



ADMINISTRATIVE MEMORANDUM – 2015-08

TO: Executive Directors of Voluntary Provider Agencies
Developmental Disabilities Regional Office and State Operations Office
Directors
Medicaid Service Coordinators and MSC Supervisors

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DATE: June 29, 2015

SERVICE EFFECTIVE DATE: July 1, 2015

SUBJECT: Service Documentation for Supported Employment (SEMP) Services

SUGGESTED DISTRIBUTION:

Administrative Staff of SEMP Providers
Quality Improvement Staff
Medicaid Service Coordinators (MSCs) and Supervisors who Serve
Individuals Receiving SEMP Services
Regional Office Front Door Staff
Central Office Leadership Team

Purpose:

Supported Employment Services (SEMP) provide supports for individuals with developmental disabilities to obtain and maintain competitive employment. The

services have been redesigned to include new service delivery, documentation, and staff training requirements and a new fee structure for provider reimbursement.

Effective July 1, 2015, this Administrative Memorandum (ADM) issued by the Office for People With Developmental Disabilities (OPWDD) supersedes OPWDD ADM #2007-01.

The requirements specified herein apply to SEMP services delivered to individuals who are enrolled in the Medicaid Home and Community Based Services (HCBS) waiver and to non-waiver enrolled individuals. Individuals receiving SEMP services must have expressed an interest in competitive employment or self-employment; and have competitive employment or self-employment identified as a goal in their Individualized Service Plans (ISPs).

In addition to the claim documentation requirements identified in this ADM, SEMP providers must continue to comply with applicable OPWDD regulations and quality standards in Administrative Memorandum #2012-01.

Background:

New York State regulations require each Medicaid provider to prepare records to demonstrate its right to receive Medicaid payment for a service. These records must be “contemporaneous” and kept for six years from the date the service was provided in accordance with 18 NYCRR subdivision 504.3(a). The OPWDD SEMP redesign regulations, which are applicable to services delivered on or after July 1, 2015 can be found in 14 NYCRR subdivisions 635-10.4(d) and (j) and 635-10.5(d) and (af) and section 635-12.12.

Supported Employment Services:

SEMP is a person-centered employment planning and support service that provides assistance for an individual to obtain, maintain, or advance in self-employment or in competitive, integrated employment in the general workforce, for which the individual is compensated at or above the minimum wage. The goal of this service is sustained, paid, integrated employment at or above the minimum wage in the general workforce, in a job that meets the individual's personal and career goals.

SEMP may be delivered in an Intensive Phase or Extended Phase and may be provided to a single individual or a group of two to eight (2-8) individuals.

Minimum Wage Requirement

Individuals enrolled in SEMP who are earning a wage must be compensated at or above the minimum wage. **The service provider must obtain documentation when an individual is initially hired that verifies that the salary earned is at least minimum wage.** Verification may take the form of a pay stub, payroll record, hiring letter, other documentation from an employer that identifies an individual's wage, or documentation from the Department of Labor or New York Employment Services System identifying an individual's wage. This verification does not need to be updated once a service provider has it on file. If an individual obtains a new job, the service provider is required to obtain verification that the salary for the new job is at least minimum wage.

The minimum wage requirement is not applicable to individuals who are pursuing self-employment. Wages earned in self-employment may be below the state or federal minimum in accordance with Department of Labor guidelines.

Intensive SEMP Services

Intensive SEMP services include intensive job development and/or intensive job coaching services. Reimbursement for Intensive SEMP is contingent on an individual's eligibility for such services. An individual is eligible for Intensive SEMP if he or she is not employed or has been employed for less than 365 days. If an individual is not employed, the service provider must document, in a format prescribed by OPWDD, the individual's need for Intensive SEMP services, including information on how the services will assist the individual in obtaining employment. This documentation must be reviewed and approved by OPWDD Central Office before a service provider can bill for Intensive SEMP services. **The service provider must maintain documentation of OPWDD's approval of the individual's eligibility for Intensive SEMP services.**

Intensive SEMP services are limited to 365 days from the date of enrollment or 250 hours, whichever comes first, after which time the service provider must stop billing for Intensive SEMP services. The service provider may deliver and bill for Extended SEMP services if the individual is employed at the conclusion of the Intensive SEMP services.

Extended SEMP Services

Extended SEMP services include ongoing job coaching and career development services. Reimbursement for Extended SEMP services is contingent on an individual's eligibility for such services. An individual is eligible for Extended SEMP if he or she is employed in an integrated workplace and earning at least minimum wage. If an individual receiving Extended SEMP services becomes unemployed, the service provider has 45 days to stop billing for Extended SEMP services and to request approval from OPWDD Central Office to start billing for Intensive SEMP services. Extended SEMP services are limited to 200 hours annually.

Extensions

A service provider may submit a written request to OPWDD for an extension of services, beyond the limits on days and hours of Intensive or Extended SEMP services identified in this memorandum. In the event that an extension(s) is authorized by OPWDD, the extension must not exceed an additional 250 hours of Intensive SEMP services or 200 hours of Extended SEMP services. Multiple extensions can be requested by a service provider. **The service provider must maintain documentation of the request and documentation of OPWDD authorization for the extension of services.**

Transportation

Transportation is an allowable billable service in both the Intensive and Extended phases of SEMP. Allowable transportation activities include time that a job coach, job developer, or employment specialist, or similar job title travels (during the day, evening or weekend) to billable SEMP activities, such as travel (with or without the individual) to job sites to provide SEMP services; meetings with potential and current employers; and to conduct vocational assessments. Travel time should be billed to either an individual or group activity with specific SEMP participants identified.

A staff member's first trip and last trip of the work day are not billable transportation activities. SEMP services provided during the evening or weekends are considered work days. Staff travel to non-billable activities, such as travel to lunch or a destination where SEMP services are not being provided, are not allowable transportation services.

Transportation of individuals to and from work is not a billable SEMP service. This type of transportation is not included in the SEMP fee.

Self-Employment

SEMP may include services and supports to assist an individual to achieve self-employment, including home-based self-employment. A service provider may assist an individual in identifying potential business opportunities, developing a business plan, identifying community resources that could assist the individual in operating a business, and providing ongoing supports and assistance, as needed once the business has been created. The service provider is prohibited from staffing the business and purchasing supplies or equipment for the business.

Staff Training Requirement

Effective July 1, 2015, SEMP staff, supervisors and directors must participate in OPWDD's Innovations in Employment Supports Trainings as required below. **The service provider must maintain documentation of such training.**

For staff who are hired **on or after July 1, 2015** to provide SEMP services, such staff must complete 24 hours of OPWDD's Innovations in Employment Supports Trainings within 12 months of being hired as a job coach, job developer, employment specialist or in a related employment or vocational rehabilitation job title.

For staff who have provided SEMP services **prior to July 1, 2015** but who have not completed 24 hours of OPWDD's Innovations in Employment Supports Trainings, such staff must complete 24 hours of training by June 30, 2017.

Effective July 1, 2017 SEMP staff, supervisors, and directors must obtain at least 6 hours of continuing education in SEMP on an annual basis by participating in OPWDD's Innovations in Employment Supports Trainings. **The service provider must maintain documentation that annual continuing education requirements are met.**

OPWDD Central Office may grant an exception to the training requirement under an extenuating circumstance. **Documentation of any exception granted by OPWDD must be maintained by the service provider.**

Self-Directed SEMP

Self-Directed SEMP may be agency supported or self-hired. If Self-Directed SEMP services are agency supported, service providers must adhere to OPWDD and Department of Health regulations related to SEMP staff salaries and training requirements. If Self-Directed SEMP services are self-hired, service providers must adhere to OPWDD SEMP training requirements; however, the wages of SEMP staff are determined by the individual receiving SEMP services who has budget authority.

Billing Standard:

The unit of service for SEMP is an hour. Services are billed in 15-minute increments (units), with a full 15 minutes of service required to bill a single increment (i.e., there is no "rounding up"). When there is a break in the service delivery during a single day, the service provider must combine, for billing purposes, the durations of the continuous periods/sessions of each specific type of service provision for billing purposes (e.g., the durations of each individual session within a day must be combined, but a combination of individual and group sessions provided in the same day must not be combined).

Example 1- From 10:00am to 10:10am, a job developer meets with a potential employer about hiring an individual receiving Intensive SEMP services. Since there is no rounding up the service provider would not be able to bill for the 10 minutes.

However, if later in the same day SEMP staff meet with the individual and his or her family from 1:15pm to 1:50pm to discuss benefits planning, the service provider would document on a checklist the multiple services provided during that day and bill for a combined time of 45 minutes (3 units) at the individual fee.

Example 2- If three (3) individuals received a SEMP service (e.g., travel training) in a group from 9:00am to 9:30am and then individually received another SEMP service (e.g., job coaching) for one hour, the service provider would bill as follows: For the 30 minute session, the service provider would bill for each person at the group fee. For the 1 hour session, the service provider would bill for each person at the individual fee. The service provider cannot combine the 30 minute session and 1 hour session because the staff to individual ratios differed and there are separate billing codes for individual and group services.

Service Documentation: Checklist and Monthly Summary

For each service session, a provider must document the SEMP services delivered using, at a minimum, the checklist prescribed by OPWDD or a checklist with all of the elements required by OPWDD. A narrative monthly summary note is also required and must summarize: (1) the implementation of the individual's SEMP Service Delivery Plan for the month; (2) description of the individual's vocational progress; (3) description of some of the actions of staff to address vocational challenges; (4) description of the individual's response; and (5) any issues or concerns. The narrative monthly summary note must be completed, signed, and dated no later than the 30th day after the month of service. **The combination of the checklist and summary note must include all the service documentation elements listed above.**

Medicaid rules require that service documentation is contemporaneous with the service provision. Required service documentation elements for the checklist are:

- 1. Individual's name and Medicaid number (CIN).**
- 2. Name of the agency providing the Supported Employment service.**

3. **Identification of the category of waiver service provided.** (i.e., Supported Employment or SEMP service).
4. **Documentation of start and stop times.** Document the service start time and service stop time for each continuous period of service provision.
5. **The ratio of individual(s) to staff.** (i.e., 1:1 or 1:group).
6. **Description of services.** Each documented session must list **at least one allowable service** delivered in accordance with the individual's SEMP Service Delivery Plan. The location of the service does not need to be documented.
7. **The date the service was provided.**
8. **Verification of service provision by the staff person delivering the service.** Initials are permitted if a "key" is provided which identifies the title, signature, and full name associated with the staff initials.
9. **A narrative description of the individual's response to the service and/or the purpose of the service entered at least weekly.**
10. **Signature of the Supported Employment staff person documenting the service and date the service was documented (or initials as referenced in item #8).**

Other Documentation Requirements:

In addition to the checklist and monthly summary supporting the SEMP service billing claim, the agency providing SEMP services must maintain the following documentation:

- A copy of the individual's **ISP**, developed by the individual's Medicaid Service Coordinator (MSC) or Plan of Care Support Services (PCSS) Service Coordinator. For SEMP services, the following elements must be included in the ISP:
 - Identification of the SEMP service category of waiver service.
 - Identification of the agency providing SEMP services.

- Specification of an effective date for SEMP services that is on or before the first date of service for which the agency bills SEMP services for the individual.
- Specification of the frequency for SEMP services as “hour” or “hourly.”
- Specification of the duration for SEMP services is “ongoing as authorized”. The service provider must not annually bill for more than 250 hours of Intensive SEMP within 365 days or 200 hours of Extended SEMP within 365 days unless an extension of days and/or additional hours have been granted by OPWDD.
- The **SEMP Service Delivery Plan** developed by the agency providing SEMP services must conform to the Habilitation Plan requirements found in Administrative Memorandum #2012-01.
 - For SEMP services, the Habilitation Plan should clearly identify that the habilitation plan is for SEMP services (i.e. titled “SEMP Service Delivery Plan”).
 - There is no need to identify whether an individual receives Intensive or Extended SEMP.
 - The SEMP Service Delivery/ Habilitation Plan must “cover” the time period of the SEMP claim.
 - For individuals enrolled in SEMP prior to July 1, 2015 who remain continuously enrolled in SEMP on and after July 1, 2015, the existing description of services and supports in the SEMP Service Delivery/Habilitation Plan must be updated on the date of the next Habilitation Plan review, or December 31, 2015, whichever is sooner.

Documentation Retention:

All documentation specified above, including the ISP, SEMP Service Delivery Plan, and service documentation **must be retained for a period of at least six years from the date the service was delivered or when the service was billed**, whichever is later.

For additional information on the documentation requirements contact the OPWDD Office of Employment & Meaningful Community Activities at (518) 473-9697.