



ADMINISTRATIVE RULES OF MONTANA

37.34.981 0208 MEDICAID HOME AND COMMUNITY-BASED SERVICES PROGRAM: SUPPORTED EMPLOYMENT, INDIVIDUAL EMPLOYMENT SUPPORTS

- (1) Individual employment supports are habilitation services and staff supports needed by a waiver recipient to acquire a job or career advancement in the general workforce at or above the state's minimum wage, with a goal of not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Individual employment support is delivered in a competitive, customized, or self-employment setting. The outcome of this service is paid employment in a competitive, customized, or self-employment setting within the general workforce that meets the waiver recipient's personal and career goals, as documented in the plan of care. Individual employment supports are person-centered to address the waiver recipient's employment needs and interests.
- (2) Individual employment supports may include:
 - (a) person-centered employment planning;
 - (b) job development;
 - (c) negotiation with prospective employers;
 - (d) creating a job description based on a task derived from a single traditional job (job carving);
 - (e) job placement;
 - (f) career advancement activities;
 - (g) job analysis;
 - (h) training, support, coordination, and communication in related skills needed to obtain or retain employment;
 - (i) job coaching;
 - (j) job loss support; and
 - (k) benefit planning support.
- (3) Individual employment supports may not include:
 - (a) transportation of a waiver recipient to and from the job site once the waiver recipient has been hired;
 - (b) any service that is otherwise available under the Rehabilitation Act of 1973. Documentation is required to ensure that the service is not available or is no longer available under a

program funded under section 110 of the Rehabilitation Act of 1973, the IDEA (20 U.S.C. 1401 et seq.), or EPSDT;

- (c) employment activities taking place in a group, such as work crews or enclaves;
 - (d) public relations activities;
 - (e) staff continuing education, including in-service meetings, department meetings, or individual staff development;
 - (f) incentive payments made to an employer to subsidize the employer's participation in a supported employment program;
 - (g) payments that are passed through to the waiver recipient;
 - (h) payments for vocational training that is not directly related to a waiver recipient's supported employment program;
 - (i) any other activities that are not specific to the waiver recipient, including circumstances when the waiver recipient cannot work their scheduled hours so the job coach is working the job instead of the waiver recipient;
 - (j) any activities which are not directly related to the waiver recipient's career plan;
 - (k) services furnished to a minor waiver recipient by a parent, step-parent, or legal guardian; and
 - (l) services furnished to a waiver recipient by the waiver recipient's spouse.
- (4) Individual employment supports will not overlap with, supplant, or duplicate other services provided through the waiver or Medicaid state plan services.
- (5) Income from customized home-based businesses need not be commensurate with minimum wage requirements with other employment.
- (6) Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:
- (a) incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment; or
 - (b) payments that are passed through to the waiver recipient.
- (7) Waiver recipients may utilize small group employment, follow along, co-worker, and day supports and activities in conjunction with individual employment support.

Authorizing statute(s): 53-6-113, 53-6-402, 53-20-204, MCA

Implementing statute(s): 53-6-101, 53-6-402, 53-20-205, MCA

History: NEW, 1995 MAR p. 1136, Eff. 6/30/95; TRANS, from SRS, 1998 MAR p. 3124; AMD, 2014 MAR p. 220, Eff. 1/31/14; AMD, 2024 MAR p. 2067, Eff. 8/24/24.