OPWDD ASSESSMENT OF PUBLIC COMMENT

Pathway to Employment

ADM 10/26/24

1) **Comment:** While the increase in approved allowable hours to 425 within 12 months is appreciated, we ask that OPWDD reconsider increasing the allowable hours to 850 hours over the 2 years. Members have experienced that individuals receiving Pathway to Employment services require more hours of direct services "up front" rather than over the course of 2 years. Additionally, Members strongly recommend that the term "lifetime" be removed from the regulations in an effort to better support individuals across their lifespan. For example, an individual entering into Pathway to Employment at the age of 21 straight from High School may not be successful in the program. However, that same individual may be a viable candidate for Pathway to Employment services at the age of 28 when they have had an opportunity to mature and be exposed to other Adult Day service models. Members believe that this would allow them to work with individuals on identifying a career path and truly reflect OPWDD's commitment to providing Person-Centered Services.

   Response: OPWDD may consider changing the number of hours and time period in future HCBS Waiver changes. Since Pathway to Employment was created in 2014, the requests from providers have been for more time rather than more hours. The number of hours in the first year has been increased to 425 from 278, and it is generally expected that a comprehensive and informative Career, Vocational and Transition Plan will be completed in one year to help people move toward employment. Since a major component of Pathway to Employment is community based vocational experiences, it is important to move to employment in a timely manner to capitalize on the skills learned.

   Pathway to Employment is designed as a wrap-around service to develop a Career, Vocational and Transition Plan. Although the service limits a person to 556 total hours over a lifetime, OPWDD also offers services that can continue vocational experiences and career planning such as Community Based Prevocational and the Employment Training Program. Prevocational services offer discovery, job-related skill training, career exploration, and career planning. The Employment Training Program offers discovery, career planning and paid internships. Through this full array of services, a person can use their Pathway to Employment Career, Vocational and Transition Plan to continue to learn skills and experiences through other services to be successful at work and develop a career path.

   Additionally, the Center for Medicare and Medicaid Services (CMS) provides a core definition of career planning services which was utilized to develop OPWDDs Pathway to Employment services, as follows:

   > **"Career planning is a person-centered, comprehensive employment planning and support service that provides assistance for waiver program participants to obtain, maintain or advance in competitive employment or self-employment. It is a focused, time limited service engaging a participant in identifying a career**

direction and developing a plan for achieving competitive, integrated employment at or above the state's minimum wage. The outcome of this service is documentation of the participant's stated career objective and a career plan used to guide individual employment support."

2) **Comment:** The ADM limits participation in PEP to 12 months or 425 hours, whichever comes first. In extenuating circumstances, the PEP provider may request OPWDD approval for additional hours and/or days of this service (max of 24 months). In short, this is a one-time option throughout a person's adult life. This limit does not account for people who may make limited progress the first time they participate but who later develop skills that would result in successful employment. Further, some people with I/DD may require more time or multiple attempts to absorb and demonstrate concepts and skills. Permanently denying access to employment training after a single unsuccessful attempt is unduly restrictive. People with I/DD should have the right and opportunity to pursue employment any and every time they wish to do so. We recommend that PEP be an available choice throughout adulthood regardless of prior participation.

   Response: Please see response to the #1.

3) **Comment:** Members providing Pathway to Employment services do not believe that 100 hours is enough time to thoroughly explore three (3) viable Community-Based Vocational Experiences. Members strongly recommend that 100 hours be allocated to each of the three (3) exploratory Community-Based Vocational Experiences. Another alternative would be to consider removing the marketing and development for these opportunities from the 100 hours and allow them to be a reimbursable indirect service option on behalf of the individual.

Response: There is no set number of hours for Community-Based Vocational Experiences (CBVE) listed in the ADM. Providers must use their expert judgment to determine the length of time it takes for each person to learn about potential jobs. This includes experience in varied work atmospheres, productivity expectations, stamina, job task requirements and interpersonal skills needed beyond initial impressions to make an informed choice about specific careers and targeted jobs. Providers also need to schedule CBVE's within the Department of Labor regulations for unpaid work experiences. Providers must submit a waiver at disenrollment from Pathway to Employment if the Pathway to Employment services did not meet the required number of CBVE's and/or minimum of 30% time spent in CBVE's and the person received more than 100 hours of Pathway to Employment services. OPWDD agrees that 100 hours may not be enough time in CBVE's depending on the person's skills, abilities, and interests. Therefore, the provider has an opportunity to customize the experiences for each person to achieve the best outcome.

4) **Comment:** It is recommended that planning and billing allowances be changed to reflect the same allowances that are authorized under SEMP services. Pathway to Employment

requires the same level of planning and management as SEMP services.

Response: There are no specific planning and billing allowances in Pathway to Employment. Providers must use their expert judgment in providing and billing for a reasonable amount of these services.

5) **Comment:** Ask that the Pathway to Employment rates be renegotiated to be similar to the reimbursement Providers currently receive for SEMP services. While Pathway to Employment is an excellent service option for individuals, the current reimbursement rate is a deterrent for many Providers to expand and offer these services to individuals.

   Response: OPWDD will take this under consideration.

6) **Comment:** While we are glad to see other allowable services added into this program, the reimbursement rates remain very low compared to SEMP. Years ago, we stopped providing Pathway, as it wasn't fiscally viable unless it was performed as a group service. Since we had few participants that fit into this service, and those that we did have were in various counties with different goals, it was not possible to perform these services as a group or remain person-centered. Performing this service individually was not cost effective. Though the rates are higher than they were, they are still significantly lower than SEMP. Additionally, these services overlap largely with pre-voc.

7) **Response: OPWDD will take this under consideration. Comment:** We would like to thank OPWDD for expanding billing options for staff travel time.

8) **Response: OPWDD appreciates the statement of support. Comment:** Members would like to acknowledge and thank OPWDD for including the “Note” at the end of the ADM, memorializing for Providers that there is an understanding that corrections may be needed to a Lifeplan, and that Providers should continue to document their communications with CCOs in an effort to make needed corrections. Members find OPWDD’s support in this area very helpful.

   Response: OPWDD appreciates the statement of support.

9) **Comment:** The ADM is highly prescriptive regarding billing categories, procedures, and reporting but does not require any evidence that funded services have actually achieved the goals of the PEP participation. For example, the primary goal of PEP is the person’s development of a “career, vocational and transition plan document which includes the next steps for achieving self-employment or competitive, integrated employment at or above the State or Federal minimum wage.” However, PEP providers need not report on whether a person had successfully developed a career plan as a result of the 425+ hours the provider has billed to the HCBS waiver. We recommend that PEP providers be required to submit a participant’s actual career plan or provide a detailed explanation as to why a career plan could not be completed; this document should be signed by the

participant after provided meaningful notice of its purpose and content. Equally important is a quality assurance review of said document.

Response: Yes, the Pathway discovery report must be used when providing Pathway to Employment services. The Career, Vocational and Transition Plan includes the next steps for achieving self-employment or competitive integrated employment. This plan lists recommendations for additional skill building and experiences needed for employment success and information regarding the type of job(s) that best matches the person's interests, skills and experiences. The plan may also list short and long-term career goals and how the person can realize these goals. The ADM requires that providers complete a Career, Vocational and Transition Plan and upload it to CHOICES 90 days after the person is disenrolled from Pathway to Employment. The ADM states, "Service providers must complete and submit the Career, Vocational and Transition Plan, Attachment #1 for every person enrolled in Pathway to Employment services regardless of the number of hours of Pathway to Employment they have received." This allows the Care Manager, person, and their planning team and to determine next steps and update the Life Plan. The Pathway to Employment regulations state, "Individuals are entitled to a copy of their final Career, Vocational and Transition Plan as submitted to OPWDD. Providers must provide a copy to the individual no later than 14 days from their request." However, the Pathway to Employment Career, Vocational and Transition Plan should be shared with the person and their planning team when facilitating the transition to the next steps as recommended and/or determined by the person and their planning team.

The provider is also required to submit a semi-annual report to OPWDD and required fields include the types of activities completed, total number of hours billed, number of hours spent in CBVE's and upon disenrollment, affirm that the Pathway to Employment Career, Vocational and Transition Plan was uploaded in CHOICES. These reporting requirements will allow OPWDD to monitor the programmatic quality and individual outcomes more effectively.

10) **Comment:** The ADM allows PEP providers to bill for group services including those provided to groups as large as 15 participants. This is wholly inconsistent with the individual learning needs of people with I/DD. We recommend that maximum group sizes be based on the individual learning needs of each participant.

Response: The Pathway to Employment regulation states, "Pathway to Employment may be provided to one (1) individual or a group of two – five (2-5) individuals, except for training related to gaining vocational skills or career exploration. Related training may be delivered to a group of no more than 15 individuals. Individuals may move to and from individual and group sessions based on the individual's needs." These options offer flexibility to provide services to one person or in small groups, however, to accommodate classroom learning such as job readiness training, the group size can be up to 15. It is expected that providers will have group sizes appropriate to the activity to assure each person

benefits from the activity. There is flexibility built in so that a provider can offer tours, arrange guest lectures and/or provide classroom training to multiple people and allocate staff more efficiently. OPWDD requires that at least 30% of the total Pathway to Employment hours be delivered in Community Based Vocational Experiences (CBVE) for people who received a 100 or more of total service hours at the time of disenrollment.

11) **Comment:** Will the pathways discovery reported be updated/ accessible through eleveristy as well?

Response: Yes, the Pathway to Employment forms including the Career, Vocational and Transition Plan will be publicly available. OPWDD's staff training partner, Eleversity will also regularly offer Pathway to Employment training and guidance on how to access required forms.

12) **Comment:** I remember being under the impression that an ETP discovery report can be utilized during pathways. Not sure if this was accurate information, but it might be helpful to specify if for Pathways if the pathways discovery report must be utilized. I noticed that although they are similar, there are distinct differences.

Response: Yes, the Pathway to Employment Career, Vocational and Transition Plan must be used when providing Pathway to Employment services. OPWDD provides recommended worksheets and instructions to assist providers in implementing, learning about the person, and collecting the information needed to complete the required Pathway to Employment Career, Vocational and Transition Plan. The ADM states, "The Career, Vocational and Transition Plan (see Attachment #1) summarizes the services delivered to the person and on behalf of the person; and provides recommendations, informed by the person's demonstrated skills, interests, and needs, for transition to either the most appropriate employment, vocational and/or other habilitative service option(s) or competitive integrated employment, upon disenrollment from Pathway to Employment." OPWDD will periodically align recommended forms across services to reduce administrative burden and for consistency of best practices. However, the Pathway to Employment Career, Vocational and Transition Plan is required to be completed in the form and format specified by OPWDD.

13) **Comment:** I think it would be helpful to include the date that the pathways service year is effective. some agencies might not be clear whether it is the NOD date, the enrollment date in choices or the date services actually begin.

Response: The effective date indicated in the person's electronic record (i.e., in the CHOICES application utilized by OPWDD) is considered the person's Pathway to Employment enrollment date.

14) **Comment:** With regards to a provider's responsibility to determine if the individual has participated in pathways in the past - some care managers, and sometimes the families,

are not knowledgeable on previous services received. Can you include a recommended contact or method to receive this information if needed?

Response: Care Managers have access to historical enrollment information in the person's electronic record in the CHOICES application utilized by OPWDD. OPWDD is developing a reporting system for Pathway to Employment providers that may provide additional information about previous enrollment(s) in Pathway to Employment.

15) **Comment:** *" Employment-related group instruction should be limited, as Pathway to Employment is expected to be primarily delivered in integrated settings alongside members of the broader community."* -might be useful to define what is considered " limited". maybe by a specific number of hours unless approved under special circumstances

Response: The ADM states, "If a person enrolls with a provider and receives 100 or more hours of Pathway to Employment services from that provider at the time of disenrollment, at least 30% of those service hours must include community-based vocational experiences. The 30% is calculated at the time of the person's disenrollment from Pathway to Employment." This requirement was added to assure that Pathway to Employment services are delivered primarily in integrated community settings and that people have sufficient hands on experiences to make informed decisions about career choices and job preferences. A majority of services will be provided to one person or in small groups, however, in order to accommodate classroom learning for as an example, job readiness training, the group size can be 15. It is expected that providers will have group sizes appropriate to the activity to assure each person benefits from the activity. There is flexibility built in so that a provider can offer tours, arrange guest lectures and/or provide classroom training to multiple people and allocate staff more efficiently.

16) **Comment:** *" When a supervisor, manager, or director meets one-on-one with a Pathway to Employment staff to provide direction for services, the supervisor, manager, or director and the staff must each bill for a different Pathway to Employment service. The supervisor, manager, or director would bill the allowable service title "Managing the Delivery of All Allowable Pathway to Employment Services" and the staff would bill the allowable service title "Planning the Delivery of All Allowable Pathway to Employment Services"."* -If this meeting is regarding one individual, can both the supervisor and employment staff bill for that one individual under the different service titles?

Response: Yes, however, the manager must bill "Managing the Delivery of All Allowable Pathway Employment Services" and the staff would bill "Planning the Delivery of All Allowable Pathway to Employment Services". Training on the new Pathway to Employment guidance will be scheduled for Employment Services Directors and regularly offered at Innovations in Employment Supports trainings for all staff.