



MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

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SUBJECT:

Employment for Individuals in ICFs/MR

BY:

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SCOPE:

Non-State ICFs/MR
State ICFs/MR
County MH/MR Program Administrators
Base Service Unit Directors
Administrative Entity Director

PURPOSE:

The purpose of this bulletin is to clarify how individuals in Intermediate Care Facilities for Individuals with Mental Retardation (ICFs/MR) can be employed and receive habilitation services to promote employment outcomes.

BACKGROUND:

The Office of Mental Retardation (OMR) supports employment outcomes for individuals enrolled in the mental retardation (MR) system, regardless of their living arrangement. Habilitation methods, assistive technology and adaptations have made it possible for individuals with even the most severe disabilities to be employed with appropriate support.

Individuals in ICFs/MR are eligible to apply for employment support through the Office of Vocational Rehabilitation (OVR) and other agencies that assist them in finding and maintaining jobs of their choice. Employment of individuals in ICFs/MR is also consistent with the Americans with Disabilities Act (ADA) and the Medical Assistance for Workers with Disabilities Act (MAWD).

To promote employment outcomes for individuals in ICFs/MR, the Department of Public Welfare clarified four new personal needs allowance deductions for individuals in ICFs/MR who are eligible for Medical Assistance and who receive earnings from sheltered workshops and other types of work. These personal needs allowance

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The Appropriate Regional Office of Mental Retardation

deductions, found in 55 Pa. Code § 181 Subchapter D entitled, *“Posteligibility Determination of Eligibility for Payment Toward Cost of Care in Institutions”*, are currently applied for all residents in non-State operated ICFs/MR. Personal needs deductions found in 55 Pa. Code § 4310, entitled *“Client Liability - State MH/MR Facilities”* are applied for individuals in State Centers or public ICFs/MR.

DISCUSSION:

Department Policy

DPW supports the right of individuals in State and Non-State ICFs/MR to choose to be employed and to receive habilitation services through the ICF/MR program as needed to promote employment outcomes. Employment is defined in this bulletin as a part or full-time job in the general community, including self-employment, that compensates the individual at the prevailing wage or salary, which is at least minimum wage. While not defined as employment, individuals in ICFs/MR may participate in vocational and job training services that prepare them for employment in the community.

DPW permits ICFs/MR to provide habilitation services to reach an employment outcome as part of active treatment in accordance with the individual’s plan of care. While not everyone in an ICF/MR may choose or be able to work in the community at this time, ICFs/MR are encouraged and authorized to support employment outcomes through habilitation as part of active treatment services, commensurate with each individuals goals, abilities and needs.

Employment and ICF/MR Eligibility

Any individual in an ICF/MR is eligible to receive habilitation to support an employment outcome and to participate in a part or full-time job in the community while retaining his/her eligibility for an ICF/MR level of care as long as the individual meets level of care eligibility requirements established in 55 Pa. Code § 6210.62 entitled, *“Level of Care Criteria”*. Having a job and seeking employment or receiving habilitation that has an outcome of employment cannot be a reason for determining an individual ineligible for an ICF/MR level of care as long as the individual meets ICF/MR eligibility requirements established in 55 Pa. Code § 6210.62 and in MR Bulletin 00-02-13 entitled, *“Need for ICF/MR Level of Care.”*

An individual in an ICF/MR can receive habilitation services to maintain or find a job. Habilitation to support an employment outcome includes: job coaching, adaptive equipment, technology assistance and transportation to work. These habilitation services are eligible for Federal and State financial participation under active treatment pursuant to the individual’s plan of care.

ICF/MR providers must carefully document the nature and appropriateness of services claimed for reimbursement under the ICF/MR program through accurate and comprehensive individual support plans of active treatment services. Careful attention must be focused upon the appropriate labeling of habilitative training provided as part of the active treatment program. Such training must be clearly defined and distinguished from services provided and reimbursed under other Federal funding streams.

The terms “educational” and “vocational” services should be avoided in referring to other than those services specifically funded by the Department of Education for school-aged individuals and the Office of Vocational Rehabilitation (OVR) for OVR-eligible individuals.

Coordination with OVR for Supported Employment Services

Habilitation services to achieve an employment outcome for individuals in ICFs/MR must be coordinated with the District OVR. When OVR funding is available for an individual’s supported employment, ICF/MR funding may only be used for habilitation services which are not funded by OVR. Documentation that OVR employment services are not available must be included in the individual’s record before habilitation services toward an employment outcome can be authorized by the ICF/MR. A copy of this documentation is attached.

Attachment: *“District Office of Vocational Rehabilitation Notice of Funding Availability for Individuals in Intermediate Care Facilities for the Mentally Retarded”*