

ND Department of Human Services  
Outlier Policy

**Individual Employment Support Outliers**

**Who can request an Individual Employment Supports (IES) outlier?**

An IES Outlier Request is a temporary adjustment and may be initiated by the client, legal decision maker, or the provider agency serving the client. The request must include the decisions of the team, which consists of the client, legal decision maker, DD Program Manager (DDPM), and the provider(s).

Based on the client's Supports Intensity Scale (SIS) Assessment, an amount of assessment score hours is assigned to determine direct support staffing for Individual Employment Supports Service.\* An IES Outlier Request is additional direct support as Direct Support Professional (DSP) assistance /job coaching above and beyond those SIS Assessment Score assigned hours a client is receiving.

*\*If a client does not have an assessment, the team may submit an IES Outlier Request prior to the assessment being completed. The request will be based and reviewed on the qualifying criteria. Since assessment score hours are not available, exact outlier hours will not be defined as it is unknown how many hours the assessment score will provide. However, if the outlier is approved, the approval will define the level of staffing. Outlier hours will be allotted once an assessment is completed and in effect.*

**Team Planning Considerations Prior to Requesting an IES Outlier Request**

Teams must meet to discuss a potential IES Outlier Request. It can be up to the team if that is in person, email, or via phone, however it must be documented. All IES Outlier Requests must be unique to the client and the request must specify how the need for additional DSP assistance/job coaching hours will allow for the client to obtain or remain employed in the community.

Requests must not be submitted unless other options (i.e., natural supports in the workplace, assistive technology, etc.) have been explored prior to the request and should not include situations that might occur (e.g.- individual might elope but has not in 10 years with no attempts). The team must also continually consider ways to fade the increased DSP assistance/job coaching hours.

Identification of what is needed by the client to be able to perform job duties, how certain supports will be offered, frequency of the supports, and a reflection of the person's actual employment routine is critical.

**Criteria to Request an IES Outlier**

If a client's needs exceed the hours identified by the multiplier calculation the client may qualify for an Outlier Request if they meet the following criteria:

1. Employment support needs exceed hours identified by the multiplier calculation; and

## ND Department of Human Services Outlier Policy

2. Other mitigation options were pursued and/or implemented prior to a request for additional support hours (i.e., assistive technology, natural supports, environmental change, etc.).

### **IES Outlier Request Process and Documentation Requirements:**

If the team decides an Outlier Request is needed, the SFN 1853 – Individual Employment Supports Outlier Request Form must be filled out and submitted. The information in the Outlier Request must include information specific to the reason for the request.

The person-centered service plan (i.e. - OSP) must contain all the information and any supporting documentation for the increased DSP assistance/job coaching need. The service plan must also identify who/what provides the various supports needed throughout the workday (e.g., paid staff, natural supports in the workplace, other service entities, technology, etc.). The service plan must also outline other attempts at providing supports or alternatives to assist the client in addressing the need. The Individual Service Plan (ISP) must reflect the service of Individual Employment Supports.

*Link to Request Form:* <https://www.nd.gov/eforms/Doc/sfn01853.pdf>

The Request form must include a summary of the risk(s) associated with the need for one-to-one DSP assistance/job coaching to reflect the documentation in the service plan.

IES Outliers are a temporary adjustment. Teams are expected to develop a fading plan that will assist the client to work in the community as independently as possible and to continuously explore alternative options. Some examples may include, but not limited to: technology, natural supports within the workplace, times of working independently, etc.. The fading plan should include the process the job coach will use to assess when the client is able to work independently and the timeline that these opportunities will be trialed. Trials of this plan should be performed while an IES Outlier is in place and can be small increments of time.

### **Submission and Approval of the Outlier Request:**

The Provider CEO will sign the completed Outlier Request Form. The following Department timelines will be effective when completely executed outlier request and documentations are received. All requests must be typed and submitted to: [dhsddreq@nd.gov](mailto:dhsddreq@nd.gov).

The IES Outlier Request will be reviewed by the DD IES Outlier Committee where an approval or denial decision will be made within 15 business days of receipt if the IES Outlier Request contains the information to make a determine. **If the documentation to support the request is not submitted, the IES Outlier will be denied.** The DD IES Outlier Committee will notify the provider, the DDPA, DDPM, the client, and/or legal decision maker of the decision within 5 business days including the reason for the approval, denial, or incompleteness. If the IES Outlier Request is approved, it will be entered into the web base case management system. **If the IES Outlier Request is denied, appeal rights will be provided based on N.D. Administrative Code 75-04-06-07.**

## ND Department of Human Services Outlier Policy

If the submitted SFN 1853 form is not completed in its entirety, the IES Outlier Request will be determined incomplete, and a notice will be sent back to the provider for the required information. The provider will have 10 business days from the date of the notification to submit the completed IES Outlier Request form to the DD IES Outlier Committee. If the completed form is not submitted within the 10 business days, the IES Outlier Request will be considered denied. If the need is still present, a new IES Outlier Request will need to be submitted.

The effective date of the approved IES Outlier Request will be one of the following:

- The date the completed request was received by the DD IES Outlier Committee. This would be applicable for a new outlier request for any currently authorized services.
- Start date of a newly enrolled authorized service in the ISP. This would be applicable to align the Outlier with the start date of a new service.
- The day following the end date of a previously approved Outlier to maintain continuity of the Outlier. The request would need to be received by the DD IES Outlier Committee prior to the end date of the previously approved Outlier, otherwise the effective start date, if approved, would be the date the DD IES Outlier Committee received the request.

The provider will be reimbursed beginning on the identified effective start date of the approved IES Outlier. If the request is denied, payment will not occur after the end date of the prior approved IES Outlier Request.

If a request is denied, it can only be re-submitted if there is new information and documentation for review that wasn't included in the previous request. If a request is re-submitted there must be discussions among the team members to ensure all are aware of the re-submission, and the team has reviewed and discussed the proposed changes or additional information submitted. If no new information is submitted, the original Outlier Request decision will be upheld.

IES Outlier Requests will only be approved for 6 to 12 months; however, the timeframe will be based on the specific needs of the client and may be shorter to align with the person-centered service plan date. An IES Outlier Request does not automatically renew. Teams need to meet to discuss if it continues to be needed. If the team determines that a request is still necessary, it must be submitted in advance of the end date of the IES Outlier and to allow for review timelines ensuring continuity of services of the outlier. If an IES Outlier Request is not submitted within the timeframes, there may be a lapse in the payment for increased staffing.

If a new SIS assessment becomes available during the approved timeframe, the currently approved Outlier Request amount may need to be adjusted. The team must discuss the changes resulting from the new assessment and determine if the need for an IES Outlier remains or if any modifications to the plan are needed to address the delivery of services.

IES Outlier Requests are not transferrable (between service locations or providers) and a new one will need to be submitted.

### **Appeals**

IES Outlier Requests are a temporary adjustment to meet the client's needs within a specified time frame. An IES Outlier Request is additional support above and beyond the core service(s) a client is receiving. A denial of an IES Outlier Request is not considered a denial, reduction, or termination of the client's core service(s). **A denial of**

ND Department of Human Services  
Outlier Policy

an IES Outlier Request is appealable under N.D. Administrative Code 75-04-06-07. The expiration of the IES Outlier Request is not considered a denial, reduction, or termination of services and is not appealable.

Clients and/or legal decision makers have the right to request an informal conference and/or file a formal appeal under N.D. Administrative Code 75-04-06-07. The decision notice contains information on the right and how to appeal. Provider agencies do not have the right to request a reconsideration or appeal.