

DEED-VRS/SSB and DHS-DSD MOU

I. Parties to the MOU

This agreement is entered into by the DEED Divisions of Vocational Rehabilitation Services and State Services for the Blind (DEED-VRS/SSB) and the DHS Disability Services Division (DHS-DSD), subsequently referred to as “we.”

II. Shared vision

We will work together to align our systems so that common customers who receive home and community-based service (HCBS) disability waivers and vocational rehabilitation services (VRS) from DEED-VRS or SSB get seamless and timely supports to make informed choices and meet competitive integrated employment goals.

III. Purpose of the MOU

The purpose of this agreement is to lay the framework for how we will provide employment services for people with disabilities in a coordinated manner, helping us to fulfill our shared vision. Our partnership is governed by federal regulations and guidance:

- **DHS-DSD: Payer of last resort.** Under Title XIX of the Social Security Act and Title 42 of the Code of Federal Regulations, state Medicaid agencies must “take all reasonable measures to ascertain the legal liability of third parties to pay for care and services” that would otherwise be paid by Medicaid. Additionally, according to a [September 16, 2011, CMS Informational Bulletin titled Updates to the §1915 \(c\) Waiver Instructions and Technical Guide](#): “When a state covers any category of supported employment services and/or prevocational services in a waiver, the waiver service definition of each service must specifically explain that the services do not include services that are available under section 110 of the Rehabilitation Act of 1973 or, in the case of youth, under the provisions of the Individuals with Disabilities Education Act (IDEA), as well as assure that such services are not available to the participant before authorizing their provision as a waiver service.”
- **DEED-VRS/SSB: Comparable benefits.** Under [Section 101\(a\)\(8\)\(A\)\(i\) of the Rehabilitation Act](#), state VRS agencies have a responsibility to determine whether “comparable services and benefits” are available under any program prior to providing any vocational rehabilitation service to an individual. Services found under paragraphs (1) through (4) and (14) of section 103(a) and paragraph (5)(E) of Section 101 of the Rehabilitation Act that are exempt from this clause. This list of exempt services includes job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services.
- **Agreement.** DEED-VRS/SSB is the primary payer for job-related services (services supporting job development, placement and employment stability) for common customers. DHS-DSD may fund

services offered by DEED-VRS/SSB only when DHS-DSD documents that those services are not available through DEED-VRS/SSB. Once employment stability is established, DHS-DSD will continue to pay for long-term supports to maintain employment for customers of all ages. DHS-DSD will also pay for services that assist people in making informed choices and developing informed employment goals.

Each of our agencies is governed by its federal, state and local statutory, regulatory and programmatic authority. We agree that the provisions contained in this agreement are subject to all applicable federal, state and local laws, regulations and guidelines.

IV. Shared Values and Principles

- **Employment first.** The values and guiding principles found in [Minnesota's Employment First Policy](#) will serve as the foundation for our work.
- **Person centeredness.** We will embed [person-centered principles](#) in our work to help people move toward meaningful work that builds on their unique interests, strengths and talents.
- **Collaboration.** We will build coordinated and consistent communication, training and support.
- **Simplicity.** We will develop a system that is easier to understand, implement and navigate.
- **Continuous improvement.** We will engage with stakeholders, leverage promising practices, and use data to adapt efforts and improve outcomes.
- **Resource efficiency.** We will use resources efficiently and within the bounds of federal guidelines and regulations.

V. Interagency Planning and Policy Development

We will carry out interagency planning and policy development as well as improve our data sharing and quality evaluation.

Interagency planning and development

We will use strategic planning, troubleshooting, consultation and technical assistance to ensure successful implementation of this agreement. Key areas include goal setting, systems development, coordination of services, quality assurance and stakeholder involvement.

How we'll work together:

- Establish an interagency steering committee to provide MOU oversight, set goals, review program services and financing options, identify promising practices and resolve disputes
- Identify program liaisons from DEED-VRS/SSB and DHS-DSD to coordinate joint efforts in communication, quality assurance, training, and coordination of services, policies and procedures

- Create work groups as needed to provide advice and share expertise regarding practice enhancements
- Hold periodic staff meetings across agencies to ensure coordinated communication and address policy issues

How we'll engage stakeholders:

- Establish an advisory committee that includes stakeholders from DEED-VRS/SSB, DHS-DSD, lead agency, and providers of both vocational rehabilitation services and waiver services to discuss progress and challenges with the MOU
- Jointly meet with stakeholders to collect feedback and identify areas for improvement

Data sharing and quality evaluation

We will work toward sharing program data from each agency and analyzing the data to inform program decisions. This will allow us to:

- Understand employment outcomes in our respective programs and develop a shared understanding of outcome measures and reporting procedures
- Promote the use of evidence-based practices and/or promising approaches to create a more closely aligned employment service system, increase quality and gather shared data on employment outcomes
- Identify common customers and practices that support positive employment outcomes

VI. Eligibility, Referrals and Customer Flow

We will work together to develop a system that is easy to understand, implement and navigate.

Mutual roles and responsibilities

- We will establish a shared understanding of when and how eligibility will be determined by each agency and we will communicate eligibility requirements to stakeholders. This includes community rehabilitation partners, lead agency staff, waiver employment service providers, DEED-VRS/SSB staff, DHS-DSD staff, and the people served by our programs and their families.
- We will develop a shared referral process and provide clear instructions for referrals between programs when 1) a person indicates an interest to explore competitive, integrated employment through Minnesota's Career Counseling Information and Referral Conversation in accordance with the Workforce Innovation and Opportunity Act (WIOA – 511 process), 2) a person receiving HCBS waiver services decides to pursue competitive, integrated employment and 3) when a person receiving vocational rehabilitation services achieves stable employment and needs supports to maintain employment. This includes:
 - Clearly delineating DEED-VRS/SSB and DHS-DSD roles

- Using a standardized approach for online tools (such as the Vault) with common customers
 - Creating common template forms and activities
 - Listing necessary documentation to expedite the referral process
- We will define a benefits planning model, determine how and when the model will be embedded into provided services, develop and coordinate training, and coordinate implementation through designated agency staff and a community of practice.
- We will develop guidance on how and when services may be provided as people move between programs and funding sources and when dual services are allowed. We agree that people may receive VRS/SSB and waiver services at the same time as long as those services are needed and not duplicative.

DEED-VRS/SSB's roles and responsibilities

- Determine when an individual is eligible and meets priority for service criteria for DEED-VRS/SSB services
- Ensure that VRS/SSB job development, placement and employment stability services are available and provided in a timely manner
- Work with lead agencies prior to employment plan development to identify long-term employment support services available through the waiver
- Provide time-limited DEED-VRS/SSB supported employment services from job placement through stable employment

DHS-DSD roles and responsibilities

- Make available HCBS waiver employment services that are authorized according to DHS-DSD guidance by lead agencies and provided by an organization licensed under Minnesota statutes, chapter 245D.
- Help people with disabilities make informed choices and set goals to support their employment search
- Through informed choice and goal services, create person-centered products that can be shared with DEED-VRS/SSB to support the job search
- Coordinate with DEED-VRS/SSB on the timing of a referral for job development, placement and employment stability services
- At the request of DEED-VRS/SSB, Confirm waiver funding for long-term employment support services for common customers prior to DEED-VRS/SSB employment plan development
- Authorize waiver funding for long-term employment supports for common customers in a timely manner
- Explore how to assess need and provide customized employment discovery through new or existing waiver services.

VII. Financial Responsibility

We will work together to provide employment services that efficiently use resources within the bounds of federal guidelines to obtain competitive integrated employment outcomes for our common customers. This section of the agreement clarifies the relationship between DEED-VRS/SSB funding and DHS-DSD funding and how our services will work together.

DEED-VRS/SSB funding

- DEED-VRS/SSB and the Minnesota Department of Education's (MDE) Special Education and Career and College Success Divisions are responsible for informed choice and informed goal services while a person is enrolled in high school or 18-21 transition programming. Considerations of funding decisions can be found in the DEED/MDE MOU
- DEED-VRS/SSB is the primary payer for services occurring during job development and placement.
- DEED-VRS/SSB is the primary payer for initial job supports or time-limited job coaching to reach stable employment (as determined by the vocational rehabilitation counselor in accordance with the definition established by DEED-VRS/SSB).
- DEED-VRS/SSB does not fund ongoing supports to maintain employment following employment stability.

DHS-DSD funding

- DHS-DSD is the primary payer for employment services for people on HCBS waivers who are not enrolled in high school or 18-21 transition programming and need help making informed choices about employment or setting informed employment goals.
- DHS-DSD is the primary payer for ongoing supports to maintain employment.
- DHS-DSD provides services during the job development, placement and employment stability phases when these services are not available through DEED-VRS/SSB.
- DHS-DSD will determine when services are not available from DEED-VRS/SSB. For purposes of this agreement, the term "not available" is defined as:
 - **Ineligible/not priority status:** when a person is determined ineligible for vocational rehabilitation services or is placed on a waiting list
 - **In process:** the time between application to DEED-VRS/SSB and determination of eligibility and priority status (up to 60 days)
 - **Services exhausted:** When an adult not enrolled in 18-21 transition programming:
 - Has received DEED-VRS/SSB job search services for over 24 months, and DEED-VRS/SSB has determined the individual can no longer benefit from continued DEED-VRS/SSB services or;
 - Has been determined by DEED-VRS/SSB to have exhausted all job possibilities in the area and can no longer benefit from DEED-VRS/SSB job search services.

- **Services not offered:** when services such as long-term supports to maintain employment are not offered by DEED-VRS/SSB

Joint funding

- We commit to analyze and identify opportunities to align rate-setting methodologies and payment rates with incentives for quality outcomes. This includes setting similar payment rates for similar services and developing a shared strategy for approaches to legislation regarding payment rates.
- Prior to July 1 of each year, we will consult with one another to identify related legislative priorities and develop agreed upon proposals in time for submission into the Governor's budget and legislative proposal.

VIII. Service Provider Networks

We will work together to increase our statewide, shared network of employment service providers to improve access, support seamless transitions, and expand individuals' choices to high quality employment services. As part of this work, we agree to:

- **Evaluate strategies for a common employment service provider pool.** We will explore options for creating a shared job search service provider pool to support seamless service delivery and prevent unnecessary interruptions as people move between supports funded by DEED-VRS/SSB and supports funded by DHS-DSD.
- **Encourage dual enrollment of employment service providers.** While DHS and DEED will continue to maintain separate employment service provider licensure/accreditation standards, we will make it easier for providers to understand our respective standards and develop strategies to provide ongoing communication and technical assistance to those interested in enrolling.
- **Align and streamline process and efforts.** We will explore opportunities to better align and streamline each agency's business processes and requirements to create consistency and efficiencies for dually enrolled employment service providers.
- **Coordinate communications and training.** We will coordinate service provider communications and training to maintain consistent messaging and increase understanding of each agency's respective system and the shared customer flow outlined in this agreement.
- **Measure and promote provider performance.** We will explore methods to assess and provide information on service provider performance to people with disabilities and their families to support informed selection of service providers.
- **Develop new providers.** We will analyze data, set goals and collaborate on the development of employment service providers in underserved populations and areas of the state.

IX. Training, Communication and Technical Assistance

We will provide training, communication and technical assistance support to DEED-VRS/SSB, lead agency, DHS-DSD, and community provider staff regarding policies, practices and procedures related to competitive integrated employment.

- **Joint training and communication.** We will provide shared training tools and communication for DEED-VRS/SSB, lead agencies, DHS-DSD and community provider staff to ensure mutual understanding of both DEED-VRS/SSB and DHS-DSD programs and access to the same information at the same time.
- **Capacity building.** DEED-VRS/SSB and DHS-DSD will eliminate barriers to providing employment services to ensure broad representation and opportunities for consumer choice statewide. To enhance employment services, we will offer providers joint training, technical assistance and opportunities for mentorship with other providers.
- **Evaluation of promising practices.** We will review new approaches to support competitive integrated employment, including supported employment, customized employment and other best practices for employment-related services and supports for people with the most significant disabilities.

X. Dispute Resolution

The steering committee will monitor the implementation of this MOU and propose solutions to any problems that arise. If a solution cannot be reached or the solution needs administrative or financial resources beyond the scope of the steering committee's responsibility, the dispute will be referred to the directors of DHS-DSD and DEED-VRS/SSB or, when necessary, the assistant commissioners.

We recognize that we each have agency administrative mechanisms for the timely resolution of internal disputes and that our agencies have specific responsibilities and operating procedures governed by applicable Federal and State laws, rules, and policies. This agreement shall not be interpreted to limit, supersede, or otherwise affect our agencies' normal operations or decisions.

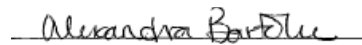
XI. Length, Termination and Modification of Agreement

- **Length of agreement.** This agreement takes effect on the date of the last signature and will be formally reviewed every two years.
- **Amendment of agreement.** This agreement may be amended or extended as needed. Amendments or extensions must be documented in writing and signed and dated by both parties.
- **Termination of agreement.** This agreement may be terminated by either party for any reason. A termination requires 30 days written notification submitted to the agency point of contact.
- **Severability of agreement.** If any provision of the agreement is determined to be invalid, the remainder of the agreement remains in place as long as the purpose of the agreement continues.


XII. Confidentiality and Release of Information

We will follow data practice requirements when using or sharing personal information, including federal and state written policies and procedures regarding the protection, use and release of photographs, lists of names and other personal information. We will release personal information to the other agency in accordance with the written agreement and only as needed for program purposes and with informed written consent from the person (or the person's representative, if appropriate).

XIII. Signatures



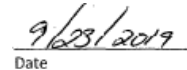
Alexandra Bartolic
Director, Disability Services Division,
Minnesota Department of Human Services



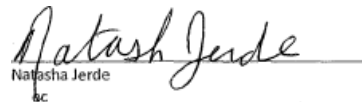
Date



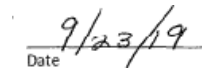
John Fisher
Interim Director, Vocational Rehabilitation Services,
Minnesota Department of Employment and Economic Development



Date


Natasha Jerde
sc

Natasha Jerde
Director, State Services for the Blind,
Minnesota Department of Employment and Economic Development



Date

Appendix A: Definitions

Benefits planning: The process of reviewing and understanding the impact of work on public benefits (such as Supplemental Security Income, Social Security Disability Insurance, Medicare, Medical Assistance and housing benefits). Benefits planning includes knowing what benefits are available and how to access and manage those benefits, as well as understanding how work impacts benefits and how to make a successful transition to work (or working more).

Common customer: People who receive both Medicaid HCBS disability waiver services (CAC, CADI, BI, DD) and DEED-VRS/SSB services.

Community Rehabilitation Programs (CRPs): Programs that contract to provide services to people with disabilities served by Minnesota Vocational Rehabilitation Services. CRPs are accredited by the [Commission on Accreditation of Rehabilitation Facilities](#) (CARF).

Competitive integrated employment (CIE): Full-time, part-time or self-employment with or without supports in a competitive business or industry. CIE is defined in [Minnesota's Employment First Policy](#) as well as governed by regulations under the Department of Education, 34 CFR Parts 361, 363, and 397, State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule **34 CFR §§361.5(c)(9)(ii) and 361.5(c)(32)(ii)**. CIE must pay at least minimum wage but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by people without disabilities. If a person is self-employed, the work must yield a comparable income expected for someone without a disability doing the same work. The work must present opportunities to interact with people who don't have disabilities and opportunities for advancement.

Customized employment: Competitive integrated employment for a person with a significant disability that is based on the person's unique strengths, needs and interests; designed to meet the person's abilities and the employer's business needs; and carried out through flexible strategies. These strategies may include:

- Job exploration
- Working with an employer to facilitate placement, which may include:
 - Customizing a job description based on current or previously unidentified or unmet employer needs
 - Establishing a set of job duties and work schedule
 - Establishing specifics of supervision, including performance evaluation and review
 - Determining a job location
- Using a professional representative to work with an employer to facilitate placement
- Providing services and supports on the job

Day training and habilitation services (DT&H): Services available through Minnesota's HCBS DD waiver that help develop and maintain life skills for people with developmental disabilities or related conditions so they can fully participate in community life. DT&H may include supports provided in a sheltered workshop or business owned by a service provider.

Employment development services: Services available through Minnesota's HCBS disability waivers (CAC, CADI, BI, DD) that help a person achieve competitive integrated employment, become self-employed or establish a microenterprise business. Development services include job search and placement services.

Employment exploration services: Services available through Minnesota's HCBS disability waivers (CAC, CADI, BI, DD) that help a person gain a better understanding of competitive integrated employment opportunities. Exploration activities and experiences strengthen a person's knowledge, interests and preferences so he/she can make informed choices and develop informed goals about competitive employment.

Employment First: A set of core values and policies adopted nationwide to support competitive integrated employment for people with disabilities. With Employment First, employment is the first and preferred outcome for all working-age people with disabilities, including people with complex and significant disabilities. [Minnesota's Employment First Policy](#) directs the work of DEED, DHS and MDE.

Employment stability: An individual determination made by the vocational rehabilitation counselor and the employee, typically when the employee is satisfied with the job, the employer is satisfied with the employee, and adequate employment supports are in place to ensure continued employment stability.

Employment support services: Services available through Minnesota's HCBS disability waivers (CAC, CADI, BI, DD) that help people maintain paid employment in community-based settings. Employment support services can support both individual paid employment and community-based group work arrangements where up to six people work together to share the tasks, duties and responsibilities of a specific job position.

Informed choice: The result of a person-centered planning approach in which people with disabilities understand all of their options (including those beyond disability-specific programs), methods to overcome barriers, and the potential risks and benefits of their decisions. Informed choice values community resources, natural supports and assistive technology supports

Informed employment goal: A person's statement of career aspirations and immediate job search interests based on a well-developed understanding of the work world. Waiver services can help people with disabilities develop informed employment goals. These goals can be further refined and carried out through the assistance of a vocation rehabilitation services counselor.

Job coaching: On- or off-site training and consultation to facilitate successful competitive integrated employment, including any of the following:

- Job destination training
- Transportation coordination
- Job site skills training and assistance to perform work duties
- Training in new duties, including new employee orientation and other responsibilities that assure job retention
- Training and assistance with work behaviors and interpersonal skills
- Training to develop understanding of employment practices and business policies
- Assistance in changes in the work environment impacting potential for job retention
- Identifying, utilizing and integrating natural supports in the workplace
- Exploring and seeking job advancement

Job development: Contacting businesses to develop or identify job opportunities and helping eligible people prepare for, secure, retain, advance in, or regain competitive integrated employment.

Lead Agency: The county or tribal nation that administers HCBS waiver programs.

Limited-use vendors (LUVs): Service providers not accredited with the [Commission on Accreditation of Rehabilitation Facilities](#) (CARF). LUVs registered with the Minnesota Secretary of State may conduct business with Minnesota Vocational Rehabilitation Services after approval of a professional and technical (P/T) services master contract.

Performance based agreements (PBAs): The structure through which Minnesota Vocational Rehabilitation Services purchases placement and retention services. The first PBA milestone payment is made after a placement plan is signed. A second PBA milestone payment is made after the first shift is completed. The final PBA milestone payment is made after the employee has successfully retained competitive integrated employment for a minimum of 90 days.

Person-centered principles: The values at the foundation of person-centered practices, including:

- Promoting dignity, respect and trust for people with disabilities
- Ensuring a person's ability to contribute to the community in a meaningful way through appropriate supports and services
- Understanding and demonstrating how to balance a person's preferences, health and safety
- Using a "power with" as opposed to a "power over" approach to support a person in pursuing what is personally important
- Promoting and establishing a shared vision between the person and those who support the person
- Promoting and demonstrating a person's ability to select appropriate supports and services
- Honoring a person's ability to express choice and preferences even with limited rights or mandates, such as civil commitment or guardianship
- Affirming a person's civil and legal rights

- Honoring a person's unique identity and culture, including planning supports and services accordingly

Placement services: Services such as identifying and developing job opportunities, assisting with creating and updating resumes, completing job applications, preparing for job interviews, completing cover and thank you letters, providing on site job analysis, and helping employers to identify and eliminate barriers to competitive integrated employment and the advancement of people with disabilities.

Prevocational services: Services available through Minnesota's HCBS CADI and BI waivers that prepare people with disabilities for jobs with competitive pay and help them achieve greater independence in the community. Prevocational services teach general work skills and concepts rather than specific work skills for a particular job. Prevocational services may include supports provided in center-based employment or businesses owned by service providers.

Retention services: Services to support a person's adjustment to competitive integrated employment, maximize skill development, and maintain or advance in competitive integrated employment.

Service coordination: Maintaining communication and coordination with community partners, agencies and resources about job openings for people with disabilities, services to support competitive integrated employment and joint efforts to increase competitive integrated employment opportunities.

Supported employment: A program for people with the most significant disabilities for whom competitive integrated employment has not traditionally occurred or been interrupted or intermittent. Supported employment takes people where they are and builds the supports they need to succeed around them.

Supported Employment Services (SES): Services formerly available through Minnesota's HCBS disability waivers (CAC, CADI, BI, DD waivers) to help people with disabilities find and keep paid employment in the community. SES was replaced by employment development services and employment support services beginning in 2018.

Vault: A secure electronic home for documents, planning tools and activities related to the pursuit of competitive integrated employment. Information stored in the Vault may be shared as desired between people with disabilities and those who support them.

Waiting list: A DEED-VRS/SSB waiting list that allows people with the most severe disabilities to be served first when there is a lack of funds to serve all eligible consumers. Consumers come off the waiting list in order of application date within the priority category being opened.

Follow-up: A DEED-VRS/SSB time-limited service that begins after employment stability and involves at least twice monthly contact with the employee and/or employer to determine ongoing satisfaction with the terms of employment, share progress and coordinate additional services as needed.

245D provider: A service provider eligible to provide HCBS employment services through Minnesota's HCBS disability waivers. DHS licenses certain home and community-based services provided to people with disabilities and those older than age 65. To provide employment services through one of Minnesota's HCBS Medicaid disability waivers (BI, CAC, CADI, DD), an organization must have a license under the standards of Minnesota Statutes, chapter 245D as well as meet staff competency requirements.

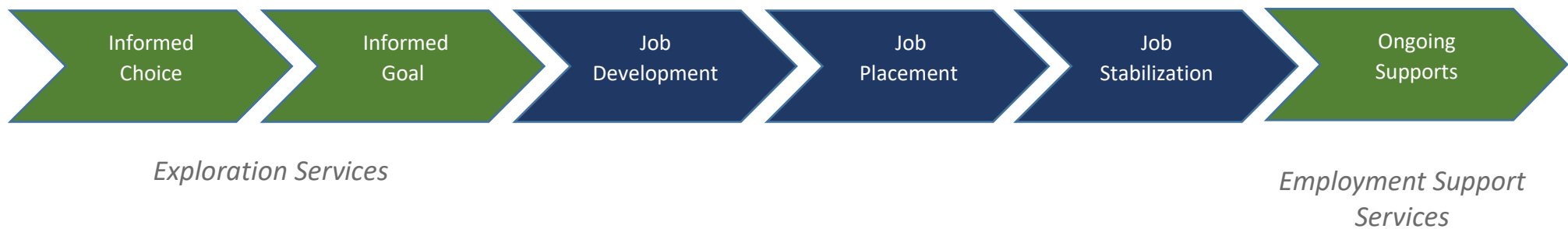
Appendix B: Service Sequencing

Waiver

VRS/SSB

VRS/SSB and
School Districts

Not enrolled in high school or 18-21 transition programming



Enrolled in high school or 18-21 transition programming

