

Technical Guidance: Prevocational Services in the Family Care and Family Care Partnership Programs

Introduction

The document outlines the expectations that the Division of Long-Term Care has with regard to implementation of the revised prevocational services definition, approved by the Centers for Medicare and Medicaid Services (CMS) and effective January 1, 2010. New and continuing authorizations of prevocational services by Family Care or Family Care Partnership MCOs must ensure that prevocational services are provided in ways that are consistent with the revised service definition. (See Appendix A for full text of revised definition.) This document is intended to assist MCOs and prevocational service providers with meeting this requirement.

Expectations of MCOs and Service Providers for MCO Members

The Division has established a goal to promote and support integrated employment outcomes among people with disabilities eligible for or receiving Medicaid-based services. Prevocational services are a vital stepping stone to assist Family Care and Family Care Partnership members to achieve at least part-time, paid employment in an integrated community setting where they can achieve the highest possible wage and work that is matched to their interests, strengths, priorities, abilities and capabilities.

Informed consumer choice with regard to personal outcomes and goals is a core principle and value of the long-term care system. It is not acceptable or desirable to require an individual to participate in integrated employment against his/her will. However, the Division expects that MCOs and long-term care service providers within the MCO provider networks will, as Division partners, promote and support opportunities for integrated employment outcomes for working age Family Care and Family Care Partnership members. It is anticipated that this will lead to an environment in which a significant number of working-age managed care members voluntarily make an informed choice to pursue at least part-time integrated employment as one of their personally identified outcomes.

In keeping with existing Department policies, it is also expected that MCO and provider partners will identify and utilize strategies to support individuals to pursue and achieve their personally identified employment outcomes in ways that maximize community inclusion and integration, and that afford individuals the opportunity to earn at least minimum wage.

Definition of Integrated Employment

Integrated employment is defined as working for a competitive wage in a community-based job (i.e., a job that is not based in a community rehabilitation facility or residential long-term care institution for people with disabilities). The employment must be in a work setting where, to the extent the employment typically involves interaction with others, the interaction is predominantly with co-workers or business associates who do not have disabilities or with the general public. Integrated employment includes employment located in a community business, self-employment and ownership of a micro-enterprise.

Competitive wage means a payment for work that is generally equivalent to the payment made to others performing similar work. Competitive wage does not mean commensurate wage or special minimum wage (sub-minimum wage).

To further clarify, integrated employment is not:

- Work center facility-based employment
- Enclaves or work crews
- Volunteering

These three options are all recognized as stepping stones to integrated employment that some people may choose to participate in prior to pursuing integrated employment or in addition to pursuing integrated employment. However, it is important to note that no member is required to participate in these options prior to pursuing or participating in integrated/supported employment.

General Technical Guidelines for Implementation of Revised Prevocational Services Definition for Family Care and Family Care Partnership

1. **Over-arching goal of prevocational services:** Prevocational services, regardless of how and where they are delivered, are expected to help people make reasonable and continued progress toward voluntary participation in at least part-time, integrated employment.
2. **Informed choice regarding employment outcomes:** Support of employment outcomes is a part of the member-centered planning process, which includes the individual, his or her guardian if any, and other members of the interdisciplinary care planning team, and emphasizes informed consumer choice. This process includes identification of the member's personal outcomes and identification of services and items, including prevocational services and other employment-related services that can be authorized to advance achievement of the member's outcomes. The member and his or her interdisciplinary care planning team will identify alternatives that are effective in supporting his or her outcomes and from those select the most cost-effective alternative using the Resource Allocation Decision (RAD) method.
3. **Prevocational services involve:** the provision of learning and work experiences where a member can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated, community settings. Services are expected to occur over a defined period of time as determined by the member and his/her care planning team in the ongoing member-centered planning process. Services are expected to specifically involve strategies that enhance a participant's employability in integrated, community settings. Competitive employment or supported employment are considered successful outcomes of prevocational services.
4. **Prevocational services should:** enable each member to attain the highest possible wage and work which is in the most integrated setting and matched to the member's interests, strengths, priorities, abilities, and capabilities. Services are intended to develop and teach general skills that lead to employment including but not limited to: ability to communicate effectively with supervisors, co-workers and customers; generally accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem solving skills and strategies; general workplace safety and mobility training. Prevocational services may be

provided in a variety of community locations including but not limited to work centers operated by community rehabilitation programs (CRPs).

5. **New Entrants to the Long Term Care system and prevocational services:** New entrants are defined as:
- Members who are entering the long term care system from a waitlist and did not participate in prevocational services prior to CY2010, or
 - Members who are 18-22 years of age (regardless of current or past participation in prevocational services) entering the adult long-term care system from the school system or the children's long-term care system.

IDT's are expected to fully inform new entrants about integrated employment and promote the benefits and opportunities associated with integrated employment. Prevocational services should be described as one potential support that can assist members to successfully achieve integrated employment. In keeping with the service definition, prevocational services should be authorized for new entrants if they have an identified personal goal/outcome of at least part-time integrated employment, even if they are unsure about the details of the integrated employment they desire at the point of authorization. If after being informed about the option of integrated employment, a new entrant does not express a desire to pursue and participate in at least part-time integrated employment, services other than prevocational services should be considered.

6. **Assisting current prevocational service recipients:** Current prevocational service recipients may not currently have a personally identified outcome to obtain or keep at least part-time integrated employment. **These members' prevocational services should not be disrupted because they do not have a personal goal/outcome of integrated employment at this time.** The member will be supported by both the MCO inter-disciplinary team and the prevocational service provider to make reasonable and continued progress toward:

- (a) *Resolving concerns, if any, regarding participation in integrated employment; and*
- (b) *Identifying an integrated employment goal/outcome that reflects the member's preferences, interests, strengths, priorities, abilities, and capabilities.*

To this end, it is expected that the MCO inter-disciplinary team and the prevocational service provider will collaborate in developing a plan of service which can:

- Productively and effectively address the member's concerns, if any, regarding integrated employment; and
- Facilitate the identification of important specifics regarding the member's employment preferences and conditions, as outlined below.

7. **Accurately and fully identifying members' employment outcomes:** It is expected that the MCO inter-disciplinary team and the prevocational service provider will collaborate in developing a plan of service which can facilitate the identification of important specifics regarding the member's employment preferences and conditions, including but not limited to:
- (a) **Description of the type(s) of work the member wishes to do** (i.e. work that is not part of a prevocational services program)

Example: I want to work with animals; I want to work in a restaurant; I want to work with computers.

- (b) **Hours of work** the member wishes to have on a daily or weekly basis

Example: I want to work about 4 hours a day; I want to work at least 15 hours a week.

- (c) **Schedule of work** the member wishes to have on a weekly basis

Example: I want to work on Tuesdays, Wednesdays, Thursdays and Fridays; I want to work the morning shift.

- (d) **Geographic preferences** regarding where a member wishes to work

Example: I want to work as close to my home as possible; I want to work somewhere in the city I live in.

- (e) **Community employer preferences** that the member may have

Example: I want to work at the hospital; I want to work at the 3-M plant.

8. **Assisting members to identify their employment outcomes:** Best practices to determine a member's specific preferences and conditions regarding integrated employment typically involve:

- Providing education, in ways that the member can understand, about the range of integrated employment opportunities available in their community
- Helping members identify and consider their personal strengths, skills and interests
- Informational interviews
- Job shadow opportunities
- Paid community work experiences to help individuals understand and "get a taste of" different types of integrated employment.
- Development and use of a "Non-Negotiables" list. *[This involves listing things that are absolutely not acceptable in relation to an integrated employment opportunity (e.g. working more than five hours a day; working before 10am in the morning; working in a place with loud noises, etc.), and then using that as a basis for arriving at potential employment options that would be acceptable to the member.]*
- Bona fide volunteer opportunities can also be used on a short-term basis to allow members to explore different areas of interest, to engage in productive activities alongside of individuals without disabilities who are not paid staff, and to experience a routine and community environments that are very similar to integrated employment routines and environments.

9. **Prevocational services are delivered over a defined period of time:** Prevocational services are authorized for a defined period of time, as determined in the member-centered planning process. A defined period of time means one that has an explicitly stated start date and end date. In Family Care and Family Care Partnership, service authorizations are typically for six months and reauthorizations are necessary for continued services. The Division recommends and highly encourages that the MCO require (through provider contract language) that the prevocational provider submit a *Prevocational Services Six-Month Status and Progress Report*, prior to each member-centered plan annual update and six-month review for the member.

A member's prevocational services should be re-authorized only if the following criteria are met:

- (a) The prevocational service provider is submitting, in a timely manner a Prevocational Services Six-Month Status and Progress Report.

AND

- (b) The Inter-Disciplinary Team (IDT), including the member, determines that the member is making **reasonable and continued progress** toward achievement of at least part-time integrated employment; and the prevocational service provider is making a good faith effort to address the member's and guardian's concerns, if any, regarding participation in at least part-time integrated employment. **Reasonable and continued progress** means progress that is meaningful and purposeful, consistent with the goals established for the last period of prevocational service authorization, and that has occurred in a timely manner (unless a legitimate, unexpected circumstance prevented this). When reasonable and continued progress occurs, new goals can and should be written for subsequent periods of service authorization.

OR

- (c) **The member is already participating in at least part-time integrated employment**, and the IDT (including the member) has determined, through use of the RAD method, that the most effective and cost-effective way to meet the member's additional need for vocational supports is through the provision of prevocational services. Also, if the member wishes to increase his/her level of participation in integrated employment, a plan is in place for achieving this, which has been approved by the IDT.
10. **Unsatisfactory performance by prevocational provider:** If the IDT concludes that a prevocational service provider is not in compliance with the requirements for re-authorization of prevocational services, **the member's authorization for prevocational services should not be discontinued** because of unacceptable provider performance. Instead the IDT should determine if corrective steps by the current provider are possible and appropriate or whether a referral to a new provider of either prevocational services or supported employment is appropriate.
11. **Authorizing prevocational services in addition to other day or employment services:** Members who receive prevocational services during some days or parts of days may also receive supported employment, educational, or day services at other times.
12. **Providing prevocational services in addition to DVR or school-funded services:** Prevocational services may be provided to supplement, but may not duplicate services **being provided to a member** as part of an approved Individualized Employment Plan (IPE) funded under the Rehabilitation Act of 1973, as amended, or **being provided to a member** under an approved Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA). Prevocational services may be provided to supplement, but may not duplicate services provided under supported employment or vocational futures planning and support services provided under the waiver.
13. **Paid work as component of prevocational services:** Members participating in prevocational service may be compensated in accordance with applicable Federal laws and regulations, but the provision of prevocational services is intended to lead to a permanent integrated employment situation. Therefore, members participating in prevocational service

may be involved in paid work, including sheltered work, as a component of a prevocational services program if the following criteria are met:

- (a) The employer holds a valid sub-minimum wage certificate which covers the individual member;
- (b) The member's participation in paid work, as a component of a prevocational services program, is for the purpose of facilitating progress toward voluntary participation in a permanent, and at least part-time integrated employment situation

14. **Wage limits in paid work that is part of prevocational services:** Federal regulations prohibit individuals involved in prevocational services from earning 50% of minimum wage or higher (currently \$3.62 per hour). If the member desires to earn at least \$3.62 per hour, then the inter-disciplinary team should develop a plan of service with the member that involves finding the member an integrated employment opportunity with supports as needed.
15. **Prevocational services are not required in order to qualify for receipt of supported employment services:** Participation in prevocational services is not a required pre-requisite for supported employment services provided under the waiver.
16. **Loss of supported employment:** If a member moves into participating in at least part-time integrated employment and subsequently loses his/her integrated job, the IDT may authorize, or increase an existing authorization for, prevocational services in order to assist the member to make progress toward securing a new integrated employment situation. An IDT may also choose to authorize supported employment services to assist the member to make progress toward securing a new integrated employment situation. Best practice also calls for the IDT to refer the member to the Division of Vocational Rehabilitation for assistance with obtaining a new integrated employment opportunity.
17. **Reimbursable activities under prevocational services:** Only activities that contribute to the member's work experience, work skills, or work-related knowledge can be included and reimbursed for under prevocational services. Prevocational providers that offer facility-based work are required to provide meaningful activities that contribute to a member's work experience, work skills or work related knowledge during downtime (the time when paid work is not available in the work center), if they claim prevocational services funding for supporting members during downtime.
 - When Managed Care Organizations are contracting with facility-based prevocational service providers, they should request information on the content and structure of the programs offered to members during work center downtime to confirm that these programs will contribute to a member's work experience, work skills or work related knowledge.
 - Care managers and Inter-Disciplinary Teams should ensure that prevocational providers are delivering these programs during periods where the member experiences downtime in the work center and the Managed Care Organization is being billed under prevocational services for supports provided to the members during these periods of downtime.

Questions on this Technical Guidance?

Managed Care Organizations, Prevocational Service providers and other interested parties may submit questions to:

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All questions and answers provided will be posted on the following webpage and updated monthly: [insert web page address]

Appendix A: Revised Prevocational Services Definition for Family Care and Family Care Partnership (Effective January 1, 2010)

Prevocational services involve the provision of learning and work experiences where a member can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated, community settings. Services are expected to occur over a defined period of time as determined by the member and his/her care planning team in the ongoing member-centered planning process. Services are expected to specifically involve strategies that enhance a participant's employability in integrated, community settings. Competitive employment or supported employment are considered successful outcomes of prevocational services.

Prevocational services should enable each member to attain the highest possible wage and work which is in the most integrated setting and matched to the member's interests, strengths, priorities, abilities, and capabilities. Services are intended to develop and teach general skills that lead to employment including but not limited to: ability to communicate effectively with supervisors, co-workers and customers; generally accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem solving skills and strategies; general workplace safety and mobility training.

Support of employment outcomes is a part of the member-centered planning process, which includes the individual, his or her guardian if any, and other members of the interdisciplinary care planning team, and emphasizes informed consumer choice. This process includes identification of the member's personal outcomes and identification of services and items, including prevocational services and other employment-related services that advance achievement of the member's outcomes. The member and his or her interdisciplinary care planning team will identify alternatives that are effective in supporting his or her outcomes and from those select the most cost-effective alternative.

Members who receive prevocational services during some days or parts of days may also receive supported employment, educational, or day services at other times. Members participating in prevocational service may be compensated in accordance with applicable Federal laws and regulations, but the provision of prevocational services is intended to lead to a permanent integrated employment situation.

Participation in prevocational services is not a required pre-requisite for supported employment services provided under the waiver. Prevocational services may be provided in a variety of community locations including but not limited to work centers operated by community rehabilitation programs (CRPs).

Transportation may be provided between the member's place of residence and the site of the prevocational services or between prevocational service sites (in cases where the member receives prevocational services in more than one place) either as a component part of prevocational services or under specialized transportation, but not both. All providers of transportation shall ensure that the provider qualifications for specialized transportation are met. If the transportation is provided by the prevocational services provider, the cost of this transportation is included in the rate paid to the provider.

Personal care provided to a member during the receipt of prevocational services may be included in the reimbursement paid to the prevocational services provider, or may be covered and reimbursed under the waiver service personal care, but not both. All providers of personal care shall meet the personal care provider qualifications.

Only activities that contribute to the member's work experience, work skills, or work-related knowledge can be included in prevocational services.

Prevocational services may be provided to supplement, but may not duplicate services provided as part of an approved Individualized Employment Plan (IPE) funded under the Rehabilitation Act of 1973, as amended, or under an approved Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA). Prevocational services may be provided to supplement, but may not duplicate services provided under supported employment or vocational futures planning and support services provided under the waiver.