



# OFFICE OF LONG-TERM LIVING BULLETIN

<b>ISSUE DATE</b> July 26, 2016	<b>EFFECTIVE DATE</b> July 26, 2016	<b>NUMBER</b> 59-16-07
<b>SUBJECT:</b> Employment and Employment Related Services	 Deputy Secretary, Office of Long-Term Living	

**PURPOSE:**

The purpose of this bulletin is to communicate the Commonwealth’s recently established “Employment First” policy to Services Coordination Entities (SCEs) and to identify both the obligations of and the resources available to the SCEs under that policy.

**SCOPE:**

This bulletin is directed to all enrolled OLTL SCEs in the Aging, Attendant Care, COMMCARE, Independence, and OBRA waivers as well as the Act 150 program.

**BACKGROUND/DISCUSSION:**

On March 10, 2016, the Governor of Pennsylvania issued Executive Order 2016-03 establishing the “Employment First” policy. Under the “Employment First” policy, the first consideration and preferred outcome of publicly-funded long-term services and supports for working-age Pennsylvanians with a disability, among other things, shall be competitive integrated employment. Competitive integrated employment means any full or part-time work for which a person is:

1. Compensated at not less than federal minimum wage requirements or State or local minimum wage law (whichever is higher) and not less than the customary rate paid by the employer for the same or similar work performed by people without a disability;
2. At a location where the employee interacts with people without a disability (not including supervisory personnel or people who are providing services to such employee); and
3. Presented, as appropriate, opportunities for similar benefits and advancement like those for other employees without a disability and who have similar positions.

Consistent with that policy, OLTL is committed to increasing employment opportunities and outcomes for participants. The Centers for Medicare & Medicaid Services requires that the setting (where a participant receives waiver services) is integrated in and supports full access of participants receiving Medicaid Home and Community-Based Services (HCBS) to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services

in the community, to the same degree of access as individuals not receiving Medicaid HCBS. See 42 CFR 441.301(c)(4)(i).

This bulletin provides information and resources to SCEs to increase employment opportunities for participants, and encourage increased utilization of employment-related services by OLTL participants.

Service Coordinators (SCs) play an important role in promoting employment and providing information to and supporting participants with disabilities who are interested in or are receiving employment services to obtain and maintain competitive integrated employment.

### **PROCEDURES:**

As part of the development of a participant's individual service plan (ISP) pursuant to 55 Pa. Code § 52.26, SCs must:

- Devote time during the participant's initial and subsequent service planning meetings to discuss employment with the participant and others, including family, if chosen by the participant, as well as discuss the process to obtain employment services and supports. This information should be reflected in the ISP.
- Determine if a participant has an interest in employment, and if so, ensure that the participant's ISP reflects this goal. The ISP should include the participant's specific employment goals, referral status, work status and detailed work information.
- Make a referral to the Office of Vocational Rehabilitation (OVR) on behalf of the participant in order to obtain supports to address employment goals. Referrals are made to OVR when a person with a disability needs assistance obtaining employment or maintaining employment. Generally, referrals to OVR must be made before Medicaid waiver-funded employment-related services may be authorized unless the participant has already been deemed ineligible by OVR and/or has a closed OVR case.
- Continue to explore the possibility of employment at subsequent service planning meetings for participants who do not have a current interest in employment, or are not employed in the community. If the participant has employment, continue to explore with the participant how the job is going, whether additional supports are needed to maintain the job, or if they are interested in exploring a career change or career advancement.
- Ensure that transportation needs to achieve or maintain employment are addressed in the development and monitoring of the participant's ISP.
- The Guidance on Conversations about Employment for OLTL Participants included in the attachment to this bulletin should be utilized to guide the discussion.

In providing Service Coordination, each SC must:

- Work with each participant and others, including family, if chosen by the participant, to determine their role in employment services. Promote the use of employment services and

explore resources and funding sources (both waiver and non-waiver) to obtain and maintain employment.

- Build relationships that enhance the delivery of employment and non-employment services that support integrated, competitive employment in the open labor market. This may include communication with local Offices of Vocational Rehabilitation, Careerlinks, trainings available locally, and other networking opportunities.
- Play a key role in locating, coordinating, and monitoring employment support services and addressing barriers to employment for those enrolled in HCBS waivers and the Act 150 program. This may include adjustments to other services on the ISP, as needed. A waiver participant is able to receive Personal Assistance Services while they are working, when it is identified as an assessed need and properly documented in the ISP.
- Share information related to employment with those receiving waiver and Act 150 services and their families, and coordinate effectively with other agencies.
- Promote or initiate opportunities for participants to learn about employment success stories.

### **Non-Waiver funded Employment Resources for Service Coordinators**

In many situations, employment opportunities can be found for participants without relying on paid employment services by using the family's or participant's friends, school and business contacts. Support in obtaining and maintaining employment can be provided informally by a participant's friends or coworkers without always relying on a funded service. Even when employment-related services and supports are funded by OLTL HCBS programs, relatives and friends play a key role in contributing to the person's job success by helping in areas of preparation for work, transportation, and reporting income, etc.

Some information and resources include:

1. **The Pennsylvania Office of Vocational Rehabilitation (OVR):** The OVR is a state agency within the Department of Labor and Industry, (with district offices in your local area) that assists Pennsylvanians with a disability to secure and maintain employment. The PA OVR mission is: "To assist Pennsylvanians with disabilities secure and maintain employment, and independence." A person with a disability can refer themselves, or their SC, advocate, family or friend may make the referral.

OVR Contact Information - To contact the OVR district office in your area visit:

<http://www.dli.pa.gov/Individuals/Disability-Services/ovr/Pages/OVR-Office-Directory.aspx>

2. **Work Incentives Planning and Assistance (WIPA):** WIPA projects are organizations within Pennsylvania that are authorized by the Social Security Administration (SSA) to provide free benefits counseling to Social Security disability beneficiaries to help participants make informed choices about employment. "Certified Work Incentive Counselors" (CWIC) receive SSA-approved training and possess SSA-required certification

to assist participants to learn facts and dispel myths about how waiver, health care or other benefits may or may not be affected by earning income.

The comprehensive list of WIPA organizations for the Commonwealth of Pennsylvania can found at:

[http://www.chooseworkttw.net/findhelp/result?option=2&zipcode=&state=PA&name=&name\\_state=&resStr=wipa,&radius=0&p\\_pagenum=1&p\\_pagesize=25&p\\_sort=1&mt\\_sort=0](http://www.chooseworkttw.net/findhelp/result?option=2&zipcode=&state=PA&name=&name_state=&resStr=wipa,&radius=0&p_pagenum=1&p_pagesize=25&p_sort=1&mt_sort=0)

Or go to <https://www.chooseworkttw.net/>, click “Find Help to Reach a Better Future” and enter your zip code or state.

**3. Medical Assistance for Workers with Disabilities (MAWD):** MAWD enables a participant to enroll or stay enrolled in Medical Assistance (MA) even when they are earning income. Compared to other MA Programs, MAWD has high income and resource limits. It also has flexible work and disability requirements. To be on MAWD, a participant can financially qualify for a waiver even if he or she has higher income limits.

Applying for MAWD:

- Once participants are employed, or about to be employed, they should contact their caseworker at their local County Assistance Office (CAO).
- The CAO will send the waiver participant specific sections of the PA 600 to fill out and return.
- A participant can discuss MAWD with a WIPA project counselor or any qualified CWIC.
- Additional information can be found online at:  
<http://www.dhs.pa.gov/citizens/healthcaremedicalassistance/medicalassistancebenefitsforworkerswithdisabilities/>

## ATTACHMENTS

- Guidance on Conversations about Employment for OLTL Participants

This bulletin rescinds any other OLTL policy documents or parts of policy documents that are inconsistent with this bulletin’s contents.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

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