

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

PAULA LANE, et al.,

Case No. 3:12-cv-00138-ST

on behalf of themselves and all
others similarly situated, and

UNITED CEREBRAL PALSY OF OREGON AND S.W.
WASHINGTON,

Plaintiffs,

v.

KATE BROWN, Governor of the State of Oregon;
et al.,

all in their official capacities,
Defendants.

UNITED STATES OF AMERICA,

Plaintiff- Intervenor

v.

STATE OF OREGON,

Defendant.

REBUTTAL REPORT OF ANN COFFEY

I. ISSUES ADDRESSED

I have reviewed and am responding to the reports of Cathy Anderson, Brian Lensink, James Nicholson, and Ric Zaharia. My response focuses on their opinions concerning Oregon's employment services rates; the role, training, and engagement of employment service providers, service coordinators, and personal agents in Employment First; DHS's capacity plan; and the implementation of the Executive Order and related plans.

II. EXPERTISE

I serve as the Executive Director for United Cerebral Palsy Association of Oregon and SW Washington. We provide family support services, operate a support services brokerage, provide employment services, supported living, in-home supports to children, and community inclusion services to over 1000 customers annually. UCP's employs 175 support staff and operates within a \$6.5 million annual budget. Prior to earning the position of Executive Director in 2012, I was the Community Services Director responsible for leading and managing adult services operations at UCP for nearly 10 years. Employment Solutions, UCP Connections (support services brokerage), and Building Blocks (in-home supports for children) were initiated and developed under my leadership. I have over fifteen years of professional human services experience, including the provision of employment services utilizing evidence-based best practices. I have thirteen years of senior leadership experience in nonprofit organizations, where I have consistently and successfully managed growth and change in a fiscally responsible manner while achieving high-quality outcomes.

I directly supervises Melissa Miller, the Cedar Team Leader of Employment Solution's, UCP's employment services department, and am responsible for strategic planning, including financing and marketing of UCP's employment services. I am also responsible for Employment Solution's grant applications to invest in growth, diversification, and overall quality improvement indicators.

I currently participate in REBAR (employment and supported living sub groups), the Adult Working Age Policy group (formerly known as SIG2, Employment subgroup, formerly "Ad Hoc" employment group, and formerly the DD Employment Task Force), Oregon's APSE chapter, UCP's National Employment Task Force, the DD Coalition and Employment subgroup, as well as a recent employment rate setting work group initiated by Lilia Teninty. In the past, I have participated in the Clackamas and Multnomah County Employment First Teams, and Oregon's Employment Leadership Network, and related employment summits, including Meet at the Mountain. I continue to represent UCP in every effort to support successful implementation of Employment First in Oregon. I continue to lead, monitor, and invest in strengthening Employment Solution's services.

I have a Master of Art in Counseling Psychology from Lewis and Clark College, and a Bachelor of Art in Psychology and Human Services Certificate from Oregon State University. I have completed the W.i.S.e. OELN series offered to organizational leaders. I have completed training offered by Griffin-Hammis Associates, Marc Gold and Associates, the Training Resources Network, CCER, ICI, Michael Callahan, and Oregon Vocational Rehabilitation Services. I demonstrate all core competencies and training standards for supported employment

professionals as required by the State of Oregon, including requirements to provide Discovery services.

A full description of the documents and materials I reviewed in preparing this report is set forth in Attachment 1.

III. FINDINGS AND CONCLUSIONS

A. Oregon's ReBAR Process Only Recently Established New Provider Rates for Employment.

The ReBAR Program (Restructuring, Budgets, Assessments and Rates) began in the fall of 2005. Thirty (30) members, including myself, represented the Stakeholder Advisory Group. Early on, Guiding Principles were developed and utilized to gauge our work. Although the Guiding Principles highlight good intention, key components related to customer involvement & development of input, flexibility, responsiveness, transparency, statistic validity, Oregon's "add on" considerations, regular examination and revision, communication, and smooth implementation have yet to be supported or realized. More fundamentally, competitive integrated employment outcomes for customers receiving services are not identified as a preferred outcome.

Between July 2006 and March 2007 ReBAR employees and the Stakeholder Advisory Group worked with project consultants to prepare the Strategic Plan to present to CMS for federal approval. Three resource teams were identified to support examination of assessment tools, exploration of rate structures, and quality assurance measures. Activity among the first two teams began. I am unaware of any quality assurance measures that were created by the third team.

Until 2012, ReBAR's focus was creation of the State-Operated ReBAR Assessment Unit, the completion of SIS assessments for all comprehensive waiver customers, the creation of an Exception / Tier 7 Review process, and establishment & implementation of a 24 hour residential rate model.

The Supports Intensity Scale was identified as the preferred assessment tool. A pilot test followed in 2007 which resulted in completion of a sample of 400 SIS assessments. Other data was collected as part of the pilot, including The Provider Cost Survey, The Individual Services Survey, and Participant Questionnaire. Some of this information, most importantly that from The Provider Cost Survey, served as the foundation to create the Rebar Residential Rate Matrix; essentially converting SIS scores and tier assignments in specific settings to rates.

The feedback provided as a result of the pilot touched on several issues. (1) the need for Oregon to consider support needs unique to customers served in an integrated employment setting, which may result in the need to create more supplemental questions or “add-ons” to the SIS; (2) that customers who benefit from dedicated or ‘engaged to wait’ support during all hours of scheduled work in an integrated employment setting who do not score high on the SIS & aren’t gaining exceptions through the Exceptions Process / Tier 7 review successfully; (3) the need to gather more comprehensive provider cost information representing the provision of employment services that result in competitive integrated employment; and (4) whether it was affordable to continue to provide employment services while considering how to incentivize the payment structure without excluding those with higher levels of support need.

Most importantly, it was communicated by state leaders, that any re-distribution of resources within the DD 54 Service Element (employment and day services) were to remain budget neutral. This principle has guided all rate setting activities to this day. As a result, all new rates for employment services cannot result in an increased cost to the State. The SIS was formally adopted as Oregon’s ReBAR Assessment Tool in November of 2008.

ReBAR rates were implemented in three phases, but it was not till September 2014 that new rates actually were paid. In 2012, employment providers experienced conversion from a monthly, fixed rate payment structure for bundled employment services, to a daily payment structure for types and authorized amounts of service. This resulted in significant changes to tracking services, billing and payment activity in eXPRS, and financial reconciliation. Special individual service plan meetings were held for customers to clarify what type and amount of service they were interested in receiving. Service coordinators and CDDPS were charged with an impossible amount of work to complete with unacceptable deadlines. Providers, customers, and families did their best to respond to a quick and dirty approach to systems change.

Some employment services categories and expected activities were altered resulting in a great deal of anxiety, customer frustration, and disruption to quality employment service delivery. No additional administrative support was afforded to do so. There was great confusion, financial instability, and overall concern for the future of employment services. For those of us already dedicated to providing employment services, energy was invested in seeking “soft funds” through an increase in grant application activity to weather the financial instability as more unknowns were on the horizon.

After implementation of the daily payment structure or “day rate”, work commenced, somewhat sporadically, on the employment and day service rate structure and payment area. Meetings occurred in 2013 and 2014 and ended in June 2014, with new employment services and rates that utilized an outcome based payment methodology for Job Development and

Retention that were new concepts within the overall context of discussions. The service titled Discovery was created, after at least two other service titles and definitions that provided similar activities were abandoned. A two-step job coaching and on-going support approach was identified, with the first time limited and paid at an hourly rate and the latter paid for an undetermined amount of time for all hours a customer is engaged in competitive integrated employment.

These last minute changes and mathematical calculations that supported them were not supported by provider cost data or stakeholder feedback. The state admitted that the cost data they had was inadequate and dated. State officials explained that the move to an outcome based payment structure was to align with what OVRs was doing. OVRs, needless to say, had just implemented an outcome based payment structure for employment services in the midst of these discussions. OVRs leadership did so without forewarning or mention to DD leadership and related stakeholder groups, and without the availability of adequate data and cost survey information.

The second and third phases of ReBAR rate implementation for employment services occurred in July and September of 2014. Throughout the implementation process, the ReBAR team has been unable to clarify how long a provider may receive payment for customer hours worked. Even when providers expressed the importance of knowing how much and for how long they can expect payment, for what types of services, the state did not, and still has not made this important policy decision. When providers and support service brokerages raised the issue of support service customers who do not benefit from direct support, but who work part-time to full-time jobs, resulting in a payment to an employment provider in excess of \$800 per week, nothing was done and no reimbursement policies were issued. Unfortunately, this is precisely the concern recently expressed by CMS, which has resulted in an abrupt halt to the new job coaching rates and which will require an entirely new approach to the job coaching payments.

Amidst SIS driven ReBAR rate implementation, a new assessment tool was operationalized; the Adult Needs Assessment (ANA). The CMS requirement for a single assessment tool resulted from Oregon's adoption of the Community First Choice Option Plan (K Plan). All individuals served through DD waivers were expected to receive an ANA within a relatively short period of time. Formal assessments had not been required previously for persons served by the support services waiver. Training for service coordinators, personal agents, providers, families, and customers was highly inadequate. Timelines to meet compliance requests were impossible. The first version of the ANA that was administered did not include questions related to day services. There weren't specific areas of discovery that included consideration of an employment environment. The second version of the ANA asks 2-3 questions about what types of supports an individual needs in a typical day setting. A mathematical calculation was created to translate

a SIS score / Tier assignment to an ANA score and vice versa. This was titled the “ANA crosswalk”. The administrative demands to comply with the new K Plan requirements undermined the focus on employment rates, employment services, and the Employment First initiative overall.

What did not change, or improve, was the core problem that has existed for decades: fair and adequate rates that incentivize integrated employment. The DD Coalition and related sub-groups, Oregon Council on Developmental Disabilities, Adult Working Age Policy Group (SIG 2), Oregon APSE Executive Committee, OSSA (Oregon Support Services Association), ORA (Oregon Rehabilitation Association), and Family Network representatives have communicated verbally, in writing, and through representation within stakeholder groups the need to fix the broken employment service rate system.

Despite the recent implementation of a new ReBAR rate structure for employment services, the process is still not completed and related problems remain unresolved. Within the past month Lilia Teninty, Oregon’s DD Director, communicated the state’s intent to contract with HSRI to identify a rate setting entity to begin the employment services rate system project anew. The Office of Vocational Rehabilitation has shared their intent to create a third contracting and funding stream for providers supporting individuals experiencing intellectual and developmental disabilities. I have yet to see any further detail on OVR’s new model. In the meantime, providers remain confused, rates remain uncertain, and fiscal stability is challenging for all employment providers.

Recently, the DD Coalition addressed a letter to state leaders highlighting several areas of confusion and concern about Employment First implementation. They requested the need for further training and policy decisions to support an accurate and adequate assessment instrument, other than the SIS or the current version of the ANA, that ensures those with the most significant support needs have the opportunity to work. They requested adequate funds to support part-time and full-time work schedules. They promoted the creation of a payment structure that incentivizes competitive integrated employment outcomes. It is clear that the DD Coalition membership agrees that the current payment for job development is too low. The letter summarizes continued problems with the eXPRS billing and payment system and how this distracts from effectively serving job seekers.

All necessary funding activities that support a functional employment service system are essentially up in the air so to speak. As the leader of a large provider organization that is dedicated to competitive integrated employment, I continue to seek grant funds to offset the financial unpredictability and continued tumult within the Employment First implementation arena. Luckily, UCP is of size and mind to remain highly informed of systems change. Employment Solutions, UCP’s employment services department, continues to be the most

challenging to lead, manage, and financially support due to poorly led and managed changes to the service and payment system by state agencies.

B. Oregon Has Not Generated a Common Vision and Understanding of Employment First Amongst Employment Providers.

Oregon's Employment First policy was created in 2008. Oregon's competitive integrated employment advocates were proud of this achievement. Although Oregon may be viewed as an early adopter, there was insignificant activity to support the 5% goal associated with the policy until the first Executive Order was issued in 2013. Initial attempts at implementing Employment First were hindered by inadequate coordination amongst agencies and a lack of communication with stakeholders.

Between 2008 and the issuance of the EO, gatherings with state leaders and stakeholders convened to discuss what was necessary to support successful Employment First implementation. Arriving at a common vision and common commitment was difficult and did not occur. Stakeholder groups and state leaders couldn't agree on what defines real wages, an integrated setting, the incorporation of customer choice, effective service definitions, rates and payment methodology, core competencies, and how to gather accurate data to represent what was happening in the field & what could be projected to occur in the future. Gatherings often spent time discussing "5% of what?" an initial goal often presented in conjunction with Oregon's Employment First policy. Many stakeholders were not aware that Oregon had created a statement of intent for involvement in the State Employment Leadership Network, and if they were they didn't see any tangible outcome.

It became clear that OVRs and DD weren't aligned or even communicating effectively with one another. ODE was not adequately represented. Workforce Development, independent contractors (ICs) and personal support workers (PSWs), customers with I/DD, families, and the business community were absent or not adequately represented or involved.

For many months conversations among stakeholders simply referenced the state's intent to complete Memorandums of Understanding between OVRs, ODE, and DD. Although MOU's were created and necessary, they have had little impact in the field. It does not appear that the cross agency structure envisioned in the MOUs is working effectively to address implementation issues.

A slew of paper activity has occurred to complete governmental requirements related to the EO, yet providers remains unaware of EO revisions, Oregon's Integrated Employment Plan,

various plans required by the IEP, the new employment rules, Oregon's HCBS transition plan, interface with K Plan & pending waiver applications, and the like.

Much of Oregon's plans identify future commitments to better support "on the ground" activities, including the monitoring of outcomes and performance-based tools to evaluate provider effectiveness. Most of these commitments still have not been implemented, and the result of these efforts have yet to be seen. Commitments to resources are questionable given the current Department of Human Services budget request for reductions.

To support initial Employment First training, Washington Initiative for Support Employment (W.i.S.e) was contracted to complete the first Oregon Employment Leadership Network training series. Interested parties representing provider organizations, CDDP's, brokerages, and OVRs field offices completed applications and were selected to participate. Myself, and other UCP employment services personnel participated in OELN sponsored activities. UCP representatives were asked to share their experiences providing employment services. UCP representatives were also asked to share information about the 1996 closure of our sheltered workshop. Although conversations about Employment First began, much of the subject matter was conceptual and little practical change occurred.

The 2011 Meet at the Mountain supported OELN participants, Oregon's Employment First Teams, and experts in supported employment to share success stories with one another. Breakout sessions remained largely conceptual. The Meet at the Mountain, much like that of the Pacific Northwest Forums, culminated in sharing and documenting what is and what isn't working in Oregon to support successful Employment First implementation. This process was named "The state of the State." We were told that the list of these challenges and obstacles to real progress implanting an Employment First program that results in integrated employment opportunities would be shared with state leaders. Nonetheless, the many items listed reiterated the need for effective state leadership to support a common vision and commitment to Employment First.

As a participant in Clackamas County's Employment First Team and direct supervisor of personnel engaged with Multnomah and Washington Counties Employment First Teams, we struggled to identify our roles and responsibilities, engage in meaningful projects, and maintain focus. Although UCP partnered with Oregon Technical Assistance (OTAC) to support a successful Employment First project "Get A Job", the greater part of 2011 and 2012 team meetings were spent simply sharing information to stay abreast of systems change that had not been communicated or not communicated well. W.i.S.e.'s Employment First Team support role, although quite limited, had ended, and the state's new DD employment leader was

proving ineffective. Mary Lee-Fay and Molly Holsapple, long-term leaders within ODDS, had retired. ODDS restructuring and further changes to leadership ensued. Employment First momentum suffered.

Beginning in 2013 until now, and into the future, Oregon and all facets of the DD community have been engrossed in Oregon's Community First Choice Option waiver plan (K Plan) implementation. A fair description of the impact on the DD community from this funding modification would require 6-8 pages alone. To maintain some semblance of stability and focus, Oregon's I/DD system has had to engage in an "all hands on deck" work model. Unfortunately, Oregon's Employment First initiative has been weakened substantially by the demands of the K Plan, and we don't expect to have effectively working systems in place for at least another year.

The EO created several new positions within state agencies (ODE, OVRs, DD). It remains to be seen if individuals hired will have experience with individuals with I/DD and quality provision of employment services that result in competitive integrated employment outcomes. Leaders within DHS responsible for EO execution are learning about supported employment as they go. Plans, policies, rules, waiver applications, HCBS transition plans, and such reflect inexperience.

Rates for services that support the achievement of integrated employment continue to be a significant concern for providers (old and new). As mentioned earlier, the system is broken. Working with 3 funding entities remains difficult for the most seasoned providers. Effort to align service definitions and related activity has not resulted in consistent service delivery, and certainly not a seamless transition between schools, OVRs, and DD agencies for persons with I/DD. Rate payments are insufficient to support financial stability let alone capacity development for the majority.

Although state leaders have voiced their commitment to "redo" the employment services rate and payment system once again, it will take at least two years to complete, and that's with ample support from providers and adequate data. To my knowledge, as a result of the current Collective Bargaining Agreement representing personal support workers, and state supported employment rule requirements, most independent contractors cannot provide employment services. This becomes particularly problematic when historically OVRs has utilized independent contractors to work with job seekers experiencing I/DD. Capacity to provide the service is weakened and restricted.

As a first priority in capacity development investment, the State of Oregon awarded 2 year contracts to W.i.S.e. and Living Opportunities to support approximately 20 I/DD provider agencies to transform from facility based employment models to competitive integrated employment service models. Unfortunately, these contracts represent unrealistic goals,

timelines, resources, and ongoing support availability. Evidence about successful sheltered workshop conversion processes do not support Oregon's investment strategy. Though some participating agencies may eventually emerge in an effective position to provide quality employment services, it will take time and a great deal of resources that have not been identified. Based upon our experience at UCP in successfully completing such a conversion, I have serious doubts whether the millions of dollars invested in this effort will produce meaningful and lasting provider capacity reforms, and even more skepticism that it will result in integrated competitive employment for hundreds of persons currently in sheltered workshops.

Oregon did not listen to repeated requests to invest early and heavily in pockets of excellence. UCP was awarded \$62,500.00 in March 2015 to increase employment service capacity. We had responded to Oregon's second request for proposal to increase provider capacity in late January. UCP requested up to the maximum amount allowed within the application, \$150,000.00. UCP was ranked #1 among a pool of over 34 qualified applicants. UCP was asked to accept \$62,500.00 for the contract period in order to support statewide capacity development. The State's strategy was to invest the same amount in the top 12 awardees, regardless of their comparative scoring, in an attempt to cover the state geographically.

Unfortunately, despite the stated objectives and desired outcomes in the request for proposal, I am not aware of new provider agencies emerging from this funding or providers from other states. I am not aware of incorporation of effective strategies to build capacity in rural areas or parts of Oregon where employment service provision is lacking. The funds allotted are simply not enough to start up and sustain a viable business model provided the current climate within Oregon's I/DD system.

Other necessary facets of Employment First success include provision of training and technical assistance to workforce development entities and the greater business community. I am not aware of any effort to reach these audiences.

In addition to what I described above about training and technical assistance activities, training is not accessible to many, and often to those who need it the most. Those who have attended usually enjoy their time, but walk away with little if anything to support what they're experiencing in their jobs. Webinars and self-directed learning methods are available but not effective for many. Training through the community college system has yet to be created. Training that provides tools for sound fiscal management within Oregon's unstable and complex rate and payment structure is not included. Training that reflects and supports working within the context of K-Plan is also not included.

In a letter to state leaders, the DD Coalition recently communicated the need for a long-term vision of Employment First. They requested the development of policies and training to support the provision of employment path services, the Discovery process, and benefits planning. They voiced a strong need for further guidance to effectively support customers currently residing within sheltered workshops. It is clear that the transition from high school to work is extremely difficult. The DD Coalition requested access to funding and services for youth. Coalition members are concerned about what types of services are readily available to individuals with I/DD as they graduate.

Currently, Oregon's core competency requirements and DD provider and OVRs vendor qualifications are creating new challenges. Although the list of core competencies may appear strong, what individuals or entities are required to complete and demonstrate competence in to deliver services is weak. Unfortunately, the pressure to develop capacity has resulted in this watering down of what is considered best practice. For instance, the new ODDS rules only require that one individual within an agency be certified as competent and credentialed to provide employment services, regardless of the size of the organization or the number of staff.

OVRs relies heavily on the utilization of independent contractors (ICs) to provide job development and initial job training services. These IC's aren't allowed to work with I/DD supported employment waiver customers. The waiver only recognizes provider agencies. The current collective bargaining agreement that represents a significant number of ICs who may have provided employment services in the past to support services and OVRs customers has arrested their ability to do so.

OVRs vendor qualification training requirements aren't readily available. Discovery competency requirements are too little resulting in poor quality in the field. More importantly, some providers are contracting to provide Discovery only. Discovery results in a predictable time frame with a fixed rate of payment, making it an attractive and somewhat lucrative service to provide. Oregon has not defined what constitutes a quality outcome for those receiving Discovery services. Oregon has not required that Discovery services are provided by an entity that can support progressive employment services, including job development and job coaching.

It is difficult to measure progress or impact without sufficient data. Historically, Oregon utilized the Employment Outcomes Survey (EOS) to collect data bi-annually from DD 54 providers. Participation requirements and provider organization identification information are the only consistent and accurate aspects of this data collection system.

Definitions of services and settings have changed over time to render historical comparison useless. A lack of accurate and clear instruction, training, and administrative support to complete EOS data entry through these changes is absent. Minimum wage requirements have not been included. Clear integration definitions have not been included. How to accurately represent a customer who receives multiple types of services, possibly from multiple providers, does not exist. The state does not have a mechanism to verify or reconcile the data. EOS does not include support services, transition, or OVRs customer data.

April 2015 data collection has been postponed until May 2015. Providers are awaiting further instruction about a new EOS version that allegedly will be released soon, but providers have not seen the new interface and have not been prepared in any way to support effective reporting.

It is difficult to have a clear vision, and understanding among providers of supported employment services as to how to use the new models and continue to work towards the goal of more people in supported employment if they don't know where they are at now. The litany of concerns expressed by the DD Coalition confirms that the systemic problems and deficiencies described above is shared by a wide range of stakeholders, advocates, and providers.

C. DHS' Capacity Building Plan Is Neither Comprehensive Nor Effectively Implemented.

The Capacity Building and Training & Technical Assistance Strategic Plan outlines strategies for FY 2014-2015. The mission and purpose within the plan identify a desire for innovation, best practices, and integrated service outcomes. The plan identifies a commitment to implement standards for provision of various employment services including service coordination. The plan refers to future provider credentialing requirements. The plan calls for a good faith effort to invest state resources to ensure adequate provider capacity, and finally states the commitment to support technical assistance and training activities to support the performance of the Executive Order.

As noted above, the identification of core competency standards for the provision of employment services has not resulted in an increase in innovation, best practices, or integrated service outcomes in any measureable way. Although the core competencies list may reflect best practice, this does not translate directly to the expectation that all individuals providing employment services have engaged in adequate amounts of training. In fact, it is alarming how little training is required to provide employment services. There does not appear to be a requirement or built in consideration to support innovation. For example, very little is available or has been provided to support customers interested in self-employment.

Credential standards may result in an increase or decrease in provider capacity. Thus far, it has proven difficult for ICs / PSWs and provider agencies to access and gain adequate amounts of core competency training let alone meet increasing standards for credentialing. Additional time and resources are necessary to realize these strategies effectively.

Oregon's initial investment in agency transformation and provider capacity development may result in some capacity development over time, but it is unlikely that successful agency transformation will occur within less than a 5 year period. As mentioned previously, the capacity realized from investment in those agencies already demonstrating competency to effective services was minimal. I am not aware of the creation of a rural community building training and task force.

Ongoing resources to support continued expansion is necessary. Currently, there are waitlists for all employment services. This fact, in and of itself, demonstrates that there are serious problems with the implementation of the EO and Employment First, resulting in persons who want and need employment supports in integrated settings not able to access qualified providers. Personal agents, OVRs counselors, and CDDP service coordinators consistently report a lack of qualified and available employment service providers.

The DD Coalition has formally communicated the need for more benefits coordinators, Discovery and Job Development providers, and investment in the unique challenges that exist within rural communities. The DD Coalition's perspective includes an overall lack of expertise in navigating a very complex employment service delivery system and that the state's initial investment in capacity is simply not enough.

Notably of those that are qualified and available there is concern over demonstrated competency and quality of outcomes.

Employment First Teams have not resulted in an increase in capacity to provide quality employment services that lead to competitive integrated employment in any measureable way. Although this form of local community building may translate to outcomes, and may result in innovation and best practice, thus far it has primarily served as a forum for communication between state leaders and practitioners.

Teams and respective Employment Summits and Meet at the Mountain events have provided supported employment conceptual training opportunities, inspiration, and success sharing however little has been provided to directly impact a practitioner's ability to operate effectively within Oregon's employment service delivery system.

As the numbers of participants have grown, and attendance at sponsored events has increased, the “state of the State” exercise continues to reflect a myriad of systemic barriers to employment that have been communicated to the state as early as 2005 and have yet to be addressed.

Mentorship and Cultivation of Subject Matter Expert activities as listed in the plan have not occurred to my knowledge.

Seamless Transition projects supported by four employment first teams began in September of 2013. They do not appear to have resulted in provider capacity development. In fact, after significant effort to support transition projects within Clackamas County’s Employment First Team was derailed by state leaders dictating the activities of the team, I discontinued my involvement. The Employment First teams were birthed as grass roots, self-directed entities not gatherings to communicate frustration and engage in meaningless or ineffective activities. Much of their initial work was shelved to support projects the state had committed to.

UCP has at least 4 UCP employment specialists and leaders who have participated on various Employment First teams. Their experience has been hit or miss. Essentially, their participation has not resulted in increased capacity at UCP. In fact, participants are continually questioning the relevance of their involvement.

There also is very little activity that has occurred in the area of self-employment. Currently there isn’t a method to identify and pay for this service.

The State’s attempts to invest in innovative strategies to engage self-advocates and families about Employment First have resulted in the creation of a Facebook page and website. Otherwise, the state has continued to utilize the same communication methods to “get the word out” about Employment First that they’ve always used that have proven ineffective.

In summary, activities occurring as a result of the EO have resulted in an increase in state administrative activity with some investment in training and technical assistance to support an increase in provider capacity. However, Oregon has not yet realized any increase in competitive integrated employment outcomes as a result of these actions.

D. Oregon Has Not Generated a Common Vision and Understanding of Employment First Amongst Case Coordinators/Personal Agents.

The policies, rules and regulations that govern employment for customers receiving case management from brokerage and county developmental disability programs include:

Employment First Policy; Executive Order; OAR 411-340 and 411-345; Expenditure Guidelines and State Transmittals.

These policies have been issued with little time to implement them. Administrative infrastructure to support questions, concerns, and other systemic bugs that arise is severely lacking. The vast systems change, specific to employment, is frequently communicated via transmittal. There is no way to search for transmittals specific to employment. The process for getting clarification to policies is unclear, delayed and at times conflicting. Training and information focuses primarily on completing forms and reviewing policies. There has been no training or support, that I am aware of, geared towards shifting thinking, facilitating complex conversations, and addressing real or perceived barriers to employment.

There were three versions of the Expenditure Guidelines issued over 2013 and 2014. Service definitions may have changed from one version to the next but they were imbedded within changes to all service definitions.

In June of 2014, training was provided via a series of webinars, 2 hour in length, on implementation of the new career development plan (CDP) to occur July 1, 2015. The CDP was lengthy and not well-developed. The language was deficit based and questions were highly repetitive. Personal agents and service coordinators responsible for facilitating an employment conversation may have little background, interest, or expertise to do so. Hence, the training series garnered a wide range of questions from PA's and SC's about how to effectively utilize the tool to garnish quality outcomes for customers.

In July 2014, 90 minutes was spent on a conference call with state employees. They had reviewed a list of questions that had been submitted regarding the CDP. Although the discussion was productive, it ended with many questions unanswered and no further opportunities for discussion or submission of additional questions offered. As a result, there is limited understanding of what a real career development planning process should include, and very limited skills and experience in conducting this planning process, even though it is now required for all individuals as part of the annual individual support plan (ISP), and even though service coordinators and personal agents are responsible for leading this process.

Personal agents and service coordinators were invited to participate on a conference call to review the proposed employment services Oregon Administrative Rules. The call resulted in a verbatim review of a slide show posted on the state's web site. An hour was spent listening to what could have been read and preventing any time for questions and answers. Once again, the lack of training of what is expected results in service coordinators and personal agents not understanding, or being in a position to effectively implement, new employment services.

An Employment First Roadshow took place in January 2015. The purpose, to support networking and sharing of information among CDDP Managers, VR Managers and Brokerage Directors in Multnomah, Washington, Clackamas, Clatsop, and Columbia Counties. Although the meeting was useful, it is necessary to repeat these opportunities to ensure an ongoing culture of partnership and collaboration.

From January of 2015 until present, service coordinators and personal agents have been participating in training to support the new individual support plan. Although it is appreciated that the CDP will cease, the new ISP has not resulted in a more effective emphasis on employment.

Personal agents and service coordinators receive weekly Employment First messages from state leadership, are encouraged to access employment tools housed at the state's website, and more recently to like the Employment First Facebook page.

As the gatekeepers to employment services, service coordinators and personal agents need far greater investment in training and technical assistance to ensure qualitative supports are provided to potential individuals on their caseloads. Their role and responsibility assumes they have the competency to facilitate an informed conversation about a very complex system that they know very little about.

E. The Impact of the Executive Order and Integrated Employment Plan on Persons with IDD Has Been Negligible.

As summarized previously, there are significant challenges and short comings within various components of the Executive Order and Integrated Employment Plan that continue to arrest job seekers experiencing I/DD from gaining competitive integrated employment. Those mentioned included: inadequate training and technical assistance to support successful systems change; inadequate investment in provider capacity; rates that fail to incentivize individual employment; ineffective interagency collaboration activity; ineffective state agency actions required within the EO and IEP; underdeveloped Quality Improvement initiative; and inadequate data collection and analysis activities.

Upon adoption, Oregon's 2008 Employment First policy was celebrated, yet there was insignificant activity to support the goal of competitive integrated employment. With the release of the Executive Order (EO) and the Integrated Employment Plan (IEP), ODDS' focus, as reflected in the Stakeholder Workgroup Report of 2012, shifted from getting and keeping jobs to the provision of employment services. Although some items listed within the two documents have been completed, tangible outcomes are inconclusive if not disappointing.

The EO and IEP restrict target populations, primarily youth transitioning from high school services, from purchasing services provided in a sheltered workshop or segregated setting. However, they fail to ensure that those who might otherwise be admitted to a sheltered workshop actually are provided supported employment services in an integrated setting. In fact, given the numbers of individuals entering workshops annually, and the number of projected new placements in individual integrated employment, it appears there will be a shortfall.

Moreover, both plans fail to adequately address intention or methodology to successfully support individuals currently residing within sheltered workshops to transition to employment. As it stands, individuals within workshops simply have to engage in an individual planning process annually that includes a few questions about employment. They may also receive one employment service, which would constitute compliance with annual projections in the EO and IEP. There are no time limits on some employment path services, including sheltered workshops, resulting in concerns that customers may be on an endless path to employment without consequence to the provider, or overall Employment First agenda.

The “FAQ’s” (frequently asked questions) documents recently circulated by state leaders fail to provide further insight. The opportunity to participate in two, hour long conference calls to inquire about the “closing the front door” policy is being offered. Invitations were circulated with less than a week’s notice. Families, customers, personal agents, service coordinators, and provider organization have communicated great concern and interest in what will happen to people in workshops. Without adequate job development capacity, customers may simply end up out of service or engaged in non-work day activities, essentially moving from one segregated setting to another. It appears that a lack of consideration, planning, and thorough communication efforts continues.

Providers and those supporting case management continue to request clear expectations about what the Discovery service entails. Although the EO and IEP define Discovery as a service that requires work or volunteer experience activities, providers are failing to do so, yet continue to gain contracts for the service. Best practice suggests that the individual or entity providing Discovery should be involved in the provision of job development and job coaching services, yet in Oregon the provision of employment services is offered by a variety of parties, often with long waiting periods in between. Discovery service providers are engaging in a variety of processes and creating a myriad of products upon completion of the service. It’s a matter of trial and error if a customer receives Discovery service from a provider who has demonstrated competency that will support quality outcomes.

The EO and IEP include small group work as an acceptable outcome, meeting integrated setting criteria, and as a platform to achieving competitive integrated employment. Research concludes that small group work and related experiences result in less than optimal outcomes for employees with I/DD. The EO and IEP states that working in a small group setting must allow for interaction with non-disabled peers, and that the individual must maintain goals to pursue competitive integrated employment, yet fails to define this expectation or identify who is responsible to monitor this requirement.

The EO and IEP refer to the Policy Group to recommend metrics aimed at assessing the effectiveness of the employment services provided in the EO. It is unclear where the Policy Group is at with development of these metrics, although the majority of the metrics in the recently updated IEP have TBD (to be determined) as the projected goal,

The EO and IEP call for the creation of an outreach and informational education program. It appears that only preliminary and traditional methods of outreach and information education have been completed thus far, resulting in more confusion and frustration within the DD community.

The EO and IEP include lengthy sections addressing education activities. As a provider of employment services, UCP has yet to experience any change in working with customers currently enrolled or transitioning from the education system. Employment Specialists continue to act as the primary educator about Employment First during family meet and greets. Employment Specialists continue to act as the primary educator about Employment First during meetings with Personal Agents, Service Coordinators, Vocational Rehabilitation Counselors, and education personnel. Although there are designated staff specialists that have been hired to focus on Employment First systems change efforts, and there has been a call for the creation of a Statewide Transition Technical Assistance Network, measureable change has not occurred.

In summary, Oregon includes a list of critical planning themes within the IEP. Unfortunately, as highlighted throughout this rebuttal report, the greatest amount of tangible activity has occurred within state administrative offices through the creation of policy, rule, and plans, along with the investment in infrastructure. These actions have not trickled down effectively to the customer level. The state budgeting process has begun and the ability to sustain current levels of service to individuals within the I/DD system is in question.

F. Oregon Does Not Have a Comprehensive and Effectively Working Plan to Reduce Segregation in Employment and Ensure Supported Employment Supports in Competitive Employment Are Available to All Interested Persons with IDD.

Oregon has not demonstrated measurable success in its effort to move individuals experiencing I/DD from segregated settings and non-work services to competitive integrated employment.

Oregon has not created realistic and meaningful metrics to gauge the success of Employment First implementation. Not only are the targets low within the first few years, they don't reflect meaningful success which is competitive integrated employment, only access to employment services.

The structure and function of Oregon's employment services delivery system remains flawed. As a provider of employment services, it was much easier to operate prior to the Executive Order and related activities. The environment in which job seekers and job developers, as well as referring entities, must survive within is not sustainable in its current state.

For these reasons and as noted above, Oregon does not have a comprehensive plan to implement Employment First and the plans it does have are not working as projected.

What appears to be the end or total of Oregon's focal effort is just the beginning.