

Consolidated and P/FDS Waiver Employment Service Definition Question and Answer Document | Version 1

Question	Answer
Advanced Supported Employment	
Q.1 What happens when the first two outcomes are met – Discovery Profile and Securing a job – but the third outcome – Retention of Job – is not being met? Does the provider continue with the third outcome – Retention of a Job – for however long it takes the individual to work that minimum of 5 hours/week for at least 4 months and have the outcome-based unit account for <i>all</i> of that time, or would it only be 4 months-worth? How does the provider sustain for this period of time if they can't bill or get paid until this outcome is met? Or does the provider need to go back to the previous outcomes (2 and/or 1)?	<p>Since providers will receive payments at the completion of each outcome, the provider must bill after the individual has been working at their job for 4 months at a minimum of 5 hours per week. If the third outcome – Retention of a Job – is not met, then the provider should re-evaluate the Discovery Profile and look for reasons why retention has not been met; for example, were the conditions for success evaluated prior to the job offer? The provider cannot bill until Outcome #3 – Retention of a Job – is met.</p> <p>The ISP team may also consider whether Supported Employment is a more appropriate service.</p>
Q.2 How does the Advanced Supported Employment service work with individuals who want to start their own business?	<p>The information developed through Discovery, Outcome #1 of the Advanced Supported Employment service, allows for activities of typical life to be translated into possibilities for individualized competitive-integrated employment or self-employment.</p> <p>During the ISP meeting, the individual may indicate that they are interested in pursuing self-employment. If they meet the eligibility requirements and are authorized to receive Advanced Supported Employment services, they may tell their Discovery facilitator, at the outset of the service, that they are interested in pursuing self-employment.</p>
Q.3 Are providers required to have all 3 certificates from Marc Gold & Associates?	<p>To be recognized by ODP, the Advanced Supported Employment certification must meet all of the following criteria:</p> <ol style="list-style-type: none"> 1. Require at least 20 hours of classroom instruction; 2. Require at least 40 hours of supervised, mentored field work; 3. Include competency-based testing; 4. Require certification renewal at least every 3

	<p>years; and</p> <p>5. Be nationally recognized and acceptable to ODP.</p> <p>The Marc Gold and Associates Discovery Certificate meets these requirements. Providers may take the second and third trainings – Customized Employment Job Development and Systematic Instruction - in the Marc Gold & Associates series of Customized Employment trainings, but the Discovery Certificate alone meets these requirements.</p>
<p>Q.4 Our staff went through the Griffin Hammis training. Is that an acceptable certificate for Advanced Supported Employment?</p>	<p>Griffin Hammis has developed an Advanced Supported Employment Training for providers who have not previously taken the GH 40-Hour ACRE course, which will qualify them to provide Advanced Supported Employment through ODP.</p> <p>Providers who have completed Griffin Hammis' 40-hour ACRE training and wish to provide Advanced Supported Employment through the Consolidated and/or P/FDS Waiver may reach out to Griffin Hammis to schedule and complete the necessary amount of hours of additional field work that will meet ODP's minimum of 40 hours of supervised, mentored field work. Staff may work with Griffin Hammis to determine the exact number of hours they will need to meet ODP's 40-hour minimum as outlined in the service definition. This will be dependent upon how many hours of supervised, mentored field work the staff person underwent within the course of their ACRE training.</p> <p>The amount of hours will likely fall between a minimum of 8-10 additional hours (which OVR requires for providers to provide their Customized Employment Service) but could be up to 20 hours if the person needs those additional hours to reach ODP's requirement of 40 hours of supervised, mentored field work.</p> <p>Course instructors will issue any necessary corrective feedback on all assignments. After Griffin Hammis verifies that staff have</p>

	<p>successfully completed this component, they will issue the person an Advanced Supported Employment Certificate. Providers should submit this certificate to their Administrative Entity to officially qualify them to provide Advanced Supported Employment.</p> <p>Providers who satisfactorily complete all required assignments qualify for the ASE certificate and must continue to qualify by participating in Griffin Hammis's continuing education requirement of 24 hours over three years.</p> <p>Griffin Hammis has published a short informational flier describing their Advanced Supported Employment Certificate Training.</p>
Q.5 Can Advanced Supported Employment begin at Job Acquisition if someone did not have the Discovery assessment?	In order for an individual to be eligible for Job Acquisition and Job Retention through Advanced Supported Employment, the individual must have received the Discovery service under Advanced Supported Employment through its completion or the completion of the Discovery/profile phase through OVR and had their case closed.
Q.6 The service definitions indicate that Supported Employment and Advanced Supported Employment cannot be authorized at the same time. Does this mean that the services cannot be received simultaneously on the same day (from 4:00PM – 5:00PM, for example) or that the authorizations cannot have overlapping days?	<p>Advanced Supported Employment may not have authorized overlapping date segments with Supported Employment during an authorization period.</p> <p>For example, if an individual is authorized for Supported Employment from 7/1/17-10/1/17, they may not be authorized for Advanced Supported Employment for any point in time, including hours, days, or weeks, during that date segment.</p>
Supported Employment	
Q.7 We work with individuals in our Supported Employment program to help identify their employment goals and make them aware of opportunities that align with these goals. Sometimes this includes positions in our company. We are requesting verification that individuals have the right to choose our organization's Job Support services while applying for or being hired into competitive	It is not allowable for providers of Supported Employment services to also be the employer of the individual to whom they provide Supported Employment services. If providers employ individuals who are currently receiving Supported Employment services from their organization, this would be considered Small Group Employment, not competitive integrated employment. Small Group Employment may be provided on the

<p>integrated employment opportunities within our company.</p>	<p>grounds portion of the building that is not subject to licensure. Waiver funds may not be used to pay individuals' wages.</p> <p>Providers may continue to serve the individuals that they employ with their organizations. We understand that this may be a significant change for provider organizations and will allow you 6 months from July 1, 2017 (January 1, 2018) to transition to the Small Group Employment service or help the individual find a new Supported Employment provider.</p> <p>Federal Financial Participation (FFP) through the Waiver may not be claimed for incentive payments, subsidies, or unrelated vocational expenses such as the following:</p> <ul style="list-style-type: none"> • Incentive payments made to an employer or individuals receiving services to encourage or subsidize the employer's participation in a supported employment program • Payments that are passed through to individuals receiving Supported Employment; or • Payments for vocational training that are not directly related to an individual's Supported Employment program.
<p>Q.8 Our organization has three individuals who are employees of our organization and currently have Supported Employment services authorized in their plan. One of our staff is checking to see if the money used to pay them is from earned waiver or base services. If it is base services or other non-waiver revenue, am I understanding correctly that no changes need to be made, as their wages are not supported with waiver funds?</p>	<p>Providers may not pay individuals' wages from fees they receive for providing them with supports. Please check with your Administrative Entity to ensure they know what you are using base funds for.</p> <p>While Administrative Entities can make the determination as to how to use their base funds, ODP encourages Administrative Entities to use the same requirements that are written into the waivers regarding Federal Financial Participation below:</p> <p>Federal Financial Participation (FFP) through the Waiver may not be claimed for incentive</p>

	<p>payments, subsidies, or unrelated vocational expenses such as the following:</p> <ul style="list-style-type: none"> • Incentive payments made to an employer or individuals receiving services to encourage or subsidize the employer's participation in a supported employment program • Payments that are passed through to individuals receiving Supported Employment; or • Payments for vocational training that are not directly related to an individual's Supported Employment program.
Q.9 Is it permissible for providers to use different EINs so that they can provide SE while at the same time be the employer?	It is not allowable for providers of Supported Employment services to also be the employer of the individual to whom they provide Supported Employment services. A provider that uses multiple EINs is still considered the same entity and thus, may not provide Supported Employment services to individuals they employ.
Q.10 Can providers bill for Supported Employment as soon as they start transporting the individual or can they only start billing once at the job site?	<p>Transportation costs associated with driving the individual to and from activities related to Supported Employment are included in the rate for this service. As such, providers of Supported Employment services are responsible for any needed transportation of the individual to complete Supported Employment activities, with the exception of driving the individual to his or her place of employment. If providers are transporting an individual to their place of employment, they would bill for the Transportation service as defined in the waiver.</p> <p>The direct portion of Supported Employment may not be provided at the same time as the direct portion of the distinct Transportation service.</p>
Q.11 Our organization's Supported Employment department provides services to an individual who is also employed by our organization. Her employment, however, is in a completely separate department, and the position meets the definition of competitive and integrated. Her employment does not meet the definition of Small Group Employment nor do we want to	An individual who works within a separate department from the one in which they receive Supported Employment still works for the same provider agency and thus, cannot receive Supported Employment services from the provider while being employed there.

discontinue our SE services to her, simply because both she and her job coach receive a paycheck from the same organization.	
Q.12 When a provider provides Supported Employment services to an individual who is also an employee of the provider agency, can the provider bill for Supported Employment services until December 31, 2017?	Yes, it is allowable to bill Supported Employment services from July 1, 2017 through December 31, 2017 while providers transition individuals they employ to either Small Group Employment or to a Supported Employment provider who is not the individual's employer.
Q.13 Can providers use the Supported Employment service to help an individual secure and maintain a volunteer experience?	<p>In most cases, Supported Employment services may not be used to help an individual secure and maintain a volunteer experience. Community Participation Support, however, may be used to help an individual secure and maintain a volunteer experience.</p> <p>The following situations would be permit a provider to bill for either Advanced Supported Employment (at the Discovery phase), and providers of Supported Employment (at the Career Assessment phase) during the course of an individual's volunteer experience:</p> <ul style="list-style-type: none"> • If the individual is <i>already</i> volunteering somewhere prior to receiving the Advanced or Supported Employment service. This would be a valid situation in which to bill for the Discovery or Career Assessment, because the volunteering would be considered a "typical life experience" or "familiar activity" in which the staff would be observing and taking notes about the individual's interests and skills in that situation, as well as potentially interviewing people with whom the individual volunteers. These observations would become part of the individual's career assessment report or Discovery Profile. Advanced/Supported Employment cannot be used to help the individual learn how to successfully perform in the volunteer position, so providers should ensure that they document the scope of their interactions


	<p>with the individual during the volunteer experience.</p> <ul style="list-style-type: none"> • If the staff is helping this individual <i>secure a one-time volunteer experience</i> that the individual or the individual's family identified as within the individual's interests as a means of gauging their interest and aptitude in a particular type of job. For example, if the individual and their family indicate that they love going to the mall during the holiday season (interest), and the employment specialist observes the individual folding laundry in their home (skills), they may arrange a one-time volunteer experience for the individual to participate in wrapping Christmas gifts at a local mall for a few hours. In Discovery terms, this is considered a "novel activity" and is intended to show what the individual's first few days or weeks would be like at a new job. This would also be a valid activity for which to bill for Supported Employment – Career Assessment or Advanced Supported Employment – Discovery. This could even be considered a "situational assessment" within the context of Supported Employment – Career Assessment. The information gained would also become part of the individual's career assessment report or Discovery Profile. <p>Again, Supported Employment services may not be used to help an individual secure, learn, and maintain a volunteer experience.</p>
<p>Q.14 Is vocational skill development a component of the Supported Employment service?</p>	<p>No. Vocational skill development is a component of the Community Participation Support service.</p>
<p>Q.15 If an individual is job matched for a position with a business that is a nursing home, can we still provide Supported Employment and</p>	<p>Yes. A provider may match an individual for a job in a nursing home or hospital while providing Supported Employment services. If the job that the individual obtains in the nursing home or</p>

<p>count the position as competitive integrated employment?</p>	<p>hospital meets the definition of competitive integrated employment, the provider may continue to provide Supported Employment – Job Coaching and Support – to train the individual on specific job assignments, provide periodic or ongoing support as needed, and will deem the position as competitive integrated employment.</p> <p>Supported Employment services may not occur in an Adult Training Facility (55 Pa. Code Chapter 2380), a Vocational Facility (55 Pa. Code Chapter 2390), or any other licensed facility-based setting, to include the following:</p> <ul style="list-style-type: none"> • 6400 Community Homes for Individuals with an Intellectual Disability • 6500 Family Living Homes • 5310 Community Residential Rehabilitation Services for the Mentally Ill • 3800 Child Residential and Day Treatment Facilities
<p>Q.16 If an individual has a 1:1 supervision requirement through the ODP Safer Options program and has residential services, how do employment services operate? Would an Employment Specialist provide the Supported Employment service while the 1:1 staff person follows the guidelines of the Safer Option Program?</p>	<p>If an individual receives 1:1 supervision in their residential program, residential staff may support the individual in a 1:1 capacity at their job. Staff would bill for “Residential Habilitation Without Day.”</p> <p>Yes, the Employment Specialist will provide the Supported Employment Service, and the residential staff person will provide the 1:1 supervision.</p>

Small Group Employment	
<p>Q.17 May providers deliver Small Group Employment services at provider-owned sites?</p>	<p>Providers may deliver Small Group Employment services in any provider-owned, rented, or leased sites, as long as the sites are not subject to 55 Pa. Code Chapter 2380 or 2390 regulations.</p> <p>The Small Group Employment service has four options: Mobile Work Force, Work Station in Industry, Affirmative Industry, and Enclave.</p> <ul style="list-style-type: none"> • Mobile Work Force: A Mobile Work Force uses teams of individuals, supervised by a training/job supervisor, who conduct service activities away from an agency or facility. The provider agency contracts with an outside organization or business to perform maintenance, lawn care, janitorial services, or similar tasks and the individuals are paid by the provider. • Work Station in Industry: A Work Station in Industry involves individual or group training of individuals at an industry site. Training is conducted by a provider training/job supervisor or by a representative of the industry, and is phased out as the individual(s) demonstrates job expertise and meets established production rates. • Affirmative Industry: Affirmative Industry is operated as an integrated business, where employees who are disabled and non-disabled work together to carry out the job functions of the business. • Enclave: An Enclave is a business model where individuals who are disabled are employed by a business/industry to perform specific job functions while working alongside workers who are non-disabled.
<p>Q.18 Is it allowable for our organization to provide Mobile Workforce services under Small Group Employment in a licensed 2380 or 2390 facility, after hours?</p>	<p>No. Small Group Employment Services may not be rendered at an Adult Training Facility (55 Pa. Code Chapter 2380) or Vocational Facility (55 Pa.</p>

	Code Chapter 2390), regardless of the time of day.
Q.19 We understand that Small Group Employment may not occur in sites where licensing occurs. Is this specific to 2380 and 2390 facilities? We have folks who work in the kitchen, laundry, or housekeeping departments in personal care homes, nursing facilities, etc. where they do get licensed. Is it okay for us to support individuals at these sites?	Yes. The two types of licensed facilities in which Small Group Employment may not occur are Adult Training Facilities (55 Pa. Code Chapter 2380) and Vocational Facilities (55 Pa. Code Chapter 2390).
Q.20 You state that Small Group Employment may be provided on the grounds or portion of the building that is not subject to licensure, but in the service definition for Mobile Work Force, it states that “The provider agency contracts with an outside organization or business to perform maintenance, lawn care, janitorial services, or similar tasks and the individuals are paid by the provider.” Can you please clarify what is meant by “outside organization”? Is it allowable for our organization to be the employer of the Janitorial service and the provider in a Mobile Workforce / Small Group Employment service?	<p>Individuals receiving the Small Group Employment Service must have a competitive integrated employment outcome in their plan, and providers must document how and when the provision of this service is expected to lead to competitive integrated employment.</p> <p>Small Group Employment Services consist of supporting individuals in transitioning into competitive integrated employment through work that occurs in a location other than a facility subject to 55 Pa. Code Chapter 2380 or 2390 regulations, regardless of whether the facility has any affiliation with the Small Group Employment provider.</p> <p>An “outside organization” is one in which the provider is unaffiliated and shares no agency or business ownership. For example, a provider may contract with a bank to clean the lobby after hours or during operating hours, or contract with a local Dairy Queen to clean the eating area and/or do landscaping work during normal operating hours. While it is allowable for providers to render Mobile Work Force services at an organization with which they are affiliated, such as a satellite office, it is not ideal.</p> <p>In the spirit of ODP’s <i>Everyday Lives</i> philosophy, the CMS Home and Community Based Settings Rule, the Workforce Innovation and Opportunity Act, and in upholding our obligations to operate as an Employment First State, ODP wants to afford individuals with the most appropriate</p>

	<p>opportunities possible to gain the skills and experience to confidently transition into competitive integrated employment. Providing Mobile Work Force Services at a location unaffiliated with the Small Group Employment provider will allow individuals to experience what it is like to work in a community location and will help providers expand the realm of employers with which they may network to help facilitate job matches between their individuals and the employers. For these reasons, providing Mobile Workforce Services at a location affiliated with the provider is allowable, but not ideal.</p>
<p>Q.21 Under Affirmative Industry, for a provider to determine and comply with the 51% level of employees without a disability, are the service staff who provide the Small Group Employment service to be considered part of the 51% non-disabled ratio?</p>	<p>No. Affirmative Industry employees who provide Small Group Employment services are not considered in the determination of the ratio “of least 51% of the employees do not have a disability”.</p>
<p>Q.22 The <u>DHS Bulletin Number 00-16-02: OVR Referral Process for Employment Related Services</u>, effective April 1, 2016, addresses requirements for when individuals must be referred to OVR. Under the Supported Employment section, CMS clarified expectations including competitively employed and solely needing extended supports, competitively employed and seeking job assessment or job finding services to find a new job and utilizing the service for Vocational Skill Development. Considering the addition of SE Career Assessment (W7235) within the Consolidated and P/FDS Waiver Service Definitions, will the <u>OVR Referral Process for Employment Related Services Bulletin</u> be revised to include Career Assessment as an expectation?</p>	<p>ODP anticipates that the OVR/ODP Joint Referral Bulletin will be available by mid-December and will include clarification regarding the referral process for employment related services.</p>
<p>Community Participation Support</p>	
<p>Q.23 Who is required to have the ACRE or CESP training when providing Community Participation Support?</p>	<p>For programs providing prevocational training to individuals, program specialists and supervisors must have one of the following by 1/1/19 or within 180 days of hire if hired after 7/1/18:</p> <ul style="list-style-type: none"> • Hold a Certified Employment Support Professional (CESP) credential from the

	<p>Association of People Supporting Employment First (APSE), or</p> <ul style="list-style-type: none"> • Have been awarded a Basic Employment Services Certificate of Achievement or a Professional Certificate of Achievement in Employment Services from an Association of Community Rehabilitation Educators (ACRE) organizational member that has ACRE-approved training. <p>This applies to the following providers:</p> <ul style="list-style-type: none"> • In licensed 2390 prevocational facilities, all program specialists and all staff that supervise direct support professionals must have the ACRE or CESP. • In a 2380 facilities supporting participants with vocational or employment outcomes in their ISPs and/or are engaged in subminimum wage work, contract or piece work activities, the responsible program specialists and all staff that supervise direct support professionals who support that individual must have the ACRE or CESP. • Non-facility Community Participation Support agency providers who provide prevocational support in community settings, supporting participants with vocational or employment outcomes in their ISPs, the responsible program specialists and all staff that supervise direct support professionals who support that individual must have the ACRE or CESP. • Any individual Non-facility Community Participation Support providers who provide prevocational support in community settings, supporting participants with vocational or employment outcomes must have the ACRE or CESP. <p> If Program Specialists and Supervisors work solely with individuals who do not</p>
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	receive prevocational training, these qualification requirements do not need to be met.
<p>Q.24 We currently provide some paid work to our individuals under a 14c certificate as part of our Adult Training Facility activities. Additionally, some individuals who receive services at our Adult Training Facility perform work at minimum wage from time to time.</p> <p>Will our staff be required to take just the ODP training on Community Participation Support, or will they also be required to be certified either through the CESP exam or the ACRE courses? And if so, will this certification be required for the direct care staff or just for supervisors?</p>	<p>ODP considers the paid work experiences you describe prevocational services. Therefore, staff are required to meet the qualification requirements to provide prevocational services. Please refer to the provider qualification requirements for Community Participation Support in the approved waivers and Question 23 above</p> <p>✚ If Program Specialists and Supervisors work solely with individuals who do not receive prevocational training, these qualification requirements do not need to be met.</p>
<p>Q.25 What are the OVR referral requirements for individuals under the age of 25?</p>	<p>Section 511 of the Rehabilitation Act as amended by the Workforce Innovation and Opportunity Act (WIOA) has placed restrictions on the payment of subminimum wage to youth under the age of 25. After July 22, 2016, no one under age 25 can receive subminimum wage without first being referred to OVR.</p> <p>“Prevocational Services” is a component of Community Participation Support. It is the component of this service that is subject to OVR referral requirements for individuals under age 25.</p> <p>Individuals who are under the age of 25 may not receive prevocational services that pay subminimum wage unless they have been referred to OVR and OVR has closed the case, or the individual has been determined ineligible for OVR services. This includes prevocational services in:</p> <ul style="list-style-type: none"> • A licensed Vocational Facility (55 Pa. Code Chapter 2390) • A licensed Adult Training Facility (55 Pa. Code Chapter 2380) • A Community Hub • A Community Location

	<ul style="list-style-type: none"> Any service location that holds a 14c certificate <p>If an individual is engaged in Community Participation Support and is not making subminimum wage, they do not require a referral to OVR. The Supports Coordinator is required to identify whether subminimum wage is being earned.</p> <p>An OVR referral is not required for the following:</p> <ul style="list-style-type: none"> Vocational Skill Development All other components of Community Participation Support that are not considered prevocational services.
<p>Q.26 What if someone under age 25 began working for subminimum wage prior to July 22, 2016? May they continue in that setting without their supports coordinator referring them to OVR?</p>	<p>Yes. If an individual was under age 25 on July 22, 2016 and began making subminimum wage before that date, they may continue in that program without being referred to OVR. If at any point they would like to work in the community, their supports coordinator should refer them to OVR.</p> <p>If an individual under 25 began making subminimum wage <i>after July 22, 2016</i>, they should have been referred to OVR and received an eligibility determination (case closure or ineligible for services) prior to making subminimum wage.</p> <p>Providers/employers are strongly encouraged to maintain copies of documentation that individuals received an OVR eligibility determination (case closure or ineligible for services), as well as the additional requirements that must be met before an individual under age 25 begins making subminimum wage, as outlined in the U.S. Department of Labor's Field Assistance Bulletin 2016-2.</p> <p>To continue making subminimum wage, all individuals, regardless of age, must attend annual career counseling and information sessions that OVR conducts with all individuals currently</p>

	<p>making subminimum wage. OVR will arrange these sessions with providers/employers.</p> <p>Please see the U.S. Department of Labor's Field Assistance Bulletin 2016-2 that outlines in more detail the requirements related to youth under age 25 and the payment of subminimum wage.</p>
<p>Q.27 May an individual under age 25 receive Community Participation Support while also receiving employment services through OVR?</p>	<p>Yes. An individual under age 25 may receive Community Participation Support as a wraparound service to the employment services they are receiving with OVR, as long as they are not making subminimum wage and/or receiving services in a licensed Vocational Facility (55 Pa. Code Chapter 2390.)</p>