

ADMINISTRATIVE MEMORANDUM

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To:	Executive Directors of Voluntary Provider Agencies Developmental Disabilities Regional Office Directors Developmental Disabilities State Operations Office Directors Executive Directors of Care Coordination Organizations (CCO)
Issuing OPWDD Office:	Program Implementation and Service Access, Regional Offices – Employment and Meaningful Community Activities Unit
Date:	<i>January 2, 2024</i>
Subject:	Supported Employment (SEMP)
Suggested Distribution:	Quality Improvement Staff Fiscal/Billing Staff Care Managers Regional Office Front Door Staff Central Office Leadership Team Regional Office Front Door Staff Administrators and Managers of Supported Employment Services
Contact:	Employment and Meaningful Community Activities employment.vocational.services@opwdd.ny.gov
Attachments:	Attachment 1: Verification that Job Meets SEMPER Criteria Attachment 2: Request for SEMPER Staff Training Period Extension Attachment 3: Request to Bill OPWDD SEMPER Intensive Services Attachment 4: Request to Bill OPWDD Additional Extended SEMPER Service Attachment 5: Supported Employment Quarterly Status Report

Related ADMs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
ADM-2016-01 ADM-2012-01 ADM-2018-06R ADM-2018-09R ADM-2021-03R	ADM-2016-01	14 NYCRR Part 635	MHL §§ 13.07, 13.09, and 16.00	New York False Claims Act (State Finance Law §192)

PURPOSE

This Administrative Directive Memorandum (ADM) describes requirements applicable to Supported Employment (SEMP) services, including program and reimbursement standards. These requirements apply to SEMP services delivered to individuals who are enrolled in OPWDD's Home and Community Based Services (HCBS) Waiver as well as non-waiver enrolled individuals.

BACKGROUND

SEMP services provide supports for individuals with developmental disabilities to obtain and maintain competitive employment or attain and maintain self-employment. OPWDD amended regulations in 14 NYCRR Sections 635-10.4 and 635-10.5 pertaining to SEMP services regulations at 14 NYCRR Part 635 effective January 2, 2024. This ADM supersedes ADM 2016-01 and includes updated information in conformance with the January, 2, 2024 regulatory amendments.

In addition to the requirements in this ADM, SEMP providers must continue to comply with applicable OPWDD regulations, ADMs, and other applicable state and federal requirements.

DISCUSSION

1. SEMP SERVICES GENERALLY

A. SEMP Services

SEMP is a person-centered employment support service that assists individuals in obtaining, maintaining, or advancing in self-employment or competitive, integrated employment in the general workforce, for which the individual is compensated at or above the minimum wage. The goal of SEMP services is sustained, paid, integrated employment in a job or self-employment that meets the individual's personal and career goals. SEMP services may be provided as either Intensive or Extended SEMP. SEMP may be provided to a single individual, or to a small group of two to eight (2-8) individuals. When a job that meets the individual's personal and career goals is obtained, providers must either complete and keep Attachment #1, *Verification that Job Meets SEMP Criteria* or maintain all the information required on this form in their records for auditing.

B. Minimum Wage Requirement for Hired Employment

Individuals enrolled in SEMP who are earning a wage must be compensated at or above the applicable county, state or federal minimum wage. The SEMP service provider must obtain wage documentation verifying that the individual is earning at least minimum wage. Where the individual is earning less than the highest minimum wage available, the provider must provide documentation that a lower wage is legally permissible (e.g., waiter who receives tips). Wage verification from the employer must be obtained when the individual is initially employed and attached to the verification on Attachment #1 *Job Meets SEMP Criteria* form prescribed in Section A SEMP Requirements.

If the individual obtains a new job, the service provider must complete a new Attachment #1, *Verification that Jobs Meets SEMP Criteria* form or maintain all the information required on this form in their records for auditing and obtain written verification that the wage for the new job is at

least minimum wage.

If an individual receiving SEMP services is employed in a job where New York wage requirements do not apply (e.g., county employment or employment in a state other than New York) the individual must be compensated at or above the minimum wage of the state or county of employment, and the provider must maintain documentation of that minimum wage requirement.

C. Minimum Wage Requirement for Self-Employment

The minimum wage requirement is not applicable to individuals that are pursuing self-employment or who are self-employed. However, there must be documentation to ensure that the self-employment is a business. This may include documentation from the Internal Revenue Service (IRS) or a tax return.

D. Group and Individual Billing

SEMP services are billed as either Individual SEMP or Group SEMP.

Individual SEMP must be billed when one staff person provides and documents the service to one individual either face-to-face, remotely (e.g., telephone, video conference, other job coaching software/equipment), or on behalf of the individual (i.e., individual is not physically present at the time-of-service delivery). Providers must comply with OPWDD regulations and guidance related to remote service delivery, including that SEMP services must not be delivered only remotely.

Group SEMP must be billed when a staff person delivers and documents SEMP services to a small group. Groups include 2-8 individuals and cannot exceed 8 individuals.

Both individual and group employment services may be delivered at any one work location. However, one staff person cannot bill for both individual and group SEMP services simultaneously.

E. Billing for SEMP Services Delivered Without the Individual Present

SEMP services delivered without the individual present are services delivered on behalf of an individual.

Examples of allowable SEMP services delivered without the individual present include, but are not limited to:

- discussions with families about benefits planning;
- meeting with employers and potential businesses about hiring an individual;
- developing the SEMP Staff Action Plan;
- documenting the delivery of SEMP services; or
- traveling to a job site to provide an allowable SEMP service.

SEMP services delivered without the individual present may be delivered and billed for while an individual receives another SEMP service or other OPWDD Waiver service. This is not considered double billing because the individual is receiving two separate services: one face-to-face service is provided directly to the individual, and the other service is provided on behalf of the individual without the individual being present (e.g., SEMP provider communicating with the individual's employer, while the individual is receiving Community Prevocational Services).

F. Billing for Staff Travel Time

Staff travel time is a billable service for Intensive and Extended SEMP. This travel may be with or without the individual present. Staff may bill for travel time when the individual is present and being transported to or from an allowable SEMP service.

When the individual is not present, and services are being provided on behalf of the individual, SEMP staff may bill for travel time when travelling to:

- job sites to provide SEMP services;
- meetings with potential and current employers and businesses;
- conduct vocational assessments;
- attend OPWDD Innovations in Employment Supports trainings designed to enhance the quality of SEMP services; or
- provide other billable SEMP activities (including documentation of services and all other allowable SEMP services).

Travel time is billable when services provided occur when the staff is being paid by the service provider billing for the service. Travel time must be billed to either an individual or group fee with the specific SEMP participant(s) identified.

i. Travel Time to OPWDD's Innovations Trainings for Agency Staff

Travel time to OPWDD's Innovations Trainings is billable if the staff is being paid by the service provider during the time of the travel. OPWDD's Innovations Training travel must be billed using the group fee for up to five (5) individuals, even if the staff is serving a larger number of individuals. OPWDD's Innovations Training travel cannot be billed to one individual at the individual fee, even if they are serving only one individual.

It is expected that when staff or managers bill for attendance at OPWDD's Innovations Training, the staff attending the training have had contact, provided services to, or will provide services to those specific individuals. If multiple staff travel to an OPWDD Innovations in Employment Supports Training, each staff person can bill using the group fee for travel time (up to five individuals), but they cannot bill for the same individual(s) during the same training times.

ii. Travel Time to OPWDD's Innovations Trainings for Self-Hired Self Direction Staff

Travel time to OPWDD's Innovations Trainings is billable if the staff is being paid during the time of the travel. OPWDD's Innovations Training travel may be billed using the individual fee.

G. Billing for Meetings

Time spent attending meetings with an individual or on behalf of an individual receiving SEMP services is billable. When more than one SEMP staff attend a meeting, the billing may be split between the multiple SEMP staff or billed by only one SEMP staff person. Meetings may be billed as an individual or group service.

H. Billing for Planning the Delivery of All Allowable SEMP Services and Managing the Delivery of All Allowable SEMP Services

SEMP staff may bill individual or group in the allowable service titled “Planning the delivery of all allowable SEMP services” when planning for SEMP services.

A manager, supervisor, or director may bill individual or group in the allowable service titled “Managing the Delivery of All Allowable SEMP Services”.

When a manager, supervisor or director meets one-on-one with a SEMP staff person to provide direction for services, the manager, supervisor or director and the staff each must bill for a different SEMP service. The manager, supervisor or director would bill the service “Managing the Delivery of All Allowable SEMP services” and the staff would bill “Planning the Delivery of All Allowable SEMP services”.

“Managing the Delivery of All Allowable SEMP services” may not be billed when a manager, supervisor, or director is meeting with *multiple* staff. Meetings with more than two people are covered under Billing for Meetings. (See Section G: Billing for Meetings).

When a manager, supervisor, or director spends time without other staff present determining, assessing, and/or assigning resources to meet the needs of individuals receiving SEMP services, the manager may bill “Managing the Delivery of All Allowable SEMP Services.”

For example:

1. The SEMP director, manager, supervisor, or employment specialist reviews records, files, and reports, without other staff present, to plan appropriate services to be delivered to the individual(s). This time may be billed as either “group” if reviewing documentation for multiple individuals, or “individual” if reviewing for one individual. The SEMP director, supervisor, or employment staff may bill “Planning the Delivery of All Allowable SEMP Services.”
2. The SEMP director/supervisor has a one-to-one planning session with an employment staff where the SEMP director provides guidance and direction to the employment staff regarding service delivery. Both the SEMP director and the employment staff may bill for this meeting, but they must bill for a different allowable service. The SEMP director may bill “Managing the Delivery of all Allowable SEMP Services” and the staff person may bill “Planning the Delivery of all Allowable Services”.

I. SEMP Enrollment and Anniversary Date

Individuals enrolled in SEMP have a SEMP enrollment date. The month and day of the individual’s SEMP enrollment date becomes their SEMP anniversary date. Intensive and Extended SEMP service hours must only be authorized and used within one year of their anniversary date.

The SEMP enrollment date can be found in OPWDD CHOICES. If the individual was enrolled in SEMP prior to 7/1/15 and continuously remained enrolled since, the SEMP enrollment anniversary date must be 7/1.

If an individual disenrolls from SEMP and later re-enrolls into SEMP, the individual will have a new SEMP enrollment date and a new anniversary date. The individual's anniversary date is their most recent enrollment date into SEMP services. The new enrollment and anniversary dates begin the new billing limits.

J. Self-Employment

SEMP may include services and supports to assist an individual to achieve self-employment, including home-based self-employment.

For example, a service provider may assist an individual with:

- identifying potential business opportunities;
- developing a business plan;
- identifying community resources that could help the individual in operating a business; or
- offering ongoing supports and assistance once the business has been created, as needed.

The service provider must not staff the business, or purchase supplies or equipment for the business with OPWDD waiver funding.

K. Staff Training Requirements

Staff providing SEMP services must participate in OPWDD's Innovations in Employment Supports Training including managers, supervisors, directors and any other staff providing and billing for SEMP Services. Innovations in Employment Supports classes may be offered either in person or remotely. Staff providing SEMP services must complete 24 hours of OPWDD's Innovations in Employment Supports Training no later than December 31st two years after their date of hire or transfer to a SEMP service. The service provider must maintain documentation of all Innovations trainings that demonstrate the staff meets the training requirements.

Effective January 1, 2024, after completing the initial 24 hours of training, staff billing for SEMP services must obtain 6 hours of continuing education for each calendar year, beginning on each full calendar year (January 1 to December 31) thereafter. The service provider must maintain documentation that the annual continuing education requirements for each staff person are met. To meet this requirement, all Innovations Trainings completed by the individual staff are listed on their official transcript. If a SEMP staff person changes employment from one SEMP agency to another, the staff person's training records and credits follow them to the new agency.

Staff who were required to obtain 6 hours of continuing education prior to their anniversary date that occurs in 2023, and completed the training to meet this requirement at any time during 2022 or 2023 are not required to complete the next annual continuing education requirement until December 31, 2024. They must maintain their annual training requirements for each calendar year thereafter.

If a staff person, supervisor, manager, or SEMP director ends employment prior to both completing the required training and to the deadline for completing the training, the provider's prior billing may be considered valid. For example, if the staff person must complete their required training by September 1, 2023 but they end their employment with the provider on June 1, 2023,

the provider may be reimbursed for the services provided by that staff person. However, services provided after the required training deadline will not be reimbursed.

OPWDD Central Office may, in extenuating circumstances, waive, modify, extend, or grant exceptions to the period for the training requirement. Requests for exceptions to the training requirement must be submitted to Central Office on Attachment #2 *Request for SEMP Staff Training Period Extension*. Documentation of the modification, extension, or exception approved by OPWDD must be maintained by the service provider. All future trainings must be completed within the original required time periods as outlined in OPWDD policy and regulation unless otherwise specified by OPWDD.

L. Staff Training Billing Requirements

For Provider Agency staff, OPWDD trainings must be billed under the allowable service:

“staff time to attend OPWDD Innovations Training.” (14 NYCRR 635-10.4(j)(1)(xx))

Staff can bill no more than five (5) individuals for the hours of attendance at OPWDD Innovations in Employment Supports Training or Innovations Training travel time, even if the staff serves more than 5 individuals.

A SEMP staff person may bill for travel to, and attendance of, the OPWDD Innovations in Employment Supports Training. The SEMP staff person can bill up to five (5) hours per day for the in-person classroom training time, plus billing for travel time to the training, at the group fee for up to five individuals. If virtual then can bill up to 6 hours at the group fee for up to 5 individuals. (see F(ii) on page 4).

If more than one SEMP staff travels to and attends an OPWDD Innovations in Employment Supports Training, each staff person can bill up to 5 hours per day for the in-person classroom training time, plus billing for travel time to the training, using the group fee for up to five individuals. Multiple SEMP staff cannot bill for the same individuals for the same training time.

The group fee – and *not* the individual fee – must be billed for Innovations Training, even if providers have a limited number of SEMP enrollees and cannot otherwise bill at the group fee.

OPWDD recognizes that it is important that staff are available to work with individuals across the program to provide back-up supports to individuals (e.g., staff leave, job vacancies). If staff attend Innovations Training on different dates or times, they may bill for the same individual.

Self-Hired Self-Directed Staff may bill using the individual fee for training time (up to 5 hours of classroom) under the following allowable service:

“staff time to attend OPWDD Innovations Training.” (14 NYCRR 635-10.4(j)(1)(xx))

M. Self-Directed SEMP

Self-Directed SEMP may be direct provider purchased, agency supported or self-hired. Self-Directed Services must adhere to OPWDD regulations related to staff training requirements and allowable SEMP services.

If Self-Directed SEMP services are self-hired, the self-hired staff and fiscal intermediary must adhere to OPWDD SEMP training requirements and provide SEMP allowable services. However, the wages of SEMP staff are determined by the individual receiving SEMP services with their budget authority.

N. Rounding for Units of Service

Providers may round their units of service for billing. Rounding for units of service is permitted based on the criteria outlined in 14 NYCRR 635-10.5(af)(2). Only the total minutes of the specific billing category (individual or group) for the day may be rounded up to the next 15-minute increment. If there are multiple periods of service during the day, the provider must combine the total minutes for the specific billing category (individual or group) for the day and may not round each specific service period separately.

2. INTENSIVE SEMP SERVICES

A. Intensive SEMP Eligibility and Other Funding Sources

Individuals are eligible for Intensive SEMP services as specified in 14 NYCRR 635-10.4(j)(5), only if all other funding sources have been exhausted. The provider must have written documentation that funding from other sources was: requested and denied; received and used; or is not available for SEMP services. Examples of this documentation may include, but are not limited to:

- The closure date of the ACCES-VR case;
- A form/letter/communication from ACCES-VR that services are not available or would be better provided by OPWDD;
- A note in the individual's Staff Action Plan, Medicaid Care Manager's records, Life Plan/Individualized Service Plan, or other SEMP notes file describing why the individual did/did not receive ACCES-VR services;
- If the individual participated in OPWDD's Employment Training Program (ETP), a copy of the letter of agreement between OPWDD and ACCES-VR. The letter of agreement clarifies that individuals receiving ETP, Prevocational Services or Pathway to Employment Services are not required to first receive services from ACCES-VR; or
- If an individual participated in Enhanced Supported Employment (ESEMP), a copy of the letter of agreement between OPWDD and ACCES-VR.

B. Prior Approval to Bill for Intensive SEMP

A provider must obtain prior approval from OPWDD's Central Office Employment Unit to bill for all Intensive SEMP services per 14 NYCRR 635-10.4(j)(5)(e) using Attachment #3 *Request to Bill OPWDD SEMP Intensive Services*. Retroactive approvals may only be granted by OPWDD under extenuating circumstance per 14 NYCRR 635-10.4(j)(5)(i)(g).

C. Additional Hours of Intensive SEMP Services

Additional Intensive SEMP hours may be requested after the first approved request. The criteria listed in 14 NYCRR 635-10.4(j)(5)(e) is applicable to all Intensive SEMP requests. However,

each request for additional Intensive SEMP hours must include a justification for additional hours, including:

- New information/skills learned to address job challenges;
- Changes to the job development plan;
- New strategies and resources to address any job development/job match challenges; and
- Any other information that may help in making a determination.

Provider agencies should plan and project the usage of hours and request additional hours from OPWDD at least four (4) weeks before the hours are used to ensure continuity of service to the individual.

D. Limits on Hours of Intensive SEMP

Intensive SEMP services may be authorized by OPWDD up to 250 hours. The individual's approved Intensive SEMP service hours expire on their SEMP enrollment date anniversary. The service provider must obtain approval to continue billing for Intensive SEMP services before the individual's SEMP enrollment date anniversary. If the individual uses all of their authorized Intensive SEMP hours before their SEMP enrollment date anniversary, the provider must stop billing for Intensive SEMP services until OPWDD approved additional Intensive SEMP hours.

If the individual is still not employed after their approved Intensive SEMP hours are used or expired, additional Intensive SEMP hours may be requested. If additional Intensive SEMP hours are approved by OPWDD's Central Office Employment Unit, the provider may continue to provide Intensive SEMP services. If an individual becomes employed while receiving Intensive SEMP services, the service provider may deliver and bill for Extended SEMP services or utilize the remaining Intensive hours before billing Extended SEMP.

All requests to bill Intensive SEMP hours must be submitted on Attachment #3, *Request to Bill OPWDD SEMP Intensive Services*. Retroactive approvals may be granted under exceptional circumstances by OPWDD's Central Office Employment Unit. The service provider must maintain documentation of OPWDD's approval to bill for Intensive SEMP services.

3. EXTENDED SEMP SERVICES

A. Eligibility for Extended SEMP Services

Prior OPWDD approval is not needed for an individual to receive the first 200 hours of Extended SEMP service hours if the criteria in 14 NYCRR 635-10.4(j)(5)(ii)(a) are met.

Individuals eligible for and enrolled in OPWDD SEMP Waiver services who require extended ("follow along") services are not eligible to receive ACCES-VR extended services by agreement with OPWDD and ACCES-VR.

B. Limits on Hours of Extended SEMP Services

If the individual is employed, Extended SEMP services are limited to 365 days from the SEMP enrollment anniversary or up to 200 hours annually without prior approval. Additional Extended SEMP hours must be requested and approved by OPWDD's Central Office Employment Unit to provide more than 200 hours in the 365-day period beginning on the anniversary day of the individual's

SEMP enrollment date annually thereafter. The service provider must stop billing for Extended SEMP services if they exceed 200 hours within the SEMP enrollment year and do not have additional hours approved.

C. Additional Hours of Extended SEMP Services

A service provider may submit a written request to OPWDD's Central Office Employment Unit for additional Extended SEMP hours beyond the initial 200 hours per enrollment year for individuals who are employed per 635-10.4(j)(5)(ii)(g). Providers must use Attachment #4, *Request to Bill OPWDD Additional Extended Services*.

Additional hours requested for Extended SEMP must be authorized by OPWDD through the end of an individual's SEMP enrollment year (i.e., prior to their anniversary date). Approval of additional hours is based on an individual's need for additional hours and the type of employment supports needed to assist the individual in successfully maintaining employment. Criteria for approval of additional Extended SEMP can be found at 14 NYCRR 635-10.4(j)(5)(ii)(e).

Requests for more than 100 additional hours for Individual Extended SEMP or 600 additional hours for group Extended SEMP require a second level review by the Director of the Employment Unit at Central Office or designee prior to approval.

Provider agencies should plan and project the usage of hours and request additional hours from OPWDD at least four (4) weeks before the hours are used to ensure continuity of service to the individual, or longer if requesting 100+ hours of Individual Extended SEMP or 600+ hours of Group Extended SEMP.

Retroactive approvals may be granted under extenuating circumstances by OPWDD's Central Office Employment Unit. The service provider must maintain documentation of OPWDD's approval to bill for Extended SEMP services.

D. Job Loss

If an individual receiving Extended SEMP services becomes unemployed (and they are not expected to return to that employer), the service provider may continue to provide Extended SEMP services for no more than 120 days from the date the job was terminated provided that there are authorized hours remaining either through the first 200 hours of Extended SEMP OR through authorized additional hours of Extended SEMP. If the 120 days moves the individual into a new anniversary year, billing for Extended SEMP may continue until the 120 days are completed.

During the 120-day period, the service provider may:

- Apply to ACCES-VR for ACCES-VR services;
- Provide the individual with SEMP supports, such as person-centered employment planning, modified job-related discovery, addressing impediments to employment, or addressing soft skills and job retention skills;
- Use OPWDD Extended SEMP services to help the individual obtain a new job; and/or
- Submit a request to OPWDD's Central Office Employment Unit for approval of hours to provide Intensive SEMP for the individual or apply to the Employment Training Program (ETP).

If the individual remains unemployed after 120 calendar days, the service provider must stop billing for Extended SEMP services on the 121th day.

4. **REQUIRED DOCUMENTATION FOR SEMP SERVICES**

A. **Service Documentation and Monthly Summary**

Service documentation supporting a provider's billing for SEMP services must include Service Documentation for each SEMP service session and a Monthly Summary.

i. Service Documentation

Required service documentation elements include:

- 1) **Individual's name and Medicaid number (CIN)** (Medicaid number required only for HCBS Waiver enrollees).
- 2) **Name of the agency providing the Supported Employment (SEMP) service.**
- 3) **Identification of the category of Waiver service provided** (i.e., Supported Employment or SEMP service).
- 4) **Documentation of start and stop times.** Document the service start time and service stop time for each continuous period of service provision.
- 5) **Documentation if Individual is Present.** Document whether the individual was present for the service, or if it was delivered on behalf of the individual.
- 6) **Documentation of whether service was delivered to a Group or Individual.**
- 7) **Description of services.** Each documented session must list at least one allowable service delivered in accordance with the individual's SEMP Staff Action Plan. The location of the service does not need to be documented.
- 8) **Date of service provision.**
- 9) **Verification of service provision by the staff person delivering the service.** Either a signature or initials must be provided. Initials are permitted if a "key" is provided that identifies the title, signature, and full name associated with the staff initials.
- 10) **Date the service was documented.**

ii. Monthly Summary

The narrative monthly summary must be completed, signed, and dated no later than the end of the following month of service. A narrative monthly summary must include a summary of the following:

- The implementation of the individual’s SEMP Staff Action Plan for the month;
- A description of the individual’s vocational progress including additional supports that may be needed to maintain employment and enhance future opportunities;
- A description of some of the actions of staff to address vocational challenges;
- A description of the individual’s response; and
- Any issues or concerns, if applicable.

B. Other Documentation Requirements for SEMP Services

In addition to the service documentation and monthly summary supporting the SEMP service billing claim, the agency providing SEMP services must maintain the following documentation:

- i. A copy of the individual’s Life Plan, covering the time of the claim.

For SEMP, the following elements must be included in the Life Plan:

- Identification of at least one goal or valued outcome that relates to competitive employment or self-employment;
- Identification of supported employment or SEMP as the type of HCBS waiver service;
- Identification of the agency providing SEMP Services;
- Specification of an effective date for SEMP that is on or before the first date of service for which the agency bills SEMP Services for the individual;
- Specification of the frequency for SEMP as “hour” or “hourly;” and
- Specification of the duration of SEMP as “Ongoing.”

Note: Care Managers create the individual’s Life Plan. However, Service providers are responsible for reviewing the finalized, acknowledged, and agreed to Life Plan. Providers may occasionally find inaccuracies in the finalized, acknowledged, and agreed to Life Plan. Providers should demonstrate due diligence in working with the Care Manager, CCOs, OPWDD, and/or others to correct the Life Plan as soon as possible. Service providers should document their timely efforts to correct any errors in the Life Plan. Examples of this documentation may include notes in the individual’s monthly summary, e-mails, dispute resolution, phone calls, etc.

- ii. The SEMP Staff Action Plan.

The SEMP Staff Action Plan developed by the agency providing SEMP services must conform to the corresponding Staff Action Plan (#2018-09). The Staff Action Plan must identify SEMP as the service but does not need to identify whether the individual received Intensive or Extended SEMP.

- iii. Additional information for SEMP Services delivered remotely.

SEMP services may be delivered remotely. However, providers must ensure remote SEMP service delivery complies with OPWDD ADM #2021-03R *Ability to use*

Technology to Remotely Deliver Home and Community-Based Services.

SEMP services provided via remote technology directly to the person (i.e., direct services) must be listed in the Life Plan and reflected in the Staff Action Plan. However, providers can call individuals over the phone as an incidental component of service delivery to check-in with participants as allowed in the service definition or in emergency circumstances. This is different from phone calls that involve teaching/training with the staff that are considered telehealth.

In SEM, examples of incidental calls to individuals include:

- reminding the individual about a job interview;
- reminding the individual to wash their uniform;
- informing the individual of job schedule changes;
- learning about the individual's work schedule so the staff know when to visit sites;
- checking in to see if there are any unforeseen challenges; and
- scheduling upcoming service activities.

Emergency phone calls include helping the individual trouble shoot an unexpected, non-regular problem at work site.

SEMP services provided via remote technology on behalf of the person (i.e., indirect services) do not need to be listed in the Life Plan but must be reflected in the Staff Action Plan.

V. Data and Other Reports

Providers must submit Supported Employment (SEMP) related data quarterly to OPWDD's Employment and Meaningful Community Activities Unit. Providers must use *Attachment #5: Supported Employment Quarterly Status Report* to submit this data to OPWDD.

These quarterly reports must be submitted to OPWDD no later than:

- April 15th (using data from previous January 1 - March 31);
- July 15th (using data from previous April 1 – June 30);
- October 15th (using data from previous July 1 – September 30); and
- January 15 (using data from previous October 1 – December 31).

RECORDS RETENTION:

New York State regulations require each Medicaid provider to prepare records to demonstrate its right to receive Medicaid payment for a service.

All documentation specified above, such as the service documentation, Life Plan, SEM, Staff Action, and ACCES-VR information, must be retained for a period of at least 10 years from the date the service was delivered or when the service was billed, whichever is later.

For additional information on the documentation requirements, contact the OPWDD Office of Employment & Meaningful Community Activities at:
employment.vocational.services@opwdd.ny.gov