

Memorandum of Understanding
Between
The Tennessee Department of Human Services, Division of Rehabilitation Services,
Vocational Rehabilitation Program
and
The State of Tennessee, Division of Health Care Finance & Administration, Bureau of
TennCare, Division of Long Term Services and Supports

I. Parties.

This Memorandum of Understanding (“Memorandum”) is by and between the Tennessee Department of Human Services, Division of Rehabilitation Services, Vocational Rehabilitation Program (VR) and the State of Tennessee, Division of Health Care Finance & Administration, Bureau of TennCare, Division of Long Term Services and Supports (TennCare), and is for the provision of employment services for persons enrolled in Employment and Community First (ECF) CHOICES receiving services from the respective parties.

II. Shared Vision.

This Memorandum is entered into and based upon the philosophy of Employment First which is based upon the premise that all citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life. Because both VR and TennCare offer employment supports for people with disabilities, this Memorandum is intended to ensure that each agency provides those services to common customers in coordination with the other to ensure efficient use of resources and effective delivery of services.

III. Definitions.

- A. “Common Customers” - individuals with intellectual and/or developmental disabilities aged 14 and up, who are receiving services through the Employment and Community First (ECF) CHOICES program and who choose to receive vocational rehabilitation pre-employment transition services and/or are determined eligible for VR employment services with the goal of obtaining competitive integrated employment or self-employment, including customized employment and supported employment.
- B. “Comprehensive Needs Assessment” – assessment conducted at least once annually and as needed with an ECF CHOICES eligible individual to assess strengths, preferences, natural supports, interest in pursuing employment, physical and behavioral health and long-term service and support needs, etc.
- C. “ECF CHOICES” - Employment and Community First CHOICES is a managed long-term services and supports program for individuals with intellectual and developmental disabilities that offers home and community based services focused on helping individuals achieve their employment and integrated living goals.
- D. “ECF CHOICES Support Coordinator” (also referred to as the “MCO Support Coordinator”) – the individual who has the primary responsibility for case management and support coordination activities for an Employment and Community First CHOICES individual.

- E. “Employment” – under this Memorandum shall mean “competitive integrated employment,” full or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities and has access to the same opportunities for benefits and advancement provided to non-disabled workers.¹
- F. Employment First: Employment First is a framework for systems change that is centered on the premise that all citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life. The expectation that public systems align policies, practices, and reimbursement structures to foster competitive integrated employment as the priority option in publicly-financed services for youth and adults with significant disabilities.
- G. “Employment Needs Assessment (ENA)” - a VR assessment that determines and documents the specific employment objective and the nature and scope of VR services to be included in the Individualized Plan for Employment (IPE). An ENA begins at VR application and must have the full inclusion of the individual in determining the specific employment objective and the services needed to achieve the employment objective.
- H. “Employment Outcome” - the expected employment objective that is to be achieved upon completion of specified employment services.
- I. “Individualized Plan for Employment (IPE)” - the VR plan which documents the individual’s specific employment objective, the services and service providers, terms and conditions, individual and VR responsibilities required to achieve the individual’s employment objective. The VR Counselor and individual (or his or her legal representative) are required to sign the form before services can be provided.
- J. “Managed Care Organization (MCO)” - a health maintenance organization (“HMO”) that participates in the TennCare program.
- K. “Order of Selection” – in the event that the Vocational Rehabilitation (VR) Program cannot provide the full range of VR services to all eligible individuals due to insufficient resources, VR shall follow the established Order of Selection guidelines to determine the order to be followed in selecting eligible individuals to be provided with VR services.
- L. “Person Centered Support Plan (PCSP)” - a written plan developed by the MCO Support Coordinator using a person-centered planning process that accurately documents the individual’s strengths, needs, goals, lifestyle preferences and outlines the services and supports that will be provided to the individual to help them achieve their preferred lifestyle and goals, and to meet their identified unmet needs.
- M. “Pre-employment Transition Services” - services provided to students with disabilities no younger than age 14 and no older than age 22, who are eligible or potentially eligible for VR services. These services are Job Exploration Counseling, Work-Based Learning Experiences, Work Placed Readiness Training, Instruction in Self-Advocacy, and Counseling on Opportunities for Enrollment in Comprehensive Transition or Postsecondary Educational Programs at Institutions of Higher Education.

¹ http://www.nasdds.org/uploads/documents/Workforce_Innovation_and_Opportunity_Act2.pdf

- N. “Priority Category(ies)” – category(ies) defined by the Vocational Rehabilitation Program based on the definition of an individual with a significant disability that designates by category the order to be followed in selecting eligible individual’s to be provided VR services. The definition of an individual with a significant disability is an individual who has a severe physical or mental impairment that seriously limits one or more functional capacities and requires multiple VR services over an extended period of time to achieve an employment outcome.
- O. “Supported Employment” - Services provided to assist eligible individuals for ECF CHOICES or VR, in obtaining and maintaining competitive integrated employment.

IV. Purpose of this Memorandum.

VR and TennCare recognize the need to provide high quality employment services that lead to competitive integrated employment in a non-duplicative and seamless manner in accordance with Federal and State law, including Tennessee Executive Order No. 28 which designates Tennessee as an Employment First state for people with disabilities. Federal regulations for home and community-based programs requiring provision of opportunities to work in competitive integrated settings Federal guidance for Medicaid MLTSS programs which stipulates employment should be an ongoing part of the delivery of services² and the Workforce Investment and Opportunity Act (WIOA) which requires an agreement between VR and the state Medicaid agency related to the provision of employment services. In keeping with these expectations, VR and TennCare have agreed to continue developing, enhancing and expanding methods to support common customers who express a desire for competitive integrated employment.

The objectives of this Memorandum are to:

- enhance and strengthen the cooperative and collaborative working relationship of both agencies;
- maintain a state-level work group in addressing system, policy and funding issues that impede adequate, seamless and high quality provision of employment services by VR and TennCare;
- engage VR and TennCare providers and stakeholders at the local level, for collaboration and cooperation in the accomplishment of the agencies’ shared vision and mutually desired outcomes;
- identify and disseminate best practices including coordinated service delivery strategies, training in evidence-based and promising practices, and effective funding sustainability strategies;
- provide individuals with intellectual and developmental disabilities with quality employment services that lead to competitive integrated employment in a non-duplicative and seamless manner.

² <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/delivery-systems/downloads/1115-and-1915b-mltss-guidance.pdf>

V. VR and TennCare Shared Objectives, Responsibilities and Implementation Strategies:

A. VR and TennCare shall share the following responsibilities to promote and expand employment opportunities for individuals with developmental and intellectual disabilities.

B. Eligibility and Access to Services:

1. An individual supported by ECF CHOICES services may be eligible for VR services. Because he/she has access to or is receiving ECF CHOICES funded services does not exclude him/her from receiving VR services.
2. An individual supported by TennCare ECF CHOICES services who is interested in obtaining part-time or full-time integrated, competitive integrated employment as defined by WIOA may apply for VR services.
3. The steps necessary to facilitate common customers' interest in obtaining competitive integrated employment is a shared responsibility of TennCare, VR, and other service providers such as local education agencies (LEA), community rehabilitation provider, if applicable. Services that facilitate interest in obtaining competitive integrated employment may be provided by any of these entities prior to when an application is made to VR.

C. Responsibilities of the Parties for Providing Services:

1. The TennCare ECF CHOICES program shall be the primary payer for services that precede job development/job placement and actual employment services. Specifically, TennCare ECF CHOICES program shall pay for the following services for individuals who receive services through the TennCare ECF CHOICES program:
 - a. Exploration – a time-limited (no more than thirty (30) calendar days) and targeted service designed to help a person make an informed choice about whether s/he wishes to pursue individualized integrated employment or self-employment.
 - b. Discovery* – a time-limited (no more than ninety (90) calendar days) and targeted service for an individual who wishes to pursue individualized integrated employment or self-employment, but for whom more information is needed to determine prior to pursuing individualized integrated employment or self-employment. The service results in a Discovery Profile drafted by the employment provider and approved by the MCO.
 - c. Benefits Counseling – counseling that is only for specific purpose of facilitating a person's decision to pursue competitive integrated employment

* **Additional guidelines for "Discovery" in ECF CHOICES:** At the point "Discovery" is authorized for a person, the ECF CHOICES Support Coordinator shall assist the person in contacting their local VR office to make an application for VR services. Upon completion of the ECF CHOICES Discovery service, the ECF CHOICES Support Coordinators shall share with VR the person's Discovery Report in addition to the other documents that will be shared with all service coordination (i.e., the person centered support plan and comprehensive needs assessment), with the person's permission.

and will only be paid for by ECF if not otherwise available to the individual through the Benefits to Work program.

- d. Situational Observation and Assessment – a time-limited service that involves observation and assessment of an individual’s skills through practical experiential, community integrated experiences.
 - e. Job Development or Self-Employment Plan – a time-limited (no more than thirty (30) calendar days) and targeted service designed to create a clear and detailed plan for job development or for the start-up phase of self-employment.
 - f. Integrated Employment Path Services – a time-limited, community-based prevocational training.
2. The MCO Support Coordinator shall assist the person in making an application to VR prior to the ECF CHOICES service end date and as far in advance of that date as possible. Upon submitting an application to VR for services, the ECF CHOICES Support Coordinator shall share with VR documentation of disability from a specialist, the Person Centered Support Plan, Comprehensive Needs Assessment, and any other applicable documents such as reports from the employment provider as available. Additionally, the MCO Support Coordinator shall determine an individual’s desire to obtain competitive integrated employment prior to the VR application submission.
 3. VR shall process the application and determine eligibility timely and provide relevant information to develop the person’s Employment Needs Assessment and Individualized Plan for Employment (IPE) so the provision of services can begin timely. The IPE shall be written as soon as possible after the ECF CHOICES Discovery service is completed with the goal of ensuring that there is no gap in employment services between ECF CHOICES Discovery and any subsequent services provided by VR.
 4. For individuals who are eligible for VR services, VR shall be the first payer for services that relate directly to job search, placement, and initial job coaching for stabilization on a new job for up to twenty-four (24) months, in accordance with VR policy. Specifically, VR shall pay for the following services for individuals who are eligible for VR:
 - a. Job Development or Self-Employment Start Up - time-limited service designed to implement a Job Development or Self-Employment Plan.
 - b. Job Coaching – time limited services for individualized integrated employment or self-employment until stabilization has been achieved through the VR process.
 - c. Career Advancement – for persons currently engaged in individualized integrated employment or self-employment who wish to obtain a promotion and/or a second individualized integrated employment or self-employment opportunity.

- d. Benefits Counseling – if needed for people who are actively pursuing competitive integrated employment or already working in competitive integrated employment, consistent with the Work Incentives Planning and Assistance (WIPA) program’s established priority groups.
5. The VR Counselor (VRC) shall provide the MCO Support Coordinator with notice before terminating VR services in accordance with the following timelines:
 - a. At four (4) weeks of termination of stabilization job coaching so that the subsequent ECF CHOICES service authorization (and provider) can be in place to continue services for the individual without delay or interruption, if continuing services are needed by the individual;
 - b. At least two (2) weeks prior to VR case being closed for any other reason.
 - c. At VR closure. The VR counselor will send a copy of the VR closure letter to the MCO Support Coordinator indicating that TennCare will be the source of funding for cases needing the on-going support services.
6. The TennCare ECF CHOICES program shall be the first payer for long term, follow along employment services during the stabilization and monitoring period that is needed by the individual after the VR case is closed. Specifically, the TennCare ECF CHOICES program shall authorize any of the services covered under ECF CHOICES at the point VR services end.
7. TennCare ECF CHOICES program shall always be the primary and only payer of the following services:
 - a. Supported Employment – Small Group Supports – a service providing employment services and training activities to support successful transition to individualized integrated employment or self-employment, or to supplement such employment and/or self-employment when it is only part-time.
 - b. Co Worker Supports – a service providing job coaching for individualized integrated employment that includes entering into an agreement with an individual’s employer to reimburse the employer for supports provided by one or more supervisors and/or co-workers, acceptable to the individual, to enable the person to maintain individualized integrated employment with the employer.

D. Service Provider Networks:

1. VR and TennCare shall work together to ensure an adequate number of approved employment service providers across the state that will provide services in assisting individuals in obtaining and maintaining individualized competitive integrated employment.
2. As necessary and to ensure timely access and choices exists statewide, VR and TennCare shall increase their shared network of employment service providers.
3. Both agencies will maintain each’s respective provider lists, and each agency may

access the other's list. This provision shall not, however, guarantee any provider a set number of purchased or authorized services from either VR or ECF CHOICES, or approval to become a service provider in both agencies.

E. Joint Training Efforts:

1. VR and TennCare shall hold cross-training for front line staff, including VR Counselors and MCO Support Coordinators, to ensure a mutual understanding of both VR and TennCare programs, including, but not limited to, application processes, eligibility criteria, order of selection, waiting list policies, covered benefits, funding, individual planning processes, choice of provider policies, informed choice policies, rights and responsibilities, and confidentiality. Such cross-training shall foster effective collaboration and communication between VR and TennCare/MCOs, their front-line staff and service providers, in order to improve coordinated service delivery and outcomes for common customers.
2. VR and TennCare shall develop appropriate policies and protocols to support the implementation of this agreement. The agencies shall train each agency's front line staff, including VR Counselors and ECF CHOICES Support Coordinators, on these policies and protocols to ensure a seamless transition of services and funding for Common Customers between VR and TennCare and to eliminate gaps in needed employment services and funding that may threaten a person's success in pursuing, obtaining and maintaining competitive integrated employment.
3. VR and TennCare shall collaborate on service provider certification and training standards, which may include an overview of both programs for the shared provider network to ensure consistent provider understanding of both VR and TennCare programs. VR and TennCare shall collaborate to ensure that the shared provider network utilizes best, evidence-based and promising practices to deliver services for the two funding entities. For clarification, "promising practices" shall mean a program, activity or strategy that has worked within one organization and shows promise during its early stages for becoming a best practice with long term sustainable impact. A promising practice must have some objective basis for claiming effectiveness and must have the potential for replication among other organizations.

F. Coordination and Communication of Front Line Staff:

1. VR and TennCare shall ensure that all agency staff, contracted providers and key stakeholders support employment outcomes for individuals, regardless of the severity or type of disability.
2. VR and TennCare shall maximize the quality of both systems' service delivery by ensuring: an efficient and effective referral process between both systems for common customers, coordinated individualized planning, and coordination of employment related services funded by the two systems, including extended services for those individuals requiring extended services, which shall be accomplished through mutual understanding of the programs and regular communication between the ECF CHOICES Support Coordinator and the VR Counselor.
3. VR and TennCare shall disseminate all new or updated written procedures and policies developed as a result of this Memorandum to VR and TennCare ECF

CHOICES staff, including regional and district staff and MCO staff, and the shared provider network.

G. VR and TennCare State Agency Collaboration:

1. VR and TennCare state level staff shall meet at least semi-annually, or more often if needed, to identify policies and practices that present barriers to quality employment service delivery for people with intellectual and development disabilities and then develop appropriate resolutions to remove such barriers.
2. VR and TennCare shall each annually estimate the projected number of Common Customers to be served by each entity and the corresponding amount of funds projected to be expended by each entity. These projections shall be based on a combination of anticipated demand and available funding. The projections shall be shared annually during a meeting between VR and TennCare state level staff.
3. VR and TennCare shall create and agree to annual goals for employment outcomes for Common Customers.
4. VR and TennCare shall jointly perform data collection necessary to evaluate performance on annual goals.
5. VR and TennCare shall ensure that all State and Federal confidentiality rules and requirements are consistently being followed.

VI. Role and Responsibilities of TennCare and its Contracted Managed Care Organizations (MCOs).

- A. The Bureau of TennCare provides individualized supports and services to assist people with living in the community through a coordinated and person centered system of services. These services are designed to maximize community participation and to support the person in being as independent as possible in his/her chosen activities, employment and living arrangements.
- B. TennCare is responsible for and shall ensure that the following obligations are met:
 1. TennCare shall disseminate written procedures and policies to ECF CHOICES certified providers.
 2. Determination of Eligibility: TennCare shall determine eligibility for ECF CHOICES services, based on the following criteria:
 3. The person is Medicaid eligible, and
 4. The person meets the definition of having an intellectual/developmental disability as defined in the federally approved ECF CHOICES application.
 5. Develop a Person-Centered Plan of Services and Supports: The ECF CHOICES Support Coordinator shall facilitate the development of a Comprehensive Needs Assessment and a Person Centered Support Plan (PCSP) with and for each individual enrolled in ECF CHOICES, which shall be reviewed no less than annually and

updated as needed. The PCSP shall include information related to employment history, goals, conditions for success, and supports that may be needed to achieve and sustain employment consistent with the person's employment goals. The PCSP shall include information about the person's past and current status with VR. The PCSP shall track any steps taken to enable the person to access VR services, including the date of application to VR when it is submitted and the counselor's open/close date, as applicable and known.

6. As part of the person-centered support planning process, the ECF CHOICES Support Coordinator shall ensure that a person makes an informed choice with regard to pursuing individualized, competitive integrated employment. The ECF CHOICES Support Coordinator shall ensure the person (and family, guardian and/or conservator, if applicable) is fully educated on:
 - a. the benefits of employment;
 - b. the supports and services available through ECF CHOICES, VR, and other entities to assist with successfully obtaining and maintaining employment;
 - c. the availability of benefits counseling to enable a person to understand and make use of all work incentives that maximize the financial benefits of working while preserving essential supports for community living and employment that a person needs; and
 - d. how choosing to pursue and work in individualized, competitive integrated employment increases service options and levels in the ECF CHOICES program.
7. TennCare certified providers shall deliver ECF CHOICES employment services authorized on a PCSP, which may include any combination of the following: Supported Employment-Individual Employment Supports, Exploration, Benefits Counseling, Discovery, Situational Observation and Assessment, Job Development or Self-Employment Plan, Job Development or Self-Employment Start Up, Job Coaching, Co-Worker Supports, Career Advancement, Supported Employment-Small Group Supports, Integrated Employment Path Services.
8. The ECF CHOICES Support Coordinator shall ensure the PCSP addresses any immediate employment-related needs not yet able to be met through VR, or other employment-related needs that can be met through entities other than VR (e.g., work incentives and benefits counseling available through the Benefits to Work program; supports and services available through the American Job Centers).
9. The ECF CHOICES Support Coordinator shall provide information and assistance to the member in the selection of an ECF CHOICES provider(s) for employment services funded through ECF CHOICES. The ECF CHOICES Support Coordinator shall also monitor the quality of the employment services being delivered by ECF CHOICES providers and monitor the member's satisfaction with these services over time, addressing any issues or concerns as they may arise.
10. If a person is still unsure about whether they wish to pursue individualized, competitive integrated employment, the ECF CHOICES Support Coordinator shall

authorize pre-employment services (e.g., Exploration, Discovery) as an ECF CHOICES service.

11. When an individual enrolled in ECF CHOICES expresses interest in obtaining competitive, integrated employment, the ECF CHOICES Support Coordinator shall assist the person with contacting their local VR office to make an application for VR services. In addition, the ECF CHOICES Support Coordinator shall assist the individual (and legal representative, if applicable) with attending an intake session.
12. As part of the VR application, the ECF CHOICES Support Coordinator shall, with consent of the individual (or legal representative, if applicable), provide copies of the person's relevant and applicable records to VR, including, but not limited to, the following:
 - a. A copy of the person's Comprehensive Needs Assessment conducted by the MCO;
 - b. The most up to date PCSP, which includes a list of services authorized through ECF CHOICES;
 - c. Exploration service report and any other reports, assessments, profiles or plans that focus on competitive integrated employment;
 - d. Any other available and relevant records pertaining to the person's disability(ies), including, but not limited to, medical, psychological, and psychiatric reports;
 - e. A copy of any court-ordered guardianship documents, if a guardian has been appointed;
 - f. Contact information for the person's ECF CHOICES Support Coordinator;
 - g. Copy of signed Release of Confidential Information from the person or a court-ordered guardian to release information to VR.
13. If a person receiving ECF CHOICES is also receiving VR services, but also has a need for additional, different employment-related services during the timeframe that VR services are being delivered, the ECF CHOICES Support Coordinator shall authorize the needed services, after meeting TennCare documentation requirements, including but not limited to amending the PCSP, demonstrating that the employment-related services being authorized under ECF CHOICES are needed and not otherwise available to the individual through VR. In these instances, the ECF CHOICES Support Coordinator shall keep in contact with VR with respect to the employment services provided by ECF CHOICES.

The ECF CHOICES MCO and Support Coordinators will assist VR, as needed, to ensure timely eligibility determinations for ECF CHOICES members and timely development of IPEs for ECF CHOICES members. If however, a person receiving ECF CHOICES has had their VR eligibility determination extended beyond sixty (60) days or the IPE development phase extended beyond ninety (90) days and the person receiving ECF CHOICES has a need for specific employment-related

services to timely advance the person toward obtaining competitive integrated employment, the ECF CHOICES Support Coordinator shall authorize the needed services, after meeting TennCare documentation requirements, including but not limited to amending the PCSP, demonstrating that the employment-related services being authorized under ECF CHOICES are needed and not otherwise immediately available to the individual through VR. In these instances, the ECF CHOICES Support Coordinator shall keep in contact with VR with respect to the eligibility determination and/or development of the IPE, so there is no duplication of services. VR shall consider the employment-related services provided by ECF CHOICES in these circumstances to be temporary, until either a determination of ineligibility or the VR IPE is written.

14. If an ECF CHOICES member loses his/her individualized competitive integrated employment at some point (for reasons other than willful actions by the member intended to cause the loss of employment), or if the member wishes to obtain a promotion or second job to address underemployment, the ECF CHOICES Support Coordinator shall assist the member with applying to VR for assistance with these goals. If an ECF CHOICES member wishes to increase the hours worked at his/her existing individualized competitive integrated job or needs assistance to adjust to a change in job duties, supervisor, shift pattern, work location, etc. for an existing job, the ECF CHOICES Support Coordinator shall ensure these needs are addressed through the PCSP.

VII. Role and Responsibilities of the Vocational Rehabilitation Program.

- A. The Vocational Rehabilitation program (VR) is the program that delivers vocational rehabilitation services within the Tennessee Department of Human Services Division of Rehabilitation Services. VR provides employment related services required for eligible individuals to achieve a competitive integrated employment goal. VR services are matched with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.
- B. VR shall disseminate written procedures and policies to ECF CHOICES certified providers.
- C. VR is responsible for and shall ensure that the following obligations are met:
 1. Determination of Eligibility. VR shall determine eligibility for individuals receiving VR services in accordance with Federal and State policies:
 - a. A determination that the applicant has a physical or mental impairment.
 - b. A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment.
 - c. A determination that the applicant requires VR services to prepare for, secure, retain, or regain employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - d. An applicant shall be presumed to be able to achieve an employment outcome.

2. Presumption of Eligibility

An applicant who is a recipient of Social Security Disability Insurance (SSDI) benefits and/or Supplemental Security Income (SSI) shall be presumed eligible for services and presumed to have a significant disability.

3. Pre-Employment Transition Services

Pre-employment transition services shall be available to any student with a disability ages 14-22 to assist students with disabilities make the transition from secondary school to postsecondary education and competitive integrated employment.

4. Determination of Significance of Disability and Order of Selection.

- a. The VR Counselor shall determine if the individual is in an open priority category according to the Order of Selection, and can be provided services
- b. Individuals who are determined eligible for VR services and to be in an open priority category shall be eligible to receive, based on the needs of the individual, employment-related services in accordance with VR policy and procedures.

5. Eligibility for Supported Employment. The VR Counselor shall determine whether an individual, who has been determined eligible for VR services and determined to have a Most Significant disability, requires Supported Employment to achieve an employment outcome through an assessment of vocational rehabilitation needs and prior to the writing of the Individualized Plan for Employment. Note: Eligibility determination made by VR does not impact an ECF CHOICES member's eligibility for Supported Employment services under TennCare. All ECF CHOICES members are eligible for all of the Supported Employment services available to their ECF benefit group.

6. VR shall determine an individual's eligibility for VR services in an efficient and timely manner within sixty (60) days of receiving the application, unless there is an agreed upon extension between the applicant and the VR Counselor, which shall be documented in the case file.

7. VR shall notify the individual and or their legal representative, and ECF CHOICES Support Coordinator in writing , within five business days of a determination being made regarding the following:

- a. Eligibility Determination;
- b. Ineligibility Determination;
- c. Determination of need for Supported Employment, if made;
- d. When and why VR services are not available to the individual, and;
- e. When VR services have been completed.

8. Individualized Plan for Employment.
 - a. VR shall develop with the eligible individual and or their legal representative an Individualized Plan for Employment (IPE) in an efficient and timely manner within ninety (90) days of eligibility determination, unless there is an agreed extension between the individual and the VR Counselor, which shall be documented in the case file. VR shall, with consent from the individual, or their legal representative notify and invite the ECF CHOICES Support Coordinator to the meeting where the IPE will be developed. After the IPE is developed, VR shall begin coordinating the services that are planned on the IPE, which may include supported employment services.
 - b. VR shall list individualized employment services in the IPE, in accordance with VR policy and procedures, including services paid by VR and services paid by other entities.
9. The VR Counselor, with written consent from the individual, shall provide to the ECF CHOICES Support Coordinator documentation of the progress of case and services including closure and employment information.
10. The VR Counselor shall share the VR agency's Employment Needs Assessment of the individual's need for extended supports to maintain employment, and the sources for extended supports that have been identified, with the ECF CHOICES Support Coordinator at least four (4) weeks before VR expects to end services to the individual.
11. VR shall obtain from the ECF CHOICES Support Coordinator, confirmation in writing, at least ten (10) days before VR services end that the ECF CHOICES member's MCO will assume responsibility for coordinating and as needed, funding and providing extended supports to the individual after VR services end to ensure the individual does not lose employment as the result of VR services ending.

VIII. Standard Terms and Conditions.

- A. Agreement Dissemination. This agreement shall be distributed to the signatories and their state level representatives. The representatives shall be responsible for disseminating the document to appropriate staff and the state, regional, district and local levels and all relevant partners in implementation of VR and ECF CHOICES programs. This agreement shall also be posted on both the VR and ECF CHOICES websites.
- B. Confidentiality and Provision of Records. The Bureau of TennCare assures that any and all information regarding ECF CHOICES members will be kept strictly confidential pursuant to 34 CFR 361.38. TennCare will obtain a signed authorization for release of information from each individual assisted to apply to VR for services prior to sharing information with VR, and will share only pertinent, relevant information with VR which can facilitate access to VR services and successful acquisition and retention of individualized, competitive integrated employment.
- C. HIPAA Compliance. Both parties agree to comply with the Administrative Simplifications provisions of the Health Insurance Portability and Accountability Act of

1996, including electronic data interchange, code sets, identifiers, security, and privacy provisions, as may be applicable to the services under this contract.

- D. Funding Obligations. This agreement does not create a specific obligation for any predetermined level of expenditure of funds by either TennCare, its MCOs, or VR. This agreement will not substantially alter either party's normal operations in carrying out its mission; however, prudent and targeted changes to policy and practice by both parties is anticipated to implement the spirit and letter of this Agreement.
- E. Termination for Convenience. Either party may terminate this MOA at any time by giving notice, in writing, to the other party, specifying the effective date of termination. Notice must be given no less than thirty (30) days prior to the specified date of termination.
- F. Entire Agreement. This Memorandum constitutes the entire agreement of the parties with respect to the subject matter contained herein and supersedes and replaces any and all prior negotiations, understandings and agreements, written or oral, between the parties relating thereto.
- G. Amendments. Any amendments to this agreement must be in writing and must be signed by a representative of each party.
- H. Notice. Any notice required or permitted to be given under this agreement shall be in writing and sent by United States Certified Mail, Return Receipt Requested, to the party to whom the notice should be given at the address set forth below.

Each party hereto agrees to promptly notify the other in the event of change of address.

This Memorandum shall be effective upon the date of last signature below.

IN WITNESS WHEREOF:

Department of Finance and Administration, Division of Health Care Finance and Administration,
Bureau of TennCare

SIGNATURE

DATE

NAME

[ADDRESS]

Department of Human Services, Division of Rehabilitation Services, Vocational Rehabilitation
Program

SIGNATURE

DATE

NAME

[ADDRESS]
