

Informed Choice: *It's More Than Just Asking*

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COVID-19 PUBLICATIONS & RESOURCES



Resources For Massachusetts

- [Massachusetts Employment First COVID-19 Resource List](#)
- [Community-Based Day Supports During the Pandemic](#)

ICI Resources

The Institute for Community Inclusion (ICI) has an ongoing series of publications and resources to help professionals, individuals, and families maintain an Employment First focus through this challenging time. Go to ICI's special COVID-19 web page.

<https://covid19.communityinclusion.org>

[↕ See our current online trainings ↕](#)



MASSACHUSETTS
INTERAGENCY
TRANSITION TEAMS

Interested in knowing more about interagency transition teams in Massachusetts? check out the [Massachusetts Interagency Transition Teams database](#), compiled by the [MPTE Cross-Systems Collaboration team](#).

Publication

Available at: www.communityinclusion.org

- Employment and Employment Supports: *A Guide to Ensuring Informed Choices for Individuals with Disabilities*

TOOLS FOR INCLUSION ISSUE NO. 31 • 2020

Employment and Employment Supports: A Guide to Ensuring Informed Choice for Individuals with Disabilities
by David Hoff

Informed Choice and Employment: Overview

"Listen to our dreams about having a job. We want to work just like others."
-Stirling Peebles, Green Mountain Self-Advocates

As individuals with disabilities consider their employment options, questions often arise: Does the person want to work in competitive integrated employment? What kind of a job do they want? What are their career interests? And who is really making the decision: Is it the individual, or others on their behalf?

As people with disabilities consider their options and future direction in terms of employment, it is important that they do so within a process that puts them in the driver's seat in terms of decision-making. This process must ensure they have the necessary information to make the choice they feel is the right one for them, embracing not just choice, but informed choice.

But what is "informed choice"? And how do we ensure that a choice is truly "informed" and fully reflective of the individual's preferences?

This publication answers these questions. In it, we provide a guide to decision-making regarding employment and related services and supports, through a process where individuals understand their options, and make choices and decisions that are fully reflective of their own interests and preferences.

What is informed choice?
Informed choice is the process of choosing from options based on accurate information, knowledge, and experiences.

Core principles of choice

- ▶ **Everyone is capable of making choices:** Everyone, regardless of their limitations, is capable of making choices, and needs opportunity, experience, and support to do so.
- ▶ **Choices are not unlimited:** Choice does not mean an individual can do whatever they want. Choice

means selecting among available options, and clearly defining what those options are.

- ▶ **Choices have consequences:** And it is important to clearly understand what those consequences are.
- ▶ **All choices aren't equal:** Choices are made within the overall context of cultural and societal expectations. As a result, some choices are viewed as more acceptable and more positive than others.

Ensuring a choice that is truly informed

Like all of us, individuals with disabilities have the right to make choices over where they work and how they spend their days. However, people with disabilities too often have limited experiences on which to base choices, combined with lives in which well-intended professionals and family members have made choices on their behalf or had undue influence on their decisions.

Studies have found that, when given repeated opportunities to make a choice and act upon that choice, through observing or trying jobs in the community, individuals with severe disabilities clearly express their vocational preferences, which often differ from what their caregivers recommend or presume is their choice (Martin et al., 2005).

As a result, informed choice requires more than simply asking an individual whether or not they want to work, and it is not a simple yes or no conversation. It requires a deliberate and structured experiential process that puts the individual in a decision-making role, with sufficient experience and exposure to make a well-informed decision.

Informed choice is not: "Do you want to work. Yes or no?"

What does this mean in terms of employment?
Individuals with disabilities who are considering their employment and service options should have the opportunity to make a fully informed decision about whether they want to work in integrated community employment and what type of job they want. To make

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“Listen to our dreams
about having a job.
We want to work
just like others.”



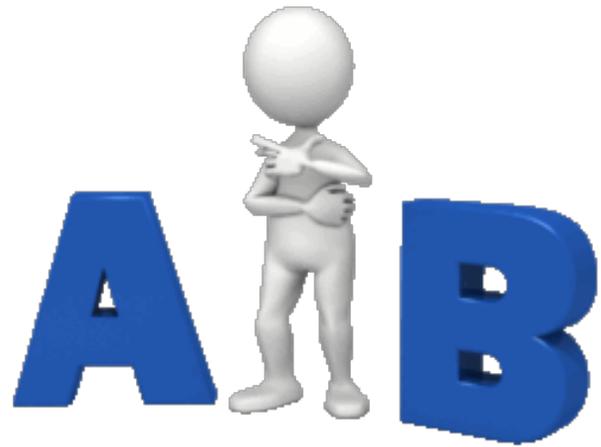
Stirling Peebles

Green Mountain Self-Advocates

DISCUSSION

- What was the decision regarding your current job based on?
- What was the decision regarding your career based on?



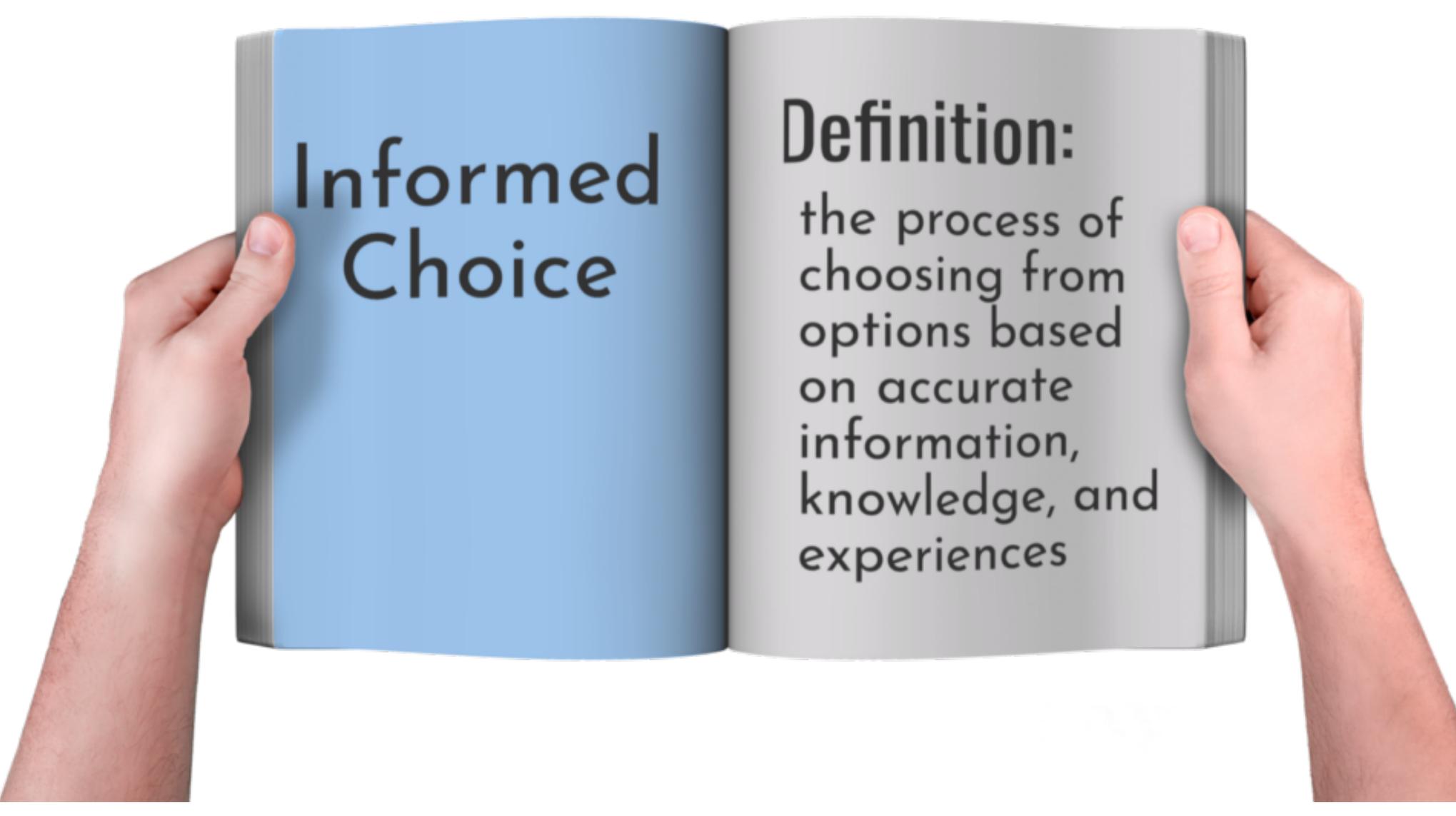


Choice



What makes a choice an
informed choice?





Informed Choice

Definition:

the process of
choosing from
options based
on accurate
information,
knowledge, and
experiences

Informed Choice Requires:



SKILLS AND
EXPERIENCE IN
MAKING CHOICES



EXPERIENCE THAT WE
CAN DRAW ON



A CULTURE THAT
EMBRACES INFORMED
CHOICE



A TOLERANCE FOR
REASONABLE RISKS
AND FAILURE



The challenge of informed choice for people with disabilities

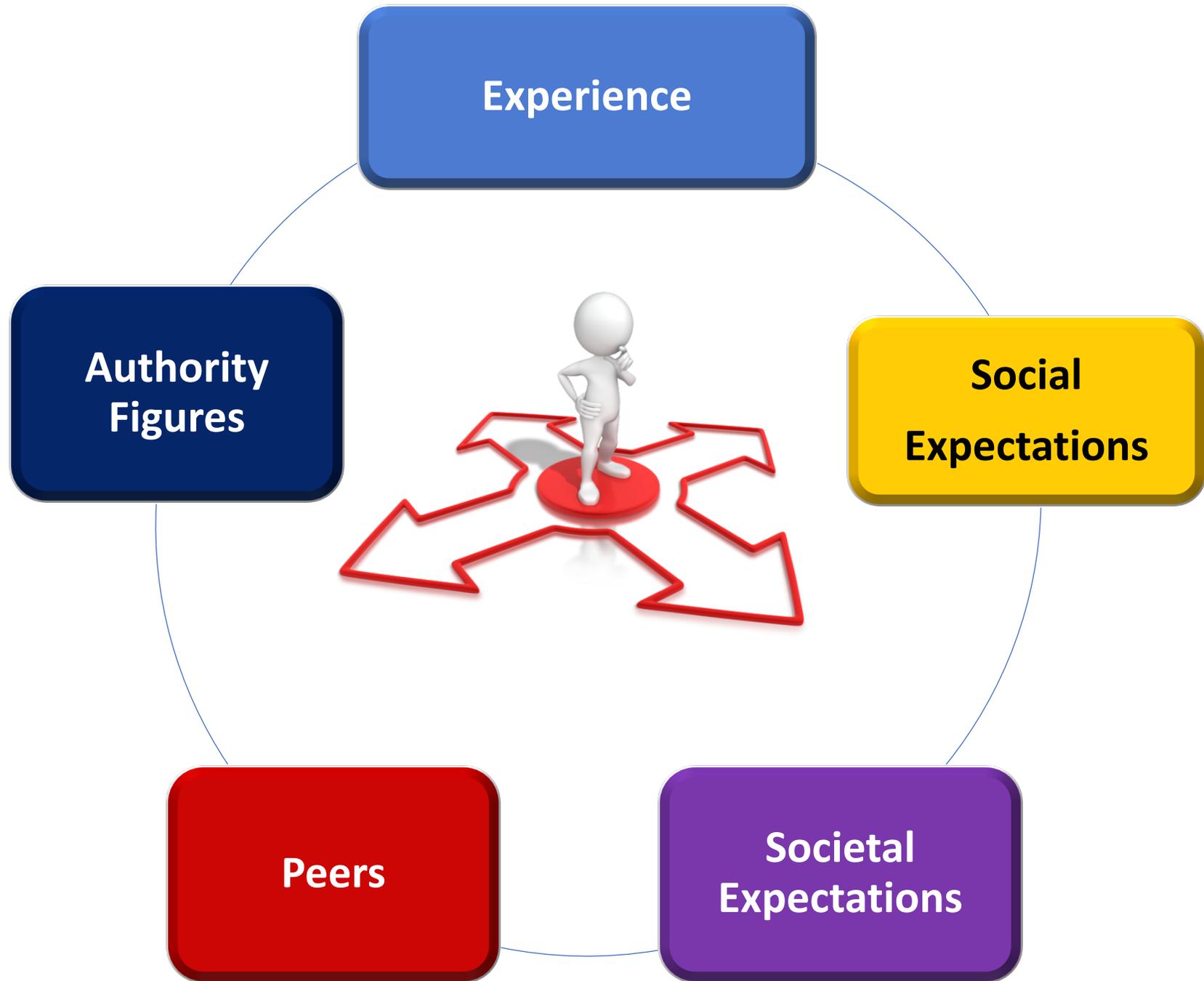
- Limited experiences on which to base decisions
- Limited opportunities for choice making
- A culture that too often defers to others regarding individual choices

“Everybody else in life gets the opportunity to make mistakes.

You go out on your own, but because disabled people are often sheltered and other people are making decisions for us, we don't have those opportunities to live completely wholly in that way.”



- Andraéa LaVant
Impact Producer, Crip Camp



EXAMPLES OF “UN-INFORMED” CHOICE



Do you want
to work in
the
community?

**NOT INFORMED
CHOICE**





Discussion

*Does informed
choice mean you
can do whatever
you want?*

People with disabilities are
entitled to same level of choice as
everyone else



WHY
INFORMED CHOICE
MATTERS



It's the right thing

- Self-determination
- Self-advocacy
- Person-centered planning

It's the Law



WIOA: VR Requirements, Section 511

CMS.gov
Centers for Medicare & Medicaid Services

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Home > Outreach & Education > American Indian/Alaska Native > LTSS TA Center > LTSS Information > Home- and Community-Based Services

LTSS Information

- LTSS Financing
- 100% FMAP for LTSS — Educate Your State
- Financial Planning Steps
- Comparing Reimbursement Rates
- Who Pays For LTSS?
- Working With Your State
- LTSS Models
- Facility-Based Care
- Home- and Community-Based Services**
- Medicare Special Needs Plans
- Money Follows the Person - Tribal Initiative Grant
- PACE
- Tribal Involvement
- State and Federal Relationships
- National Overview of 1915(c) HCBS Waivers
- National and Regional Resources
- State Medicaid Plans and Waivers

Home- and Community-Based Services

Home- and Community-Based Services (HCBS) are types of person-centered care delivered in the home and community. A variety of health and human services can be provided. HCBS programs address the needs of people with functional limitations who need assistance with everyday activities, like getting dressed or bathing. HCBS are often designed to enable people to stay in their homes, rather than moving to a facility for care.

HCBS programs generally fall into two categories: **health services** and **human services**. HCBS programs may offer a combination of both types of services and do not necessarily offer all services from either category.

Types of HCBS Care

Health Services meet medical needs

- Home health care, such as:
 - Skilled nursing care
 - Therapies: Occupational, speech, and physical
 - Dietary management by registered dietician
 - Pharmacy
- Durable medical equipment
- Case management
- Personal care
- Caregiver and client training

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*

In the years since the Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), the goal of the integration mandate in title II of the Americans with Disabilities Act – to provide individuals with disabilities opportunities to live their lives like individuals without disabilities – has yet to be fully realized. Some state and local governments have begun providing more integrated community alternatives to individuals in or at risk of segregation in institutions or other segregated settings. Yet many people who could and want to live, work, and receive services in integrated settings are still waiting for the promise of *Olmstead* to be fulfilled.

In 2009, on the tenth anniversary of the Supreme Court's decision in *Olmstead*, President Obama launched “The Year of Community Living” and directed federal agencies to vigorously enforce the civil rights of Americans with disabilities. Since then, the Department of Justice has made enforcement of *Olmstead* a top priority. As we commemorate the 12th anniversary of the *Olmstead* decision, the Department of Justice reaffirms its commitment to vindicate the right of individuals with disabilities to live integrated lives under the ADA and *Olmstead*. To assist individuals in understanding their rights under title II of the ADA and its integration mandate, and to assist state and local governments in complying with the ADA, the Department of Justice has created this technical assistance guide.

The ADA and Its Integration Mandate

In 1990, Congress enacted the landmark Americans with Disabilities Act “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”¹ In passing this groundbreaking law, Congress recognized that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.”² For those reasons, Congress prohibited discrimination against individuals with disabilities by public entities:

[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.³

As directed by Congress, the Attorney General issued regulations implementing title II, which are based on regulations issued under section 504 of the

Steps for Informed Choice & Employment



1. Provide information about benefits of working in an integrated setting



2. Facilitate visits or other experiences in integrated settings



3. Peer-to-peer discussions



4. Identify & address any concerns or objections raised by individual or relevant decision maker



5. Regularly revisit the decision to work in the community



1. PROVIDE INFORMATION ABOUT THE BENEFITS OF WORKING IN THE COMMUNITY

- What information?
- How should it be provided?

2. FACILITATE VISITS OR OTHER EXPERIENCES IN EMPLOYMENT SETTINGS

- Types of experiences
- Ensuring quality experiences and sufficient experiences
- Helping individuals process what they learn



3. Peer-to-Peer Discussions

- ***Who?***
- ***How?***

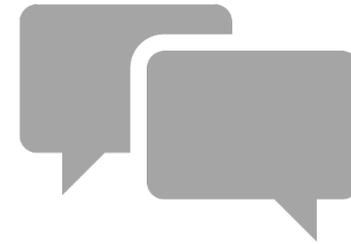




**4. IDENTIFY AND ADDRESS ANY CONCERNS OR OBJECTIONS
RAISED BY THE INDIVIDUAL OR RELEVANT DECISION MAKER**

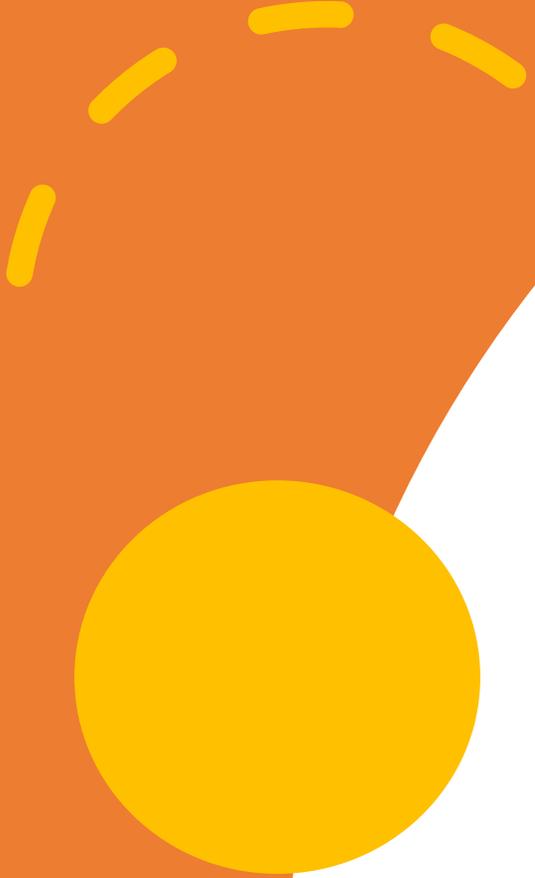


Common objections



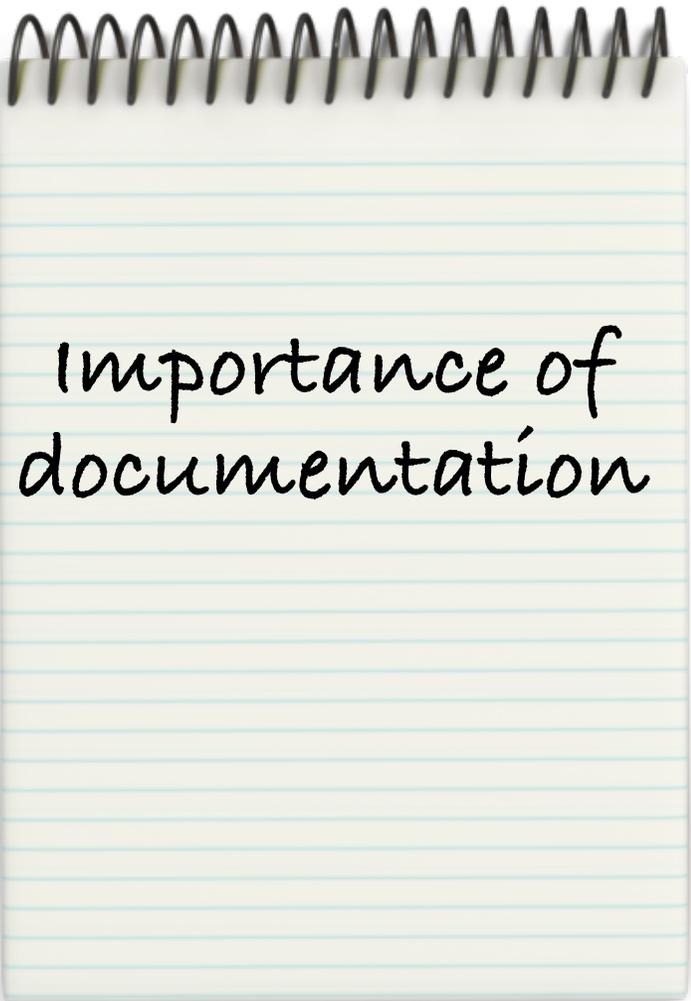
Responses

- Acknowledge concerns
- Identify strategies for addressing



5. Regularly revisit a decision not to work in the community

Low-risk strategies to help inform individual and consider employment as an option

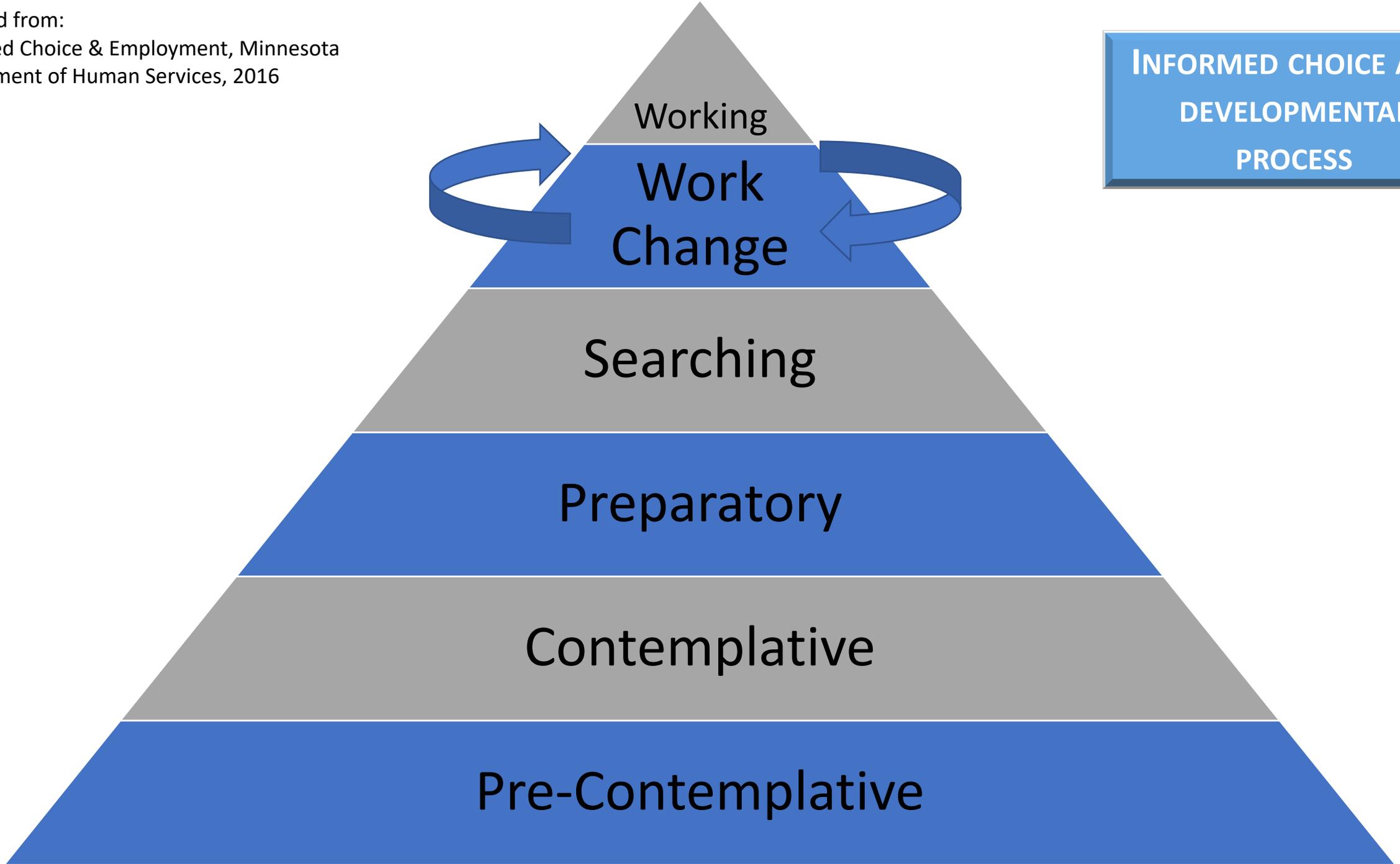


Importance of documentation

- Steps to be taken
- Concerns and issues and how they will be addressed

Adapted from:
Informed Choice & Employment, Minnesota
Department of Human Services, 2016

**INFORMED CHOICE AS A
DEVELOPMENTAL
PROCESS**



CHOICE IS MORE THAN WHETHER OR NOT YOU WANT TO WORK IN THE COMMUNITY

- ✓ Where do you want to work
- ✓ What kind of job do you want
- ✓ Hours & schedule
- ✓ Transportation
- ✓ Changing jobs
- ✓ Others





Is choosing a less preferred option **okay**?



Everyone
needs to be
on the
same page

THE ROLE OF FAMILIES

- Understand their role
- Keep them informed about each step
- Respond to concerns
- Remind them
 - *It's about exploration of options*
 - *It's about the individual's choices and preferences*



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The Role of Guardians

What are the parameters of the guardianship?

Type and level of relationship with individual?

Involve guardian, and advocate for support of informed choice



Standards of Practice

*Adopted 2000
Fourth Edition - 2013*

©2000, 2002, 2007, 2013
National Guardianship Association

www.guardianship.org • info@guardianship.org • 877-326-5992

Discussion:

What is the role of professionals?

- *Recommend?*
- *Guide?*
- *Advise?*
- *Facilitate?*



The role of the professional is to create and facilitate the **ideal circumstances** for individuals to make their **own choices and decisions** regarding employment



*Should
staff
remain
neutral?*



REQUIRED STAFF SKILLS

- Skilled listening
- Cultural awareness and competency regarding choice-making
- Influence & impact of staff values and personal values on choice-making
- Facilitating empowerment of individuals to direct process
- Managing conflict



WHAT PROFESSIONALS SAY AND HOW THEY SAY IT IS IMPORTANT

- What statements that can help with choice?
- What statements can hinder choice?



Programmatic Considerations



Culture that encourages informed choice



Supporting individuals with communication challenges and other support needs



Ensuring exposure to a variety of work settings to inform process



Procedures for documentation of process



Requirements for periodic review of decision not to pursue employment



Informed Choice Factors During Covid

- Risk to themselves and others
- Steps being taken by employer to protect workers
- Impact on employment situation if they choose not to work
- Need for wages from employment
- Level of supports needed by individual and how they can be provided
- Availability of transportation
- Overall implications of working vs. not working for themselves and their job

Publication



TOOLS FOR INCLUSION

ISSUE NO. 33 • 2020

COVID-19
Day and
Employment
Services

Working During the COVID-19 Pandemic: A Guide for Informed Decision-Making

By Cindy Thomas

Due to the COVID-19 pandemic, day and employment service providers have had to quickly determine how best to provide supports for people they serve. For many this means transitioning to services and supports that can be provided remotely. This brief is one in a series developed to help community providers continue to provide services to those who are currently working, seeking employment, or engaged in community-based day supports.

During this time, we are all learning how to best support the people we serve. We welcome your feedback and ideas as we all work together to provide services that help people to continue to work towards their goals while staying safe and healthy.

ICI COVID-19 resources: covid19.communityinclusion.org

The COVID-19 pandemic has dramatically changed how we think about going to work. While many of us are able to work remotely, many businesses and job functions continue to be essential and must be performed in person. Some people with disabilities are currently working in essential roles and businesses. Others are job seeking and eager to go to work.

Making the decision to continue working or to get a new job during this time requires thoughtful considerations of both the benefits and risks. This guide assists employment service providers in helping people they support determine whether or not they should work, considering both the benefits and the risks. It is not the employment provider's decision, but one that should be made by the individual in consultation with those they trust and who support them.

Summary of factors to be considered by individuals in making an informed choice about going to work:

- ▶ Risk to themselves and others
- ▶ Steps being taken by employer to protect workers
- ▶ Impact on employment situation if they choose not to work
- ▶ Need for wages from employment
- ▶ Level of supports needed by the individual and how they can be provided
- ▶ Availability of transportation
- ▶ Overall implications of working vs. not working for themselves and their job

1. Individual considerations

- ▶ [Is the person you are supporting at higher risk for COVID-19?](#)
- ▶ Are members of their household at higher risk and would they increase that risk by working outside of the home?
- ▶ Is the person you are supporting able to understand and follow the [CDC guidance to help prevent the spread of the virus, such as handwashing and social distancing?](#)

2. Work environment

- ▶ Has the business adopted policies and procedures to support worker safety?
- ▶ Have changes been made to the work environment to increase the safety of employees?
- ▶ Are employees provided with or can they bring personal protective equipment such as masks and gloves?
- ▶ If the individual is deciding whether to continue working, is the business allowing time off or the option to take a furlough should the person feel it is unsafe for them to work?

3. Support needed for success on the job

- ▶ Does the person you are working with need support on the job?
- ▶ If yes, can this support be provided remotely?

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ICI COVID-19 Resource Page

<https://covid19.communityinclusion.org>

- **28 publications**
- **Resource listings**



THE INSTITUTE FOR COMMUNITY INCLUSION

COVID-19 Publications and Resources

Due to the COVID-19 pandemic, day and employment service providers, people with disabilities and family members have had to quickly adjust to changes in how services and supports are provided. The publications and resources provided here have been developed to help guide professionals, individuals, and families through this challenging time as we develop new approaches to providing day and employment services and supporting community life engagement.

During this time, we are all learning how to best support the people we serve. We welcome your feedback and ideas as we all work together to provide services that help people to continue to work towards their goals while staying safe and healthy.



Day and Employment Services Publications

TOOLS FOR INCLUSION

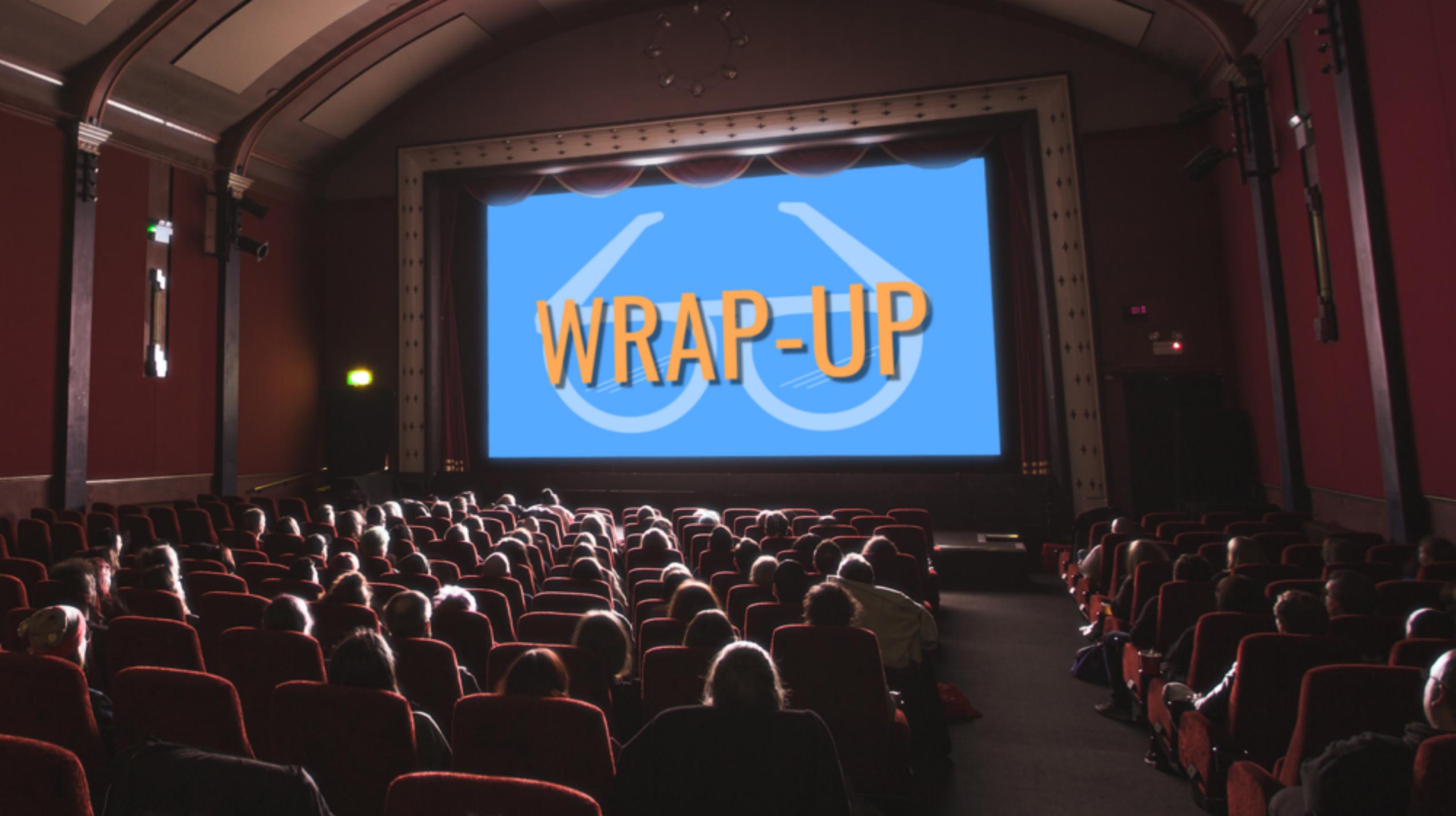
Providing Quality Services

TOOLS FOR INCLUSION

Working During the COVID-19

TOOLS FOR INCLUSION

Dealing with the Economic



WRAP-UP



Resources



Holding Engaging Conversations about Work ***Toolkit to Support Informed Choice in Employment***

Minnesota Department of Human Services
2017 Informed Choice for Employment

This toolkit was developed to help support professionals in helping people with disabilities consider employment as an option and plan for work. The toolkit was developed by the MN Departments of Education, Employment and Economic Development, and Human Services. It is a work in progress. This is just a guide; it is not an all-inclusive list of activities, resources, or tools that will help you facilitate informed choice. You may have other resources, information or tools that you have also found to be helpful. Feel free to use those resources, and let us know about them. Please use the “Give Feedback” button on DB101 to share your thoughts about the toolkit, suggest additional resources, or provide other feedback.

The toolkit contains information, tools and videos about:

- How to prepare yourself to engage a person in conversations about employment
- How to better support people where they are at with work
- Encouraging people to explore employment as an option in the future if they’re not ready today
- Tips on how to help people see competitive work as a possibility
- How to facilitate successful employment outcomes
- Assess your organization’s readiness to support people in competitive, integrated employment

What is informed choice?

- Informed choice means that the person you are supporting is able to make decisions based on complete information that connects to their situation.
- It means that people are given accurate information about what they need to achieve their goals.
- Informed choice occurs when a person understands all of their options and the *risks* and *benefits* of their decisions.
- Informed choice is an ongoing process that happens through engaging, person-centered conversations and activities. It is circular and does not occur just one time - it is an ongoing process.

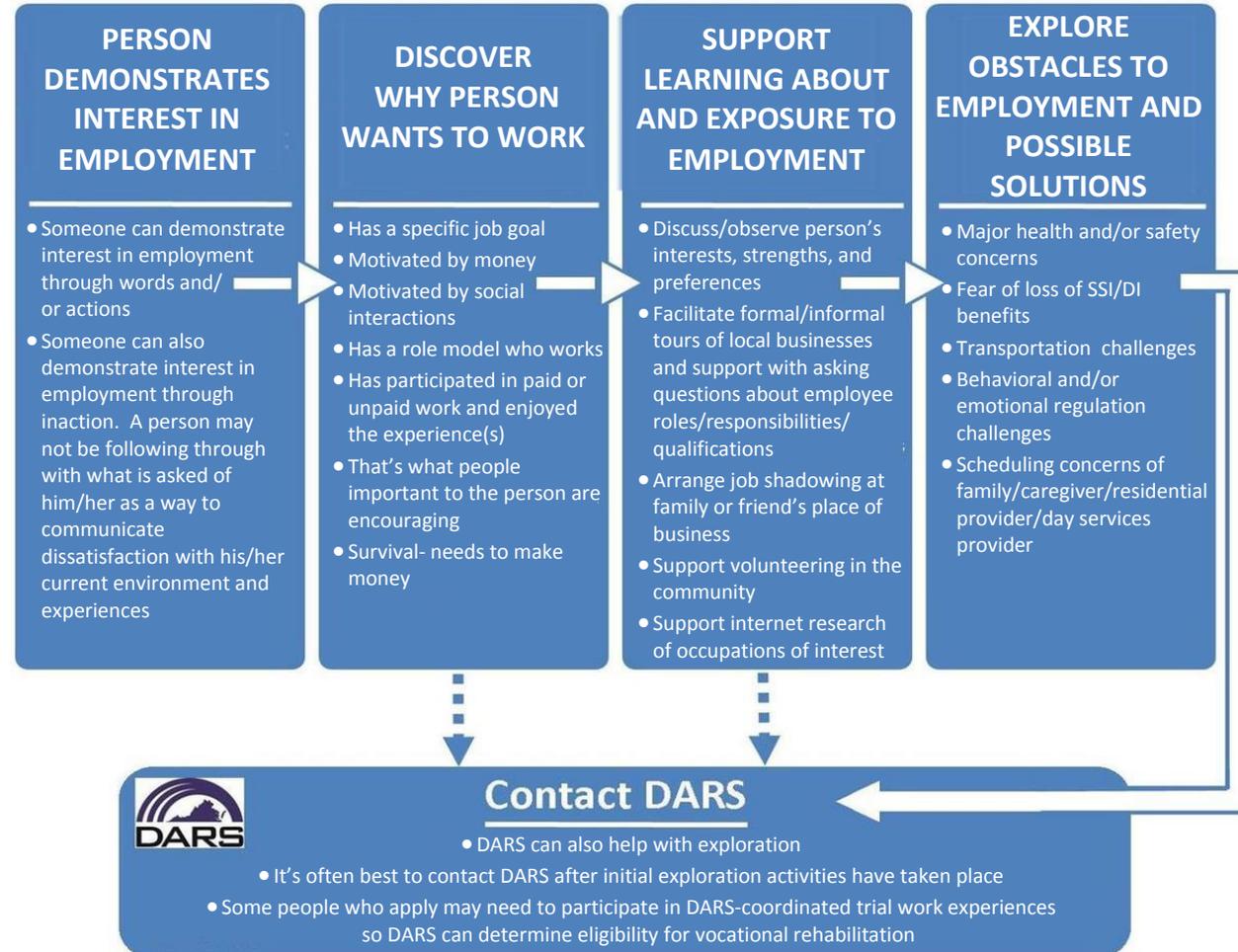
What is my role in informed choice?

Support professionals role in informed choice is to help ensure the person:

- Understands all of their options

SUPPORTING INFORMED CHOICES ABOUT EMPLOYMENT

SCENARIO 1: PERSON IS INTERESTED IN EMPLOYMENT





STATE OF NEW JERSEY
 DEPARTMENT OF HUMAN SERVICES
 DIVISION OF DEVELOPMENTAL DISABILITIES

Pathway to Employment

Use the tool below to assist in developing employment-related outcomes for your Service Plan

Path 1: Already Employed

Questions	Yes	No
1) Are you making enough money to meet your living expenses?	<input type="checkbox"/>	<input type="checkbox"/>
2) Are you working the amount of hours you want to work during the week?	<input type="checkbox"/>	<input type="checkbox"/>
3) Are you happy / satisfied with the job you have?	<input type="checkbox"/>	<input type="checkbox"/>
4) Do you want to stay where you are working now?	<input type="checkbox"/>	<input type="checkbox"/>
5) Do you get the opportunity to try all the different jobs/tasks you'd like at work?	<input type="checkbox"/>	<input type="checkbox"/>
6) Are you happy with the employment services you are currently receiving/SE provider?	<input type="checkbox"/>	<input type="checkbox"/>
7) Are you happy with your job coach?	<input type="checkbox"/>	<input type="checkbox"/>
Are all of the answers "YES"?	<input type="checkbox"/>	<input type="checkbox"/>

If all answers are "YES" –

- Determine whether or not employment services are needed to maintain current job.
- If employment services are provided identify areas in which the employee needs support, must improve due to supervisor feedback, wants to improve, etc. and indicate on the Intervention Plan & Service Log. Include these outcomes and any services that are needed to accomplish these outcomes in "Section B: Personally Defined Outcomes" of the Service Plan.

If any answers are "NO" (i.e. you may be underemployed or unsatisfied with your job) --

Identify outcomes related to getting an increase in salary, additional hours, another position/job that will increase the employee's satisfaction level, etc. and indicate on the Intervention Plan & Service Log if the individual is receiving employment services. Include these outcomes and any services that are needed to accomplish these outcomes in "Section B: Personally Defined Outcomes" of the Service Plan.

Activities you may consider to increase job satisfaction include, but are not limited to:

- Speak with your employer about increasing your hours/salary or about trying other job duties within the company - supported employment services can provide assistance if needed
- Seek alternative employment (part-time or full-time) - supported employment services can provide assistance if needed
- Consider exploring employment options through Career Planning services
- Utilize suggested activities listed under "Path 2."

Additional Notes

“Presume competence.
And what we mean by presuming
competence is when you meet a
person with a disability you
assume they are capable.
Don’t assume that someone can or
can’t do things but make sure they
tell you what they need for
accommodations and give them the
chance to be *in the driver’s seat.*”

Max Barrows
Green Mountain Self-Advocates

