

	BULLETIN COMMONWEALTH OF PENNSYLVANIA Department of Human Services Department of Labor and Industry		
	DATE OF ISSUE April 1, 2016	EFFECTIVE DATE April 1, 2016	NUMBER 00-16-02
SUBJECT: OVR Referral Process for Employment-Related Services			
BY:  Nancy Thaler, Deputy Secretary for Developmental Programs	BY:  David Denotaris, Executive Director for Office of Vocational Rehabilitation		

SCOPE:

Individuals and Families
 County/Administrative Entity (AE) Administrators and Directors
 State Center Directors
 Supports Coordination Organizations (SCOs) and Agencies (SCAs)
 Providers of Employment-Related Services through the Consolidated Waiver, Person/Family Directed Support Waiver, and Adult Autism Waiver

PURPOSE:

The purpose of this bulletin is to update guidance regarding requirements for when individuals must be referred to the Office of Vocational Rehabilitation (OVR). This guidance applies to individuals enrolled in or enrolling in any of the following:

- Consolidated Waiver,
- Person/Family Directed Support (P/FDS) Waiver, or
- Adult Autism Waiver.

Employment-related services¹ impacted by this bulletin include:

- Supported Employment available in the Consolidated and P/FDS Waivers.
- Supported Employment, Job Assessment and Job Finding available in the Adult Autism Waiver.
- Transitional Work available in the Consolidated, P/FDS and Adult Autism Waivers.
- Prevocational Services in the Consolidated and P/FDS Waivers.

¹ Current approved service definitions in the ODP Waivers are provided as Attachment 1.

BACKGROUND:

Competitive integrated employment² provides many benefits for the individuals ODP serves. Some examples of these benefits include: increased opportunities for economic self-sufficiency, contribution to the individual's community, building a network of social relationships, and the creation of opportunities for lifelong learning. The ODP and OVR have been working closely together to ensure that all individuals enrolled or enrolling in ODP's waivers have access to experiences and services that will enable them to obtain and benefit from competitive integrated employment.

Amendments to the Consolidated and P/FDS Waivers were approved by the Centers for Medicare and Medicaid Services (CMS) effective July 22, 2015. It was later determined by CMS that some of the changes to the Supported Employment service definition were approved in error. This bulletin provides the most current guidance that ensures all federal requirements are met in the provision of employment-related services.

DISCUSSION:

The first consideration and preferred outcome for individuals enrolled or enrolling in ODP's waivers should be competitive integrated employment. OVR provides vocational rehabilitation services to help individuals with disabilities prepare for, obtain, or maintain competitive integrated employment. Since OVR has experience in providing services to individuals with an intellectual disability or autism, referrals to OVR are made to help individuals access these valuable services.

Supports Coordinators shall not make referrals to OVR simply to obtain an ineligibility determination and/or a denial in order to get employment-related services through a waiver for an individual. The referral is being made to ensure the individual has availed themselves of the expertise of OVR in pursuit of the goal that competitive integrated employment is the first consideration and preferred outcome for the individual. OVR does not determine whether employment-related services through a waiver are needed or appropriate for the individual. OVR will solely determine whether an individual is eligible for OVR services based on OVR's own eligibility standards and criteria.

OVR administers their program pursuant to different federal rules than ODP. That means that OVR might determine that an individual is eligible or not eligible for their services based on their standards, which are different from the standards utilized by ODP for waiver services.

According to federal VR rules, an individual may be determined eligible for OVR services by qualified personnel (OVR Counselor) if the individual:

- Has a physical or mental impairment;
 - The physical or mental impairment constitutes or results in a substantial impediment to employment;
- Requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment consistent with the applicant's unique

² Competitive integrated employment is defined as full or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with coworkers without disabilities.

strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Note: An OVR determination that an individual is ineligible for OVR services only means they are ineligible for OVR services. It does not mean they are ineligible for any of ODP's employment-related services and/or precluded from receiving ODP services intended to lead to competitive integrated employment.

A. REFERRALS FOR INDIVIDUALS ENROLLED OR ENROLLING IN THE CONSOLIDATED AND P/FDS WAIVERS

PREVOCATIONAL SERVICES

Prevocational services may be provided without referring an individual to OVR unless the individual is under the age of 24. When an individual is under the age of 24 and does not have a current authorization for ODP-funded Prevocational services in his or her Individual Support Plan (ISP), Prevocational services may only be authorized when documentation has been obtained that OVR has closed the individual's case or that the individual has been determined ineligible for OVR services. Any individual whose current ISP had an authorization for ODP-funded Prevocational services prior to August 28, 2015 (the date Informational Memo 073-15 was published communicating the availability of the Waiver amendments and guidance for implementing the amendments) will not be impacted by this requirement.

When the ISP team determines that an individual who is currently receiving ODP funded Prevocational services will be ready to engage in OVR services to pursue competitive integrated employment within one year of the ISP team discussion, the Supports Coordinator must make a referral to OVR. When this occurs, Prevocational services may continue to be provided during the OVR referral and eligibility determination process.

When OVR determines that an individual is eligible for services, and develops an "Individualized Plan for Employment" (IPE), the individual may continue to receive Prevocational services while also receiving OVR services as long as they do not occur concurrently (on the same day and at the same time).

TRANSITIONAL WORK SERVICES

Transitional Work services as defined in the Waivers are not available in Pennsylvania through the Rehabilitation Act of 1973 as amended. For this reason, Transitional Work services do not require a referral to OVR prior to authorization on the ISP.

When the ISP team determines that an individual will be ready to engage in OVR services to pursue competitive integrated employment within one year of the ISP team discussion, the Supports Coordinator must make a referral to OVR. This referral must be made even when the individual is currently receiving Transitional Work services. Transitional Work services may be provided during the OVR referral and eligibility determination process.

When OVR determines that an individual is eligible for services, and develops an IPE, the individual may receive Transitional Work services while also receiving OVR services as long as they do not occur concurrently (on the same day and at the same time).

SUPPORTED EMPLOYMENT

The Supported Employment service definition approved in the waivers effective July 22, 2015 states, "Supported Employment for rehabilitation purposes may only be provided when documentation has been obtained that one of the following has occurred...:

- The participant has been given information about the benefits of competitive employment, the services offered by OVR to eligible individuals and has made an informed choice to decline a referral to OVR."

CMS has clarified that individuals cannot choose to decline a referral to OVR and then receive Supported Employment services through a waiver. To comply with federal requirements, individuals must be referred to OVR prior to receiving Supported Employment services through the waiver except if there is documentation of any one of the following:

- The individual is competitively employed and solely needs extended supports to maintain the individual's current job.
- The individual is competitively employed and is seeking job assessment or job finding services to find a new job, unless the purpose is job advancement which can be provided by OVR.
- The individual is utilizing Supported Employment for vocational skill development purposes. Vocational skill development includes the development and implementation of a preliminary plan for employment that identifies and addresses the individual's basic work interests, as well as skills and gaps in skills for their work interests. Examples of this would include working with an individual to develop the social or personal skills that would be necessary to become employed permanently in a competitive integrated environment or working with an individual to determine if competitive integrated employment is possible in a specific area of interest. It might also include situational assessments, which means spending time at an actual employer's place of business for purposes of exploring vocational interests and developing vocational skills. Vocational skill development also includes identifying available transportation to help the individual get to and from work and teaching the individual and their family (as appropriate) about basic financial opportunities and benefits information that would help the individual eventually move into competitive integrated employment. Providing supported employment for vocational skill development purposes can be used to assist an individual become ready to benefit from OVR services before a referral to OVR is made; it is not to be provided in lieu of OVR services. (OVR provides supported employment services, such as specific job development, placement, training and supports for a particular position of employment to eligible VR customers when the VR counselor considers the individual to be ready to benefit from VR services. "Ready to benefit from VR services" means that the individual "has a physical or mental impairment which, for the individual, constitutes or results in a substantial impediment to

employment and can benefit in terms of an employment outcome; requires vocational rehabilitation services to prepare for, secure, retain, or regain employment; is expected to benefit from VR services in terms of a competitive, integrated employment outcome; and has expressed a desire to obtain competitive, integrated employment.”; i.e., Ready to benefit from VR services means the individual is ready to the extent that there is a reasonable expectation that the individual could succeed in a job with appropriate supports.)

- The individual has an ineligibility determination from OVR. The determination of ineligibility for OVR services remains valid unless the individual wants to be referred to OVR again.
- OVR has previously closed the individual’s case. An OVR case closure remains valid unless the individual wants to be referred to OVR again due to a change in circumstances.

For individuals who have been referred to OVR, Supported Employment services may be provided through the Consolidated or P/FDS waiver when OVR services stop, OVR closes the individual’s case or if the individual is determined ineligible for OVR services. Supported Employment services may not be provided through a waiver when the individual refuses to be referred to OVR for OVR services or during OVR’s eligibility determination process after the referral to OVR has been made.

B. REFERRALS FOR INDIVIDUALS ENROLLED OR ENROLLING IN THE ADULT AUTISM WAIVER (AAW)

TRANSITIONAL WORK SERVICES

Transitional Work services as defined in the AAW are not available in Pennsylvania through the Rehabilitation Act of 1973 as amended. For this reason, Transitional Work services do not require a referral to OVR prior to authorization on the ISP.

When an individual receiving Transitional Work Services wishes to seek competitive employment, the Supports Coordinator will make a referral to OVR. Transitional Work Services may be provided during the OVR referral and eligibility determination process.

If OVR determines that an individual is eligible for services, the individual may receive Transitional Work Services while OVR develops an “Individualized Plan for Employment” (IPE), or while receiving other OVR services, as long as they do not occur on the same day and at the same time.

SUPPORTED EMPLOYMENT, JOB ASSESSMENT AND JOB FINDING

Individuals must be referred to OVR prior to receiving Supported Employment, Job Assessment or Job Finding services except if there is documentation of any one of the following:

- The individual is competitively employed and solely needs extended supports to maintain the individual’s current job.

- The individual is competitively employed and is seeking job assessment or job finding services to find a new job, unless the purpose is job advancement which can be provided by OVR.
- The individual has an ineligibility determination from OVR. The determination of ineligibility for OVR services remains valid unless the individual wants to be referred to OVR again.
- OVR has previously closed the individual's case. An OVR case closure remains valid unless the individual wants to be referred to OVR again due to a change in circumstances.

For individuals who have been referred to OVR, Supported Employment, Job Assessment and Job Finding services may be provided through the waiver when OVR services stop or if the individual is determined ineligible for OVR services. Supported Employment, Job Assessment and Job Finding services may not be provided through the waiver when the individual refuses to be referred to OVR for OVR services or during OVR's eligibility determination process after the referral to OVR has been made.

C. OVR REFERRAL PROCESS FOR ALL ODP WAIVERS

To make a referral to OVR and to help expedite the eligibility process, the Supports Coordinator must do the following:

1. Have the individual and/or his or her designated representative sign the SCO's or SCA's standard "Release of Information" form so that the Supports Coordinator may provide the following documentation, if available, to the OVR District Office:
 - a. The individual's current ISP;
 - b. Psychological Evaluation containing diagnoses;
 - c. Vocational Evaluations/Assessments (within 3 years); and
 - d. Any other relevant medical/psychological/educational records (within 3 years).
2. Complete the "OVR-ODP Interagency Referral Form", OVR-172, Attachment B. The Supports Coordinator will indicate on the form in the designated box to whom initial contact from OVR should be directed. The Supports Coordinator will also indicate if he/she would like to be notified when the intake interview is scheduled.
3. Submit the "OVR-ODP Interagency Referral Form", OVR-172 and any relevant referral information to the appropriate OVR District Office through the established "Resource Account" designated for the OVR District Office, Attachment C.
4. Document the date that the OVR-172 was submitted to OVR in the individual's ISP.

Upon receipt of the referral, including all necessary supporting documentation, OVR shall complete the following steps:

1. Contact all persons referred for services no later than 15 days from the date of referral.
2. Schedule an initial appointment or enroll the individual in an OVR orientation session within 30 days of initial contact. An initial appointment is an in person meeting to discuss OVR services and other materials and/or to formally initiate the application process, if the individual is interested in moving forward.
3. Determine eligibility within established OVR timeframes and according to OVR policy.

4. Send a letter to the individual or his/her designee and send a copy to the Supports Coordinator notifying these parties as to whether the individual is eligible or ineligible for OVR services.
5. Complete the IPE established OVR timeframes and according to OVR policy.

For the Consolidated and P/FDS Waivers, when the Supports Coordinator receives a copy of the OVR letter that documents whether the individual is eligible or ineligible, the Supports Coordinator must forward a copy of the letter to the County/Administrative Entity. For the Adult Autism Waiver, the Supports Coordinator must send a copy of the OVR letter to the Bureau of Autism Services (BAS) Regional Office Representative. The Supports Coordinator and County/Administrative Entity or BAS Regional Office must keep a copy of the letter of "eligibility/ineligibility" in the individual's file as documentation to comply with Waiver requirements as well as document in a service note.

It is recommended that the Supports Coordinator maintain contact with the OVR counselor as appropriate to stay informed throughout the individual's receipt of OVR services. This will ensure that the ISP contains the most up-to-date information and necessary services.

If you have any questions, please contact your ODP regional office or BAS Regional Office Representative as appropriate.

ATTACHMENTS:

- Attachment A – Employment Service Definitions As Approved in the Current ODP Waivers
- Attachment B – OVR-172"OVR-ODP Interagency Referral Form"
- Attachment C – OVR- ID Referral Resource Accounts

OBSOLETE BULLETINS:

- ODP Bulletin, 00-14-05, *OVR Referral Process for Employment Services*