

To: Provider Associations
Voluntary Provider Agency Executive Directors
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DDRO Directors
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Commissioner's Advisory Council
OPWDD Required Regulations Mailing List

From: Barbara Brundage, Director *BB*
Regulatory Affairs Unit

Date: July 8, 2014

Re: Final Regulations – New Pathway to Employment Service
Emergency/Proposed Regulations – Pathway to Employment Fee Adjustment

Final Regulations Effective: July 1, 2014
Emergency Regulations Effective: July 1, 2014
Proposed Regulations Comments Due: Tuesday, September 2, 2014

Suggested distribution:

Agency Administrators
Agency Financial Officers

Purpose:

Effective July 1, 2014, OPWDD finalized (permanently adopted) regulations that implement its new pre-employment service, Pathway to Employment, which is designed for individuals who are interested in obtaining competitive employment and who are enrolled in the Home and Community Based Services (HCBS) waiver.

The final regulations outline requirements pertaining to the provision and funding of the Pathway to Employment service, add conforming requirements concerning this service to existing regulations, and address an unrelated change in OPWDD's system, which is the implementation of the electronic format of the Individualized Service Plan (ISP) or eISP. There is no change in the final regulations compared to the proposed regulations.

Effective July 1, 2014, OPWDD promulgated emergency regulations that make changes to the final regulations concerning the new Pathway to Employment service. OPWDD also filed these identical regulations through the proposed rulemaking process, which will include a public comment period. The emergency/proposed amendments adjust Region 3 fees for delivery of the Pathway to Employment service, add transportation (staff with individuals) as an allowable activity, and make other minor technical changes to the final regulations. OPWDD promulgated these emergency regulations on the

effective date of the new service and corresponding final regulations in order to prevent disruptions or inconsistency in service delivery.

The emergency/proposed amendments were developed in response to discussions with providers and comments received during the public comment period for the proposed regulations concerning the Pathway to Employment service. OPWDD received many comments about the regulations and has responded to these comments in two separate documents titled, *Assessment of Public Comment*, and *Response to Comments*. These documents, along with the full text of the final regulations and the full text of the emergency/proposed regulations, can be accessed on the OPWDD website at www.opwdd.ny.gov. Look under “Regulations and Guidance.”

OPWDD is also planning to issue an Administrative Memorandum on the Pathway to Employment service, which will include further information on all requirements pertaining to this service, and the necessary compliance activities for providers that opt to provide this service.

Public comments on the emergency/proposed amendments:

As previously noted, in addition to filing emergency regulations, OPWDD is proposing the same regulations and intends to adopt them permanently after the conclusion of the mandated public comment period.

The deadline for public comments on the emergency/proposed amendments is the close of business on Tuesday, September 2, 2014.

Written comments about the emergency/proposed amendments should be addressed to:

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OPWDD
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Albany, New York 12229
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FAX (518) 474-7382
E-mail: rau.unit@opwdd.ny.gov

Please note that the above contact information is only for the submission of public comments on the emergency/proposed amendments. For any questions about requirements and compliance activities concerning the Pathway to Employment service, please contact Ceylane Meyers-Ruff via telephone at (518) 473-9697 or email at ceylane.meyersruff@opwdd.ny.gov.

Thank you.