) DDD Policy 5.06, *Client Rights*;
- 5) DDD Policy 6.08, Mandatory reporting Requirements for Employment and Day Program Service Providers. (DDD Policy 6.08 verification statement must be signed and kept in the employee file.)
- 6) DDD Policy 9.07 HIV and AIDS
- 7) First Aid and CPR (current certification is required)

b. Within one month of employment employees must have received training in the following:

- 3) Policy 5.17, *Physical Intervention Techniques*;
- 4) DDD Waiver Requirements

c. Within three (3) months of employment, employees must have received training in the following:

- 1) DDD Policy 5.14 Positive Behavior Support and
- 2) DDD Policy 5.15 Use of Restrictive Procedures

d. Continuing Education and staff evaluation : In addition to the above DDD requirements, it is the County's expectation that each contractor have an established procedure for orienting, training, mentoring and providing on-going evaluation to staff related to:

- 1) Values that support the abilities of individuals as outlined in the County Guidelines
- 2) Effective communication skills (i.e., the ability to listen carefully and to make one's self understood;
- 3) Planning methods; and

- 4) Program skill development. Includes training to ensure support to clients in the program area identified in their Individual Plans (e.g., task/job analysis, follow-along support, co-worker support, job modification, systematic training techniques etc.)

The Contractor shall ensure staff continuing education, at minimum annually, in topics that support staff in the performance of their work to better serve clients with developmental disabilities in employment and community access services.

8.3 Training Reimbursement

Requests for training reimbursement related to County-recommended training events, or other training designed to improve the quality of services to individuals under the County contract, may be made in writing to the County at least ten (10) business days prior to the training event. Costs for which the Contractor may request a training reimbursement include registration and related travel costs. Requests should clearly outline the training requested, dates, the number of staff attending, the destination, and travel reimbursement requested. Mileage reimbursement may not exceed the County's established reimbursement rate. Acceptance of training reimbursement requests is at the discretion of the County and is dependent upon funding availability. Reimbursement for training requests will require back-up documentation and receipts.

9.0 DSHS/DDD COUNTY SERVICE AUTHORIZATIONS

9.1 Necessary Pre-Authorization

The Contractor will serve clients for whom there is a valid authorization using DSHS Form Number 14-219, County Service Authorization. A County Service Authorization (CSA) must be received for each client for whom the Contractor intends to submit a billing to the County. The County Service Authorization form must be completed and signed by the DDD Case/Resource Manager, the Contractor, and the County before it is deemed valid. The DSHS service category will be determined by the setting in which the client will spend the majority of time.

9.2 County Service Authorization

The County will not reimburse for services provided prior to service authorization.

The Contractor is responsible for providing the following information to the County when requesting a County Service Authorization (CSA.)

- Verify completion or status of Division of Vocational Rehabilitation (DVR) services
- Proposed service category in which the client will spend the majority of their time
- Work and wage information for clients who are employed or alternately Employment or Community Access goals and strategies for those who are not.
- Proposed range of service hours to support the individual on the job or service site.

The County is responsible for requesting the CSA from the DSHS/DDD Case/Resource Manager. The DSHS/DDD Case Resource/Manager is responsible for approving the service requested and generating the County Service Authorization.

9.3 Coordination with the Division of Developmental Disabilities (DDD)

DDD Case/Resource Managers are an integral component of the County's employment and Community Access services. The Contractor is required to keep the client's Case/Resource Manager and the County informed of any major changes in the client's program or support needs.

Coordination with DDD will include providing DDD with the six-month progress reports and the annual (or initial) Individual Employment or community access plan.

The Contractor will participate in annual DDD assessments, individual support planning, or other meetings specific to County-funded services, as requested by DSHS/DDD staff.

10.0 COUNTY-GENERATED SERVICES FORMS

10.1 Service Change Form

The Contractor must complete the County "Service Change Form" each time the contractor is requesting client service changes related to:

- Authorized rate and range of service hours
- Program type (Individual Employment , Group supported Employment etc.)
- Service termination

Services changes must be approved by DDD prior to implementation. The Client minimum and maximum service hour(s) should correlate with the planned service hours outlined within the clients DDD Individual Service Plan (ISP).

In addition, the contractor will use the Service Change form to communicate client Job gain or loss to the County.

10.2 Communication of Service Changes

Prior to beginning service or an expected change in the minimum and maximum service hours per month, the provider will clearly communicate to the client/guardian what the client can expect to receive.

10.3 Exceptional Funding Requests

For clients whose service needs cannot be met within the existing rate structure, a Request for Exceptional funding may be completed. The County will review each request for necessity and funding availability and approve or deny the request with a copy to the Contractor. Approval from the DSHS/DDD Case resource manager will also be required.

10.4 Deadline for Service Changes and Funding requests

The request for service changes must be received by the County by the 10th of the month prior to the proposed effective date of the changes requested. (ie if a rate change is requested to be effective for January 1, the service change form should be provided to the County no later than December 10th.)

10.5 Exception to Minimum Service Level

For those clients for whom the minimum service level authorized are not met in any given month, a brief description of why the minimum was not met will be provided within the County's monthly reporting form. The description should include clear documentation of:

- Who initiated the change in service level (Client? Guardian/Residential staff? Vocational provider?)
- Reason for the change in service level?
- Expected duration if more than one month

The County may choose to reduce rates for those clients for whom minimum service levels have not been met.

10.6 Individualized Technical Assistance

In the event that the contractor needs additional technical assistance to ensure progress toward the individual's employment goals, Individualized Technical Assistance (ITA) may be available.

The Contractor may request Behavioral Support Consultation for clients being served under the County contract. Services must be pre-authorized by the County and DDD Case Manager and are dependent upon funding availability. Consultation is designed to train Contractor's staff in the design and implementation of positive behavior supports for specific clients.

If other technical assistance is needed to address service barriers for a County Authorized client, the contractor should contact the County to request assistance.

11.0 OUTCOMES

The Contractor will track and make measurable progress related to the key quality indicators as outlined below:

a. Pathway to Employment

- The Contractor shall demonstrate an increase in the number of participants employed in community settings
- The Contractor shall demonstrate an increase in the number of participants who are employed in community settings over eighty (80) hours a month. The desired program outcomes for employment services is an average of 20 hours/week or 86 hours a month of work.

- The Contractor shall demonstrate an increase in the hourly wage earned by participants
 - The contractor shall demonstrate an increase in the monthly earnings for participants
- b. Community Access/Retirement Services
- Overall increase in the number of reciprocal relationships developed by clients with persons other than paid staff
 - Participation by the client in a wide variety of activities, based on personal preferences, including, but not limited to:
 - Membership in clubs and associations based on interest and culture
 - Opportunities to contribute to the community (e.g., volunteering)
 - Connection with people from the past who were friends and acquaintances
 - Participation in activities and events in the community similar to those of similar age without disabilities.

12.0 MONITORING AND EVALUATION

The County will develop a contract monitoring and evaluation system incorporating the most recent Criteria for Evaluation System provided by DDD, which may be found on the DSHS/DDD website listed below:

<http://www1.dshs.wa.gov/word/adsa/ddd/CriteriaEvaluationSystem.doc>

The County shall conduct at least one on–site visit to each contracted program during each state DSHS/DDD biennium and will prepare a contract compliance report.

12.1 Access to Records

The County may request reasonable access to the Contractor’s records and place of business for the purpose of monitoring, auditing, and evaluating the Contractor’s compliance with the Agreement and applicable laws and regulations. The Contractor will, upon receiving reasonable written notice, provide the County with access to its place of business and to its records that are relevant to its compliance with the Agreement and applicable laws and regulations.

12.2 Corrective Action

The Contractor will be responsible for addressing all corrective action items by the due date specified in the County contract compliance report.

12.3 Extended Records Retention Timeframe

During the term of the Agreement and for six (6) years after termination of the Agreement, the parties shall maintain records sufficient to:

- Document performance under this contract
- Demonstrate accounting procedures, practices, and records that sufficiently and properly document all invoices, expenditures, and payments

In the event of litigation, unresolved audits, and/or unresolved claims, the Contractor agrees to retain all records, reports, and other documentation until such claims are resolved.

13.0 NON-COMPLIANCE

In the event the Contractor fails to comply with any of the terms and conditions of this contract and that failure results in a contract overpayment, the County shall recover the amount due to the County. In the case of overpayments, the Contractor shall cooperate in the recoupment process and return to the County the amount due.

COUNTY IMPLEMENTATION GUIDE, Attachment A

DDD Policy 6.08 Reporting Timelines

Note: Refer to policy text for complete definitions/information.

<p>Phone call to DDD within one hour or once safety has been ensured. Follow with written report.</p> <p align="center">(A)</p>	<p>Phone call to DDD during business hours once client safety has been ensured. Follow with written report.</p> <p align="center">(B)</p>	<p>Written IR within one business day</p> <p align="center">(C)</p>
<ol style="list-style-type: none"> 1. Death of client when suspicious or unusual 2. Condition threatening the operation of the program 3. Client is missing 4. Injuries of unknown origin requiring hospital admission 5. Any event involving known media interest or litigation 	<ol style="list-style-type: none"> 1. Death of any client not reported under Column 1 2. Alleged or suspected abandonment, abuse, , exploitation, financial exploitation, neglect, or self-neglect of a client (other than client to client) 3. Alleged or suspected physical or sexual assault of a client 4. Alleged or suspected criminal activity perpetrated against a client 5. Alleged or suspected criminal activity by a client that results in a case number or detainment 6. Injuries resulting from alleged or suspected client to client altercations that require medical treatment beyond First Aid 7. Mental health crisis resulting in inpatient admission to a state or community psychiatric facility 8. Life-threatening medically emergent condition 	<ol style="list-style-type: none"> 1. All injuries to a client resulting from the use of restrictive procedures 2. Serious injuries of known cause, not otherwise defined, that require medical treatment beyond First Aid 3. Hospital or nursing facility admission not otherwise defined 4. Patterns of client to client abuse as defined in RCW 74.43.035 5. Property destruction over \$100 or that will result in a <i>Residential Allowance Request</i> 6. Restrictive Procedures implemented under emergency guidelines 7. Medication errors(s) that have or may result in injury/harm as assessed by a medical professional 8. Serious treatment violations, not otherwise defined 9. Suicide gestures or attempts

COUNTY IMPLEMENTATION GUIDE ATTACHMENT B

CHAPTER 6 DDD Policy 6.08

**Employment and Day Program Services Providers:
Mandatory Reporting of Abandonment, Abuse, Neglect, Exploitation, or
Financial Exploitation of a Child or Vulnerable Adult**

All Employment and Day Program Services providers, their employees, contractors and volunteers must read, sign, and abide by DDD Policy 6.08, Mandatory Reporting Requirements for Employment and Day Program Services Providers, which prohibits abandonment, abuse, neglect, and financial exploitation of a child or vulnerable adult, and any related reporting procedures.

Clients must be treated with kindness, respect, care, and consideration at all times. Abandonment, abuse, neglect, exploitation and financial exploitation are not permitted under any circumstances.

I have read DDD Policy 6.08, Mandatory Reporting Requirements for Employment and Day Program Services Providers, in its entirety and understand:

- The definitions of abandonment, abuse, neglect, exploitation and financial exploitation;
- My legal requirement as a mandatory reporter to report abandonment, abuse, neglect, exploitation and financial exploitation of a client;
- How to report abandonment, abuse, neglect, exploitation and financial exploitation of a client, including incident reporting procedures;
- Failure to report such incidents can result in a disciplinary action, including termination, and is a gross misdemeanor under Washington State Law; and
- My responsibilities to protect clients and other vulnerable adults and children from abandonment, abuse, neglect, exploitation and financial exploitation.

I also acknowledge that I have had an opportunity to ask questions of my supervisor regarding this policy and have had those questions answered.

PRINT EMPLOYEE LEGAL NAME

EMPLOYEE SIGNATURE

DATE

PRINT WITNESS LEGAL NAME

WITNESS SIGNATURE

DATE

c: Personnel File

