

**Changes to Pathway to Employment Requirements
Amendments to 14 NYCRR Subpart 635-10****Proposed Regulations****Effective Date: June 1, 2016****Comments Due: May 9, 2016**

- **Subdivision 635-10.4(h) is amended as follows:**
 - (h) *Pathway to employment* is a person-centered, comprehensive career/vocational employment planning and support service that provides assistance for individuals to obtain, maintain, or advance in competitive integrated employment or self-employment. This service combines an individualized career/vocational planning process that identifies the individual's support needs, with the provision of services that will strengthen the skills needed to obtain, maintain, or advance in competitive integrated employment or self-employment. It engages individuals in identifying a career/vocational direction, provides instruction and training in pre-employment skills, and develops a path for achieving self-employment or competitive[.] integrated employment at or above the state or federal [New York State] minimum wage.
- **Clause 635-10.4(h)(1)(i)(l) is amended and a new clause 635-10.4(h)(1)(i)(r) is added as follows:**
 - (l) obtaining and assistance in obtaining a minimum of three community experiences through volunteer opportunities, paid or unpaid internships, mentorships, apprenticeships, job clubs, work site visits, job placement, or other job exploration modalities (Note: individuals participating in paid internships must be paid at least the minimum wage for the type of employment or self-employment sought through the internship opportunity);
 - (p) customized job development; [and]
 - (q) planning for self-employment, including identifying skills that could be used to start a business, and identifying business training and technical assistance that could be utilized in achieving self-employment goals[.]; and
 - (r) travel time (transportation) to and from pathway to employment activities with an individual or group. Transportation to another Medicaid Waiver service that includes transportation in the rate may not be billed under pathway to employment services.

Note: New material is underlined and deleted material is in [brackets].

- **New clauses 635-10.4(h)(1)(ii)(e) – (j) are added as follows:**

- (e) review of an individual's records and other documentation that provides information to assist in quality career assessment, job development, job coaching, and job retention supports (e.g. ISP, school records, employment history, psychological reports, medical documentation, program service plans, and notes);
- (f) communication with family or other members of the individual's circle of support to discuss and address coordination of pathway to employment, progress, issues and challenges;
- (g) meetings and communication with staff providing other OPWDD approved services and clinicians that impact an individual's ability to successfully achieve pathway to employment service goals;
- (h) documentation of and to support the delivery of pathway to employment services;
- (i) travel time (transportation) to and from pathway to employment activities, without the individual/group present, while the staff is being paid for work hours by the provider;
- (j) other activities, as authorized by OPWDD.

- **Paragraph 635-10.4(h)(3) is amended as follows:**

- (3) The number of individuals receiving pathway to employment services simultaneously from a service provider staff shall be limited to no more than four [three] individuals, with the exception of job readiness training which shall be limited to no more than ten individuals.

- **A new paragraph 635-10.4(h)(4) is added as follows and existing paragraphs are renumbered accordingly:**

- (4) Individuals receiving pathway to employment services who participate in community experiences specified in clause 635-10.4(h)(1)(i)(f) of this subdivision must be involved in a minimum of three different community experiences prior to the completion of the service. If an individual disenrolls from pathway to employment services prior to completion, the allowable services may be billable. The agency must document the services in the form and format specified by OPWDD.

Note: New material is underlined and deleted material is in [brackets].

- **New subparagraph 635-10.4(h)(6) is amended as follows:**

- (6) Pathway to employment career/vocational plan. The service provider shall develop a pathway to employment career/vocational plan for each individual receiving the service.
- (i) The career/vocational plan shall:
- (a) identify and focus on the individual's career/vocational and employment goals, employment needs, talents, and natural supports; and
 - (b) serve as the individual's detailed career/vocational plan for guiding his or her employment supports.
- (ii) The pathway to employment provider must complete the career/vocational plan in the form and format specified by OPWDD to include interviews, action steps, career development activities, community-based volunteer experiences, work experiences, and recommendations for future employment related services.
- (a) The career/vocational plan must be submitted to OPWDD.
 - (b) The service provider must share the career/vocational plan with the New York State Education Department- Adult Career and Continuing Education Services (ACCES-VR).
- (iii) Unless OPWDD authorizes an extension in accordance with paragraph 635-10.5(ad)(5) of this subpart that specifies a later timeframe for the completion of the plan, the pathway to employment provider shall develop the career /vocational plan no later than 12 months after the date the individual started receiving the service, or the date as of which the individual received 278 hours of the service, whichever occurs first. The pathway to employment provider shall give the career/vocational plan to the individual upon completion of the service.

- **A new paragraph 635-10.4(h)(7) is added:**

- (7) Pathway to employment providers shall not provide pathway to employment services in day training programs/sheltered workshops.

Note: New material is underlined and deleted material is in [brackets].

- **Paragraph 635-10.4(k)(4) is amended as follows:**

- (4) Effective July 1, 2015, there shall be no new enrollments into site based prevocational services in day training programs/sheltered workshops.

- **Subparagraph 635-10.5(ad)(3)(ii) is amended as follows:**

- (ii) The number of individuals being served simultaneously - Individual (1) or Group (serving two or [three] four individuals; or, for job readiness training, ten individuals). Group size shall be limited to no more than [three] four individuals, with the exception of job readiness training, which can include up to ten individuals.

- **Paragraph 635-10.5(ad)(4) is deleted and the remaining paragraphs are renumbered accordingly:**

- [(4) Fee schedule. The hourly fees for the pathway to employment service are as follows:]

[Pathway to Employment—Fee is hourly per person]

[Region	Individual Fee	Group Fee
Region 1	\$43.04	\$37.68
Region 2	\$41.92	\$35.64
Region 3	\$39.70	\$33.74]

- **A new subparagraph 635-10.5(ad)(7)(iii) is added as follows:**

- (iii) Pathway to employment billable service time for job readiness training specified in clause 635-10.4(h)(1)(i)(a) of this Subpart shall be limited to 20 hours of billable service time.

- **New subparagraph 635-10.5(ad)(8)(i) is amended as follows:**

- (i) The service provider shall maintain documentation that the individual receiving pathway to employment services has received the services in accordance with the individual's ISP and pathway to employment service delivery plan (see section 635-10.4(h)[(3)](5) of this Subpart).

- **New subparagraph 635-10.5(ad)(8)(iv) is deleted and a new (iv) is added as follows:**

Note: New material is underlined and deleted material is in [brackets].

- (iv) The service provider must maintain a copy of the Letter of Agreement between OPWDD and the NYS Education Department related to pathway to employment services.

Note: New material is underlined and deleted material is in [brackets].