

**Illinois Department of Human Services**  
**Adult Employment Services: Memorandum of Understanding Between the Division of  
Rehabilitation Services and the Division of Developmental Disabilities**

**Purpose**

The purpose of this Memorandum of Understanding (MOU) is to outline and clarify the continued collaborative relationship between the Illinois Division of Developmental Disabilities (DDD) and the Illinois Division of Rehabilitation Services (DRS) in serving Individuals with Intellectual and Developmental Disabilities (I/DD) to ensure the accessibility to, and provision of, high quality employment services and supports.

Individuals with I/DD are underrepresented in the workforce, experiencing unemployment or under-employment at a rate much higher than that of the non-disabled population. Increasing access to and utilization of programs and services which support Competitive Integrated Employment (CIE) is a priority for DRS, DDD and their respective partners.

Through the mutual yet distinctive and non-duplicative efforts of these Divisions, alongside all involved stakeholders, more Illinoisians with I/DD will be equipped to achieve Competitive Integrated Employment (CIE) as a preferred outcome. This collaboration includes recognition and acknowledgement of each Divisions' unique programs, services, policies, rules, laws and other guidance.

**Laws and Legislation: Background**

**Americans with Disabilities Act<sup>1</sup>**

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability.

**Olmstead<sup>2</sup>**

The landmark United States Supreme Court decision, *Olmstead v. L.C.*, 527 U.S. 581 (1999), requires states to ensure that people with disabilities are served in the most integrated setting appropriate to their needs. Basically, people with disabilities should be integrated into all aspects of society.

**Employment First<sup>3</sup>**

In 2013, Illinois enacted law to make Competitive Integrated Employment the first option in providing services to people with disabilities of working age. The Illinois Employment First Act requires all state agencies to follow this priority and to ensure effective implementation in programming and provision of services.

**Home and Community Based Services<sup>4</sup>**

Within broad Federal guidelines, States develop and operate Home and Community Based Services (HCBS) Medicaid waivers, designed to meet the needs of people who prefer to receive long-term care services and supports in their home or community, rather than in an institutional setting.

### Workforce Innovation and Opportunity Act<sup>5</sup>

2014 legislation that is designed to strengthen and improve the public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.

### U.S Department of Education Regulations<sup>6</sup>

Regulations issued by the U.S. Department of Education require the Division of Rehabilitation Services to enter into a formal, cooperative, agreement with the State agency with primary responsibility for providing HCBS Medicaid Waiver services and supports for individuals with Intellectual and Developmental Disabilities (I/DD).

### Scope

This MOU applies exclusively to Competitive Integrated Employment for Individuals with Intellectual and Developmental Disabilities who are deemed eligible and able to benefit from either or both; Division of Rehabilitation Services Vocational Rehabilitation (DRS VR) Program and / or the Division of Developmental Disabilities Supported Employment Program (DDD SEP).

### **Competitive Integrated Employment<sup>7</sup>**

- Work that is part-time or full-time, including self-employment
- Fair and competitive wages
- Equitable opportunities for advancement and access to benefits
- Integrated work settings

### Partners

#### **Division of Rehabilitation Services Vocational Rehabilitation Program**

As the Designated State Unit, the Division of Rehabilitation Services is tasked to administer, or supervise administration of Vocational Rehabilitation services. DRS VR is the first payor of Individual Competitive Integrated Employment Services for individuals with I/DD in Illinois and as such shall be the point of first referral for all adult Individuals with I/DD who desire to obtain and sustain individualized Competitive Integrated Employment. This includes individuals who are unemployed and those who are employed but are seeking promotion, transfer, assistance with special training needs, or other similar time-limited support. While this does not generally include individuals receiving Pre-employment Transition Services, individuals in their final semester of school, who meet necessary criteria, may qualify for the Adult DRS VR program.

#### **DRS VR Eligibility<sup>8</sup>**

Anyone receiving Social Security Disability Insurance (SSDI) benefits or Supplemental Security Income (SSI) is confirmed to have an existing significant disability as determined by SSA and therefore presumed eligible for receipt of DRS VR services and supports.

DRS VR shall determine eligibility for individuals receiving services using the following criteria:

- existence of physical or mental impairment
- the physical or mental impairment constitutes or results in substantial impediment to employment
- the individual needing the services requires DRS VR assistance with preparing for, securing, retaining or regaining employment that is consistent with the individual's identified strengths, resources, capabilities, abilities, priorities, concerns, interests, and informed choice/s
- presumption the individual will achieve the desired employment or career outcome

### **DRS VR Presumption of Benefit<sup>9</sup>**

Any individual with a disability is presumed to be able to benefit from VR services and to be capable of achieving a successful employment outcome. This presumption shall continue unless DHS-DRS can demonstrate through clear and convincing evidence that the individual is incapable of benefiting from VR services and becoming successfully employed.

Unless there is clear and convincing evidence that an individual is incapable of benefiting from DRS VR services and becoming successfully employed, individuals with disabilities are presumed to be able to benefit from DRS VR services and capable of achieving a successful employment outcome.

Generally, DRS VR services and supports offer personalized, intensive and short-term assistance to obtain individualized employment at competitive wages in integrated environments.

### **DRS VR Referral Process:**

Referrals for DRS VR services and supports can be made in several ways including by phone, by mail, or in person. However, the preferred method of referral is [online submission](#).

Referrals by phone, mail, or in person should be made to the geographically closest DRS VR office. The [DHS Office Locator](#) can be used to identify the nearest Rehabilitation Services location.

DRS VR personnel will log the referral and assign a primary point of contact (DRS VR Counselor). The DRS VR Counselor will contact the individual interested in DRS VR services and supports and begin a process to determine eligibility and ability to benefit from DRS VR.

### **DRS VR Timelines**

Once DRS VR services have been initiated, the length of time an individual with I/DD is engaged directly in DRS VR services varies based on a number of factors, including:

- individual need - DRS VR case type
- mandated time limits
- status or progression of the VR case

### **DRS VR Partners**

DRS VR commonly partners with Community Rehabilitation Providers (CRPs) in order to assist individuals with I/DD to achieve successful employment outcomes. After DRS VR has determined eligibility and ability to benefit, the DRS VR Counselor, in conjunction with the individual receiving services, will

develop an Individualized Plan for Employment (IPE). It is at this time the DRS VR case is often referred to a CRP.

DRS VR maintains oversight and case management responsibilities after referral to a CRP but much of the direct services (i.e., job development, placement, coaching, and ongoing supports) are provided directly by the CRP.

All parties, including the individual receiving DRS VR services, DRS VR Counselor or designee, and CRP personnel shall maintain open communication and meet as necessary to discuss progress towards CIE.

### **DRS VR Case Closure**

DRS VR case closure may occur:

- prior to determination of eligibility<sup>10</sup> (declines services or is unable to participate)
- due to non-rehabilitation<sup>11</sup>
- due to successful achievement of the employment outcome<sup>12</sup>

### **Division of Developmental Disabilities Supported Employment Program**

The Division of Developmental Disabilities shall administer a Supported Employment Program within the Adults with Developmental Disabilities Home and Community Based Services (HCBS) Medicaid Waiver, and for residents of Illinois State Operated Developmental Centers, which offer eligible individuals long term supports to maintain Competitive Integrated Employment.

DDD SEP provides funding for services and support necessary to assist individuals with I/DD to maintain employment at competitive wages in a variety of integrated settings. DDD SEP is designed to promote regular interaction with persons without disabilities who are not paid care givers or service providers. DDD SEP services and supports may be provided in individual placements or in group settings.

### **DDD SEP Eligibility**

Individuals with Intellectual and Developmental Disabilities who are either recipients of the Adults with Developmental Disabilities HCBS Medicaid Waiver<sup>13</sup> or residents of a State Operated Developmental Center may request authorization of DDD SEP service and billing codes.

Requests for DDD SEP will only be considered for individuals who meet all the following criteria.

Recipients of the Adults with Developmental Disabilities HCBS Medicaid Waiver must:

- enrolled in the Adults with Developmental Disabilities HCBS Medicaid Waiver or a current resident of a State Operated Developmental Center
- require supportive services to work in an integrated employment environment
- have a defined, related and ongoing/long-term employment support need identified in his or her Personal Plan, Career and Income section
- be currently employed, either individually or in group employment, at competitive wages and in an integrated setting
- supported within the proper ratio

Residents of State Operated Developmental Centers must:

- reside in a State Operated Developmental Center
- require supportive services to work in an integrated employment environment
- have a defined, related and ongoing/long term employment support need identified in his or her Individual Support Plan (ISP)
- be currently employed, either individually or in group employment, at competitive wages and in an integrated setting
- be supported within the proper ratio

DDD SEP employment environments must meet the requirements of the HCBS Settings rule and allow ample opportunity for the individual receiving services and supports to engage in routine interactions with customers, co-workers, and other individuals who do not have disabilities.

### **DDD SEP Request (Types)**

Awards for the Division of Developmental Disabilities Supported Employment Program (DDD SEP) shall be authorized through a specific request and approval process. This process applies to both New/Initial requests and Revalidation requests as well as all Waiver funded SEP requests and SODC SEP requests.

- New/Initial Requests: Applies to individuals who are not currently authorized for DDD SEP type being requested
- Revalidation Requests: Applies to all individuals with a currently active authorization for DDD SEP

DDD SEP Service and Billing Code Options, including SODC SEP:

- DDD SEP Individual
- DDD SEP Group
- Both DDD SEP Individual and DDD SEP Group

New/Initial requests for DDD SEP Individual, including SODC SEP, must:

- include evidence of successful achievement of the DRS VR employment outcome
- be made within 90 days of successful DRS VR case closure

New/Initial requests for DDD SEP Group services and supports, including SODC SEP Group, do not require a successful DRS VR outcome. However, this type of request is subject to a validation of the DDD SEP Group program and setting/s through the lens of the HCBS Settings Rule.

DDD administers regulatory oversight for Supported Employment Programs to ensure efficacy, continuity, and quality of all DDD SEP services supports. This includes dedicated review of all New/Initial requests and an annual Revalidation of all active DDD SEP authorizations.

Annual Revalidation of DDD SEP authorizations allows DDD to capture updated information on the nature and scope of employment supports and verify that the current Individual or Group employment meets DDD SEP criteria. Active DDD SEP authorizations which are not revalidated will be deactivated on a date set by DDD.

### **DDD SEP Request (Process)**

Authorization of DDD SEP shall occur only if requests are fully complete and accurate and submitted in a timely manner.

Adults with Developmental Disabilities HCBS Waiver Funded DDD SEP Requests flow:

- from the agency intending to provide DDD SEP services and supports; to
- the Independent Service Coordination (ISC) agency responsible for support planning for the individual for whom the request is submitted; to
- the Division of Developmental Disabilities

State Operated Developmental Center DDD SEP requests flow:

- from the agency intending to provide DDD SODC SEP services and supports; to
- the DDD Supported Employment Administrator and the respective SODC Case Manager

DDD SEP Requests must include the following elements:

- [Alternative Day Program Request](#)  
Used to identify the specific DDD SEP authorization being requested (Individual, Group or Both) and the type of request (New/Initial vs Revalidation)
- [Supported Employment Questionnaire](#)  
Used to collect data on the nature and scope of employment supports
- *DRS VR Notification of Closure*  
*Only required for New/Initial requests for DDD SEP Individual*

### **DDD SEP Timelines**

Upon authorization, DDD SEP service and billing codes remain active as long as the individual maintains eligibility.

Annually, all DDD SEP authorizations are reviewed through Revalidation. The process and procedure of Revalidation mirrors those for New/Initial requests, including submission of an Alternative Day Program Request and Supported Employment Questionnaire (for each job held).

The timelines and requirements of Revalidation will be announced by the Division of Developmental Disabilities through the DDD Communications listserv. Interested parties can [sign-up to receive electronic notice of DDD Communications here](#).

### **DDD SEP Partners - Independent Service Coordination**

Individuals enrolled in the Adults with Developmental Disabilities HCBS Medicaid Waiver are assigned to an Individual Service Coordination (ISC) agency who provides case management, support, monitoring and other assistive services. In collaboration with individuals served, ISCs facilitate completion of "Discovery" and "Personal Plan" for each individual enrolled in the Adults with Developmental Disabilities HCBS Medicaid Waiver.

Discovery is an information gathering process designed to capture both what is important to the person and what is important for the person. ISC agencies are responsible for facilitating the Discovery process and documenting what they gather in the Discovery Tool. Discovery is not a one-time event, rather a

series of interactions, observations, and record reviews which begins with the individual served, includes guardian(s), family members, advocate(s) and others chosen by the individual, such as providers and other caregivers. The information captured during this process is used to develop the Personal Plan which summarizes key and critical areas of the person's life.

The Discovery Tool includes details about interests, aptitudes, needs, and capacities of several life areas, including employment. Desired employment interests will be listed in the Career/Income section. The Discovery Tool indicates interest and progress in both current and future career and employment outcomes.

The totality of the information from Discovery is incorporated into the Personal Plan which dictates the services and supports necessary to achieve desired outcomes. The Personal Plan outlines the person's desired outcomes including those related to career/employment and income and details the DDD Waiver Services necessary to achieve progress in fulfillment of all desired outcomes. The Personal Plan is reviewed, assessed, and modified no less than annually or more often as needed.

Additional information on the Personal Planning process can be found on the [Division of Developmental Disabilities webpage](#).

### **Coordinated Planning**

#### **DRS**

Individuals with I/DD who receive DRS VR services and supports shall have their desired employment outcome(s), and related supports, clearly identified in their Individualized Plan for Employment (IPE).

- The IPE is developed through collaboration between the person receiving DRS VR services, their support network, and the DRS Counselor.
- The IPE and progress towards the intended employment outcome is monitored frequently by all partners involved in DRS VR services.

#### **DDD**

Individuals with I/DD who are recipients of the Adults with Developmental Disabilities HCBS Medicaid Waiver shall have their employment needs, desires and or outcomes clearly identified in the Career and Income section of their Personal Plan (PP).

- The Personal Plan is developed by the Independent Service Coordination (ISC) entity, in collaboration with the person receiving services and support and their support network, after the Discovery process.
- The ISC monitors alignment between the services and supports identified in the Personal Plan and the satisfaction of the individual receiving HCBS Waiver services and supports.

Individuals with I/DD who are residents of a State Operated Developmental Center shall have their employment needs, desires and or outcomes clearly identified in the Individual Support Plan.

#### **Consistency**

Alignment between the DRS VR IPE and the DDD PP or SODC ISP allows for the delivery of effective, efficient, cohesive and collaborative employment services and supports.

DRS VR personnel should inquire and be made aware of the content of the Personal Plan just as Independent Service Coordination personnel should inquire and be made aware of the content of the DRS VR IPE.

### **Service Provider Network**

DDD shall publish, post and maintain, on their website, a list of all DDD SEP service providers who also hold contracts with DRS. This list is accessible on [DDD's "Employment" webpage](#).

### **Intra-agency Administrative Agreements**

Under the umbrella of the Illinois Department of Human Services (IDHS), DRS and DDD are separate and unique, yet collaborative, entities with each Division retaining its own policies and guidelines while recognizing and abiding by the Federal and or State laws governing respective operations.

DDD and DRS serve a shared constituency with a common Administrative Directive – to improve Competitive Integrated Employment outcomes for individuals with disabilities.

Therefore, the focus on increasing opportunities for individuals with I/DD to obtain and sustain Competitive Integrated Employment is paramount to the success of all involved parties. Ease of access, proper utilization of services and continuous improvement of supports available through DDD and DRS is a step towards cultivating Illinois' disability service system and enhancing integrated community-based services which result in greater independence of persons served.

### **Mutual Responsibilities**

DDD and DRS commit to:

- Meeting no less than quarterly to discuss the MOU, including data related to the engagement of individuals with I/DD in each Divisions' employment programs, overall operations, and status of the collaboration. These meetings will include discussions of need and actionable items related to the Divisions' shared constituent base.
- Facilitation of joint training efforts, targeted at personnel from Independent Service Coordination agencies, Provider agencies, DRS and DDD as well as other stakeholders, no less than annually, designed to ensure mutual and comprehensive education and understanding of policies, laws and regulations relevant to the Divisions' collaborative focus and the implementation of a common Administrative Directive.
- Dissemination of all new or updated written policies and procedures to all involved personnel, partners and stakeholders including staff from DDD & DRS, ISC agency staff, and the shared provider / stakeholder network.



- Collaboration with partners to ensure continuity in the referral, application, assessment, determination, and service delivery and successful achievement of employment outcomes in individualized, competitive integrated employment.
- Identification of policies, processes and practices that either promote, or present barriers to Competitive Integrated Employment for individuals with I/DD with appropriate expansion of those which promote quality employment outcomes and development of appropriate resolutions to those which pose barriers.
- Implementation of the revised Career Counseling, Information and Referral process for individuals engaged in, or at risk of engagement in, subminimum wage activities.

### **Confidentiality and HIPAA**

Only pertinent, relevant, information needed for service delivery and maintenance of case files will be shared between DDD and DRS. DRS and DDD will ensure adherence to all Federal and State laws and regulations including but not limited to confidentiality and requirements for the collection, storage, monitoring, discussion of, and sharing of data for the purpose of service delivery<sup>14</sup>. Signed Releases of Information (RoI) are required from all DRS and DDD customers. All ROIs will comply with Illinois' Mental Health and Developmental Disabilities Confidentiality Act<sup>15</sup>, CFR on the Protection, Use and Release of Personal Information<sup>16</sup> and IDHS Administrative Code on Confidentiality<sup>17</sup>.

Both parties will remain in compliance with the Administrative Simplifications provisions of the Health Insurance Portability and Accountability Act of 1996<sup>18</sup>, which includes, but is not limited to electronic data exchange, code sets, identifiers, security, and privacy provisions as they are applicable to services received by DRS, DDD, Waiver-related service providers, and any contracting service deliverers.

### **Effective Date and Term**

This Memorandum of Understanding will go into effect upon signatures and shall remain in effect until it is terminated by one of the parties or amended by a signed agreement of the parties.

### References

- 1: Americans with Disabilities Act
- 2: Olmstead
- 3: Employment First
- 4: Home and Community Based Services
- 5: Workforce Innovation and Opportunity Act
- 6: U.S. Department of Education Regulations
- 7: Competitive Integrated Employment
- 8: DRS VR Eligibility
- 9: Presumption of Benefit from Vocational Rehabilitation Services
- 10: DRS VR Closure Prior to Eligibility Determination
- 11: DRS VR Non-Rehabilitation Case Closure
- 12: DRS VR Successful Closure

13: Adults with Developmental Disabilities Home and Community Based Services Medicaid Waiver

14: Code of Federal Regulations 431.300

15: Mental Health and Developmental Disabilities Confidentiality Act

16: Code of Federal Regulations 361.38

17: Illinois IDHS Administrative Code on Confidentiality

18: HIPAA Administrative Simplification

This Memorandum of Understanding, dated December 2023, supersedes all prior Memorandum relating to collaboration between the Division of Rehabilitation Services (DRS) and the Division of Developmental Disabilities (DDD) on Adult Employment Services.

*Tonya Piephoff*

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Tonya Piephoff, Director, Division of Developmental Disabilities

12/22/2023

Date

*Rahnee Patrick*

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Rahnee Patrick, Director, Division of Rehabilitation Services

12/22/2023

Date