

OFCE Technical Assistance Series provides MCOs with interpretations or guidance regarding contract requirements, policy, program requirements. This series will also be used to inform MCOs of changes to the contract that may result in contract amendments or contract language changes in future contracts.

## **Prevocational Services in the Family Care and Family Care Partnership Programs**

**Purpose:** 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.) These guidelines should be used when prevocational services are being considered as part of the Resource Allocation Decision-Making (RAD) method (Step 4).

### **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. If prevocational services are authorized, in keeping with the new definition, the services are intended to lead to participation in an integrated employment situation.

Informed consumer choice with regard to personal outcomes and goals is a core principle and value of the long-term care system. While it is not acceptable or desirable to require an individual to participate in integrated employment, 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).<sup>1</sup> 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 customarily paid to others performing similar work and is always at least minimum wage. Competitive wage does not mean special minimum wage (sub-minimum wage).

### To further clarify, integrated employment is not:

- Work center facility-based employment
- Enclaves or work crews<sup>2</sup>
- Volunteering

It is important to note that no member is required to participate in any of these prior to pursuing or participating in integrated/supported employment.

Note: Family Care supports for enclaves and work crews are provided under supported employment, not under prevocational services. Therefore, these guidelines are not applicable to members participating in an enclave and work crews, unless those members are also participating in prevocational services.

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<sup>1</sup> Integrated employment does include "staff" positions at community rehabilitation facilities or residential long-term care institutions. Members are considered to be employed in staff positions when they are employees that earn a competitive wage and have a benefit package similar to other non-disabled employees working the same hours (paid sick leave, vacation, personal days, health insurance, pension, etc.). Members in staff positions will have bona fide job descriptions and will not be recipients of prevocational services but may have supported employment services.

<sup>2</sup> Enclaves and work crews are defined as: a group of three or more individuals with disabilities working in a particular setting who have been placed in that employment setting as a group (as opposed to individual placement) and who are supported as a group rather than individually. This means they share support staff (e.g. job coaches) and typically are transported to and from the work setting as a group. They are typically employed through a contract between the business (owner or operator of the setting where the work is done) and the support provider (e.g. CRP). They may or may not be paid a competitive wage and may be earning sub-minimum wage. Individuals in an enclave or work crew predominantly interact with other members of the enclave/crew or support staff, rather than with co-workers who do not have disabilities (excluding support staff), with business associates who do not have disabilities, or with the general public.

## **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. Services, including prevocational services, are not considered outcomes in and of themselves.
2. **Informed choice regarding employment outcomes:** Support of employment outcomes is a part of the member-centered planning process, which emphasizes informed consumer choice with regard to personal outcomes. The planning process always includes the member, his or her guardian if any, and may include others (including family and/or friends) if they are invited by the member to be part of the interdisciplinary care planning team (IDT). If an MCO has an employment coordinator, this person may also participate on the IDT. Because of possible conflict of interest, providers of Family Care services, including prevocational service providers, are not formal members of the IDT. However, the care manager, in advance of member-centered planning meetings, should seek input from providers who are delivering services to the member, including prevocational service providers.

The member-centered planning process includes identification of the member's personal outcomes, including any employment outcomes the member may have. IDTs are expected to assist members to make informed choices regarding personal outcomes by ensuring members have sufficient knowledge and understanding of all options available. Members are encouraged to identify outcomes within the scope of what Family Care's health and long-term care program is able to address. While members have broad choices with regard to personal outcomes and goals, services provided by the MCO to advance achievement of the member's personal outcomes are authorized using the Resource Allocation Decision-Making (RAD) method.

Once a member's personal outcomes have been identified, the member-centered planning process involves the identification of informal supports, items and services, including prevocational services and other employment-related services that can be authorized through the RAD process to advance achievement of the member's outcomes.

Best practices for enabling a member to make an informed choice about participation in integrated employment are outlined in Section 8 below. Enclaves and work crews are also employment options that, although not considered integrated employment, can be supported by Family Care through supported employment services.

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, teach and maintain 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 prevocational services:** New entrants are defined as:
  - All members enrolled as of September 1, 2010 who did not participate in prevocational services prior to that date.
  - Any member who enrolls after September 1, 2010 and did not participate in prevocational services funded by the CIP waiver, the IRIS waiver or a county human service agency prior to that date.

IDT's are expected to fully inform new entrants about integrated employment and promote the benefits and opportunities associated with integrated employment as a part of on-going assessment and member-centered planning. New entrants should have the opportunity to identify employment outcomes at every re-assessment and member-centered planning meeting. 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 an option considered by the IDT at the point a new entrant has an identified personal goal/outcome of at least part-time integrated employment, even if the new entrant is unsure about the details of the integrated employment s/he desires at the point of authorization. If a new entrant does not identify a personal goal/outcome of at least part-time integrated employment, an IDT may also consider authorization of prevocational services that are based in the community (i.e. not in a work center or similar specialized facility) in order for a new entrant to determine through experience whether s/he wishes to pursue integrated employment. As stated above, enclaves and work crews are also employment options that, although not considered

integrated employment, can be supported by Family Care through supported employment services.

**6. Assisting current prevocational service recipients: Current prevocational service recipients are defined as:**

- All members enrolled as of September 1, 2010 who participated in prevocational services prior to that date; and
- Any member who enrolls after September 1, 2010 and participated in prevocational services funded by the CIP waiver, the IRIS waiver or a county human service agency prior to that date.

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 in the next section.

**7. Accurately and fully identifying members' employment outcomes:** Given the over-arching goal of prevocational services detailed in section 1, when prevocational services are authorized through the RAD process, it is expected that the MCO inter-disciplinary team and the prevocational service provider will, as a first step, collaborate in developing a plan of service which can facilitate the identification of important specifics regarding the member's integrated 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.

IDT's are cautioned that information gained through identifying member preferences in the above areas should not be treated as strict requirements but rather guidance for job development efforts. Like all job seekers, members may be satisfied with integrated employment opportunities that meet some but not all of these preferences.

8. **Assisting members to make an informed choice about integrated employment and to identify their personal 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
- Providing opportunities to see and talk with other people with similar disabilities working in integrated employment through strategies like job shadowing and panel/speaker presentations.
- Helping members identify and consider their personal strengths, skills and interests through a process of Discovery<sup>3</sup> or a similar strategy.
- Providing opportunities to learn about what's involved in doing particular types of jobs or working in particular types of businesses through strategies like informational interviewing and job shadowing.
- Development and use of a "Non-Negotiables" list. *[This involves listing things that are absolutely not acceptable to the member 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.

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<sup>3</sup> Discovery allows the provider to get to know the applicant and to assist in identifying personalized preferences and conditions for employment as well as individual contributions to be offer to employers. Discovery utilizes already-existing information rather than information developed through formal assessment methods. Discovery takes into account the applicant's entire life experiences rather than drawing conclusions based on limited instances of performance that are used in traditional vocational evaluation.

- Services typically funded by DVR, including Supported Employment Assessment and paid, time-limited community work experiences.

9. **Prevocational services are delivered over a defined period of time:** When prevocational services are authorized through the RAD process, they are authorized for a defined period of time. In Family Care and Family Care Partnership, service authorizations are typically for six months and reauthorizations are necessary for continued services. Prevocational services are not limited to six months but like all services, are subject to reauthorization by the member's IDT.

The IDT, including the member can reauthorize prevocational services if it determines that pre-vocational services are an effective and cost effective way to help the member make **reasonable and continued progress** toward identification and achievement of an integrated employment outcome. **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 measurable goals can and should be written for subsequent periods of service authorization.

The IDT, including the member, can also reauthorize prevocational services if the **member is already participating in at least part-time integrated employment**, and the IDT (including the member) determines, through use of the RAD method, that prevocational services are an effective and cost-effective way to meet the member's need for additional vocational supports.

In order for the IDT to determine if current prevocational services should be reauthorized, or whether changes are appropriate, the IDT will need to determine whether the prevocational services being provided have been effective in achieving either of the goals outlined above, which are:

- helping the member make **reasonable and continued progress** toward identification and achievement of an integrated employment outcome, or
- providing additional vocational supports to a member who is already participating in at least part time integrated employment.

One way for the IDT to determine the effectiveness of the services would be to 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. The Division recommends and highly encourages this approach. If such a report is not required, the IDT will need to use a different strategy to determine whether the services have been effective and should be reauthorized, or if changes should be made.

- 10. If criteria for reauthorization of prevocational services are not met:** If the IDT concludes that the prevocational services provided have not been effective in regard to helping the member make reasonable and continued progress toward identification and achievement of an integrated employment outcome, or providing additional vocational supports to a member who is already participating in at least part time integrated employment, and consequently changes are needed, the IDT should determine the primary reason(s).

If the IDT concludes that the existing prevocational service provider is making a concerted, good faith effort, and a different provider would not be able to do better, the IDT should reauthorize the member's prevocational services plan with alterations designed to increase the service's effectiveness and ensure the service is at least partly focused on activities outside of facility-based work that are specifically relevant to preparing people for voluntary participation in integrated employment at a future date. Best practice is that the prevocational services plan should be altered to include a reasonable amount of individualized or small-group community-based activities (i.e. activities outside a work center or other specialized facility) that can contribute to preparing the member for possible future participation in integrated employment (e.g. volunteering, learning how to navigate the community, activities that offer the opportunity for interaction with community members without disabilities, employment preparation classes held at an appropriate community site, etc).

If a more concerted and focused effort by the provider may be needed, the IDT should establish revised expectations or corrective steps with the current prevocational provider. If such steps have already been taken and the IDT feels the member may be more effectively supported by a different prevocational service provider or by a supported employment provider, the IDT should consider this type of change.

- 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. 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.
- 15. Loss of integrated 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.
- 16. 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 these Technical Guidelines:**

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All questions, with the answers provided, will be posted on the Family Care Program Operations web page: <http://dhs.wisconsin.gov/lcicare/ProgramOps/Index.htm>

**Reference Materials: Appendix A**

## **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.