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MEMORANDUM

DATE: January 30, 2014

TO: Ms. Sharon L. Summers, DMMA
Planning & Policy Development Unit

FROM: Kyle Hodges, ^{Kit} Director
State Council for Persons with Disabilities

RE: 17 DE Reg. 688 [DMMA Proposed Pathways to Employment Medicaid Plan Amendment]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Medicaid and Medical Assistance (DMMA) proposal to adopt a Medicaid State Plan amendment to establish a "Pathways to Employment" program. The proposed regulation was published as 17 DE Reg. 688 in the January 1, 2014 issue of the Register of Regulations. The framework of the initiative is explained in the attached October 2013 concept paper entitled "Pathways to Employment: The Employment First Act- Putting Policy Into Practice" [hereinafter "Concept Paper"]. Unfortunately, although the Register recites that the actual amendment is available by following a link to the DMMA website, this is not accurate. DHSS was notified of the problem on January 2 and was advised by DMMA that it would follow up. As of January 9, the amendment was still not available on the website and still not finalized so our comments do not address the actual proposed amendment.

As background, DMMA notes that federal law authorizes states to adopt a §1915(I) State Plan amendment with two (2) advantages compared to traditional HCBS waivers. First, the amendment does not require participants to meet an institutional standard of care. Second, states cannot impose numerical limits on participation, i.e., individuals who qualify and apply must be served. DMMA proposes to seek CMS approval of the program effective July 1, 2014. The expected State cost in FY15 is \$380,000. Participants would have to be Medicaid eligible. Participants would be initially limited to individuals between the ages of 14 and 25 subject to expansion at a later date. Only individuals with certain disability profiles would be eligible: 1) individuals with visual impairments; 2) individuals with physical disabilities, including brain injury; 3) individuals with intellectual disabilities, autism spectrum disorders, and Aspergers.

The following menu of services would be included in the program:

- 1) career exploration and assessment;
- 2) supported employment (small group);
- 3) supported employment (individual);
- 4) employment navigators;
- 5) benefits counseling;
- 6) financial coaching;
- 7) non-Medical Transportation;
- 8) personal care (including a self-directed care option); and
- 9) orientation and mobility training and assistive technology.

DMMA would oversee the program which would be jointly administered by DDDS, DSAAPD, and DVI. A similar initiative is planned for individuals with mental illness through a §1115 waiver amendment.

SCPD has the following observations.

First, although DMMA identifies a financial income cap [150% of the Federal Poverty Level (FPL)], there is no mention of a resource limit. At 690. DMMA notes with approval the operation of the Medicaid Buy-in program (Medicaid Workers with Disabilities). Concept Paper at 3. That program has no resource cap. See 16 DE Admin Code 17000, §17906. It would be preferable to explicitly adopt a no-resource cap standard for the “Pathways” program.

Second, the “Pathways” program overlaps with the federal Ticket to Work program. Cf. 16 DE Admin Code 17000, §17900. Under the “Ticket” program, current SSI and SSDI beneficiaries assign their “ticket” to an employment network (EN) which is paid to facilitate the employment of the beneficiaries. See attached Social Security Administration descriptions. DMMA should address the interplay between Medicaid beneficiaries who enroll in both the Ticket program and the Pathways program. For example, could a participant in both programs receive benefits counseling, financial coaching, supported employment, etc. through both an EN and a Pathways provider?

Third, in enacting the Ticket program, Congress recognized that many SSI/SSDI beneficiaries seeking employment face legal barriers, including employment discrimination in hiring, need for employer-provided reasonable accommodations, and denials of support services. In response, Congress included a legal advocacy program as part of the Ticket legislation, the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program. See attachment. DMMA could consider adding legal advocacy to the menu of services in the Pathways program. In Delaware, the Community Legal Aid Society, Inc. implements the PABSS program. DMMA could consider a contract with CLASI similar to the DSAAPD-CLASI contract using Older Americans funds for legal advocacy on behalf of seniors. This could be critical importance for the Pathways participants ages 14-21 who are enrolled in the special education system. The Concept Paper (at 4) indicates

that the Pathways program will not provide services available under the IDEA. Query how this will be enforced in practice since the entire Pathways menu of services would qualify as IDEA services for students in transition. CLASI enjoys unique special education expertise and could represent Pathways participants in securing robust IEPs with employment-related components. For older Pathways participants, CLASI could address other barriers to employment, including employment discrimination.

Fourth, there will obviously be overlap between participants in the Pathways program and the DSHP+ program. There are also overlapping services, including assistive technology and personal/attendant services. DSHP+ MCOs, which are paid per person, have a financial incentive to deflect assistive technology and personal/attendant services costs to the Pathways program. DMMA should adopt disincentives and deterrents to such practices which could result in unnecessary cost to the Pathways program. For example, DMMA could require MCOs by contract to defer and cooperate with implementation of a Pathways services plan. Compare Title 16 Del.C. §214 (MCOs required to defer to IFSPs).

Fifth, as proposed, the Pathways program may present a “Catch-22” to participants. The income cap (150% of FPL) is relatively low. In contrast, the Medicaid for Workers with Disabilities income cap is 275% of FPL. See 16 DE Admin Code 17000, §17911. There are two “downsides” to a low income cap. First, an individual who is successful in employment with Pathway supports may precipitously lose financial eligibility as earnings reach the cap. Second, participants and providers will be unduly restrained in promoting employment since reaching the income cap results in termination of Pathways eligibility. DMMA should incorporate features in the Pathways program to address disincentives to full employment. For example, DMMA could allow participants to exceed the general earned income cap for a period of 3-4 months while engaging in Pathways-sponsored supported or competitive employment.

Sixth, for 14-17 year olds with covered disabilities, many will be financially ineligible based on deeming of parental income. Cf. 16 DE Admin Code 17000, §17910. DMMA may wish to consider an exception to parental deeming for the Pathways program. Alternatively, DMMA could adopt a partial “disregard” of some parental income for the Pathways program.

Seventh, the Council shared the attached draft legislation with policymakers in 2013 which would authorize a tax credit for hiring DDS clients. A similar bill could be developed to authorize a tax credit for hiring Pathways participants. This would enhance prospects for the success of the program since employers would have a significant incentive to hire Pathways participants. As a practical matter, DMMA could spend \$380,000 to ensure that individuals are ready for employment but be unsuccessful if employers are disinclined to hire participants. Another advantage to the legislation is that it promotes retention of the individual for a specified time period in order to qualify for the credit.

Eighth, the regulation includes the following reference to the target population: “(i)ndividuals with physical disabilities, which may include individuals with brain injury”. The use of “may” is highly

problematic since it suggests that eligibility of individuals with TBI and ABI is optional. Eligibility of individuals with brain injury should be made explicit and categorical.

Ninth, the Concept Paper (p. 6) envisions the establishment of a “cross-division workgroup”. It would be preferable to include the SCPD in the workgroup for the following reasons:

A. Individuals with brain injuries are included in the target population. By statute, the SCPD’s Brain Injury Committee is the primary State planning body for individuals with brain injury. See Title 29 Del.C. §8210.

B. The Concept Paper (p. 3) stresses the link between Delaware’s Employment First legislation and the Pathways program. The Employment First Oversight Commission operates under the SCPD. See Title 19 Del.C. §745.

C. The Concept Paper (p. 5) notes that personal/attendant services will be provided by the two existing vendors, Easter Seal and JEVS. The SCPD is the advisory council to the attendant services program. See Title 16 Del.C. §9406.

Tenth, the menu of services is ostensibly oriented towards “physical” impairments. It would be preferable to include some services specific to individuals with brain injury (e.g. cognitive retraining) in consultation with the SCPD BIC. In addition, SCPD recommends that the menu of services be sufficiently inclusive so it would cover self-employment. To the extent that there may be some self-employment which is not considered supported employment (individual) or career exploration, the Department may want to consider adding another category.

Eleventh, the Concept Paper (p. 7) envisions inclusion of “strategies for solving conflict or disagreement”. It would be preferable to explicitly apply the Medicaid “Fair Hearing Practice and Procedures” regulation to the program. See 16 DE Admin Code 5000.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations and recommendations on the proposed regulation.

cc: Mr. Stephen Groff
Mr. Bill Love
Ms. Jane Gallivan
Mr. Dan Madrid
Mr. George Meldrum
Ms. Deborah Gottschalk
Mr. Brian Hartman, Esq.
Employment First Oversight Commission
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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DELAWARE HEALTH AND SOCIAL SERVICES
Division of Medicaid & Medical Assistance

Pathways to Employment

The Employment First Act – Putting Policy into Practice

Delaware's Proposal for an Employment-Focused 1915(b) HCBS State Plan Option

*Forging a path so that all citizens have an
equal opportunity to lead independent and productive lives*

DRAFT

October, 2013



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Medicaid & Medical Assistance

Introduction

As Chairman of the National Governors Association (NGA), in July 2012 Governor Markell launched an initiative to improve employment opportunities for individuals with disabilities and to support businesses to find skilled workers. This initiative, *A Better Bottom Line: Employing People with Disabilities*, provides tangible steps state leaders can take to improve employment outcomes and create more employment opportunities for people with disabilities.

Two of the goals of the Governor's initiative are:

- Preparing youth with disabilities for careers that use their full potential, providing employers with a pipeline of skilled workers; and
- Making the best use of limited resources to advance employment opportunities for people with disabilities.

Delaware is making strides toward these goals. As a key component of the State's overall workforce strategy, Delaware is building an innovative program to increase the options available to support low income individuals with disabilities who want to work. This effort, Pathways to Employment (Pathways), brings together a number of State agencies around the common goal of ensuring that Delawareans, regardless of their disability, have the option and supports they need to work.

Through the use of a Section 1915(i) Home- and Community-Based Services (HCBS) State Plan Amendment (SPA), Delaware seeks to design the Pathways program that:

- Serves low income individuals, across disabilities, who have a desire to work in a competitive work environment;
- Provides individually tailored services for individuals with visual impairments, physical disabilities, intellectual disabilities, autism spectrum disorder and Aspergers to help them obtain or sustain competitive employment;
- Offers an array of services that will support individuals to explore and plan career paths and build career-readiness. Pathways will include important services, such as on-the-job supports, transportation, personal care, orientation and mobility training, assistive technology, and other services to help individuals maintain employment based on their specific needs;
- Stretches limited state dollars by partnering with the Federal government in the provision of these services – increasing individual independence and strengthening the State's workforce; and
- Provides a strong foundation for Delaware's ongoing efforts to ensure that individuals with disabilities have a clear path to employment now and into the future.

A 1915(i) HCBS SPA presents an unprecedented opportunity within Medicaid to serve individuals based on need, rather than solely on diagnosis. In a separate, but related effort, Delaware is also working to develop employment supports and other services for individuals with mental health support needs through evidence-based practices to support their Olmstead settlement.

In advance of the formal submission, Delaware submits this paper for Centers for Medicare & Medicaid (CMS) review of the intended structure and desired outcomes for the 1915(i).



Background

In July 2013, the national labor force participation for people with disabilities was 20.3% compared with 69.7% of people without disabilities¹, illustrating a key untapped resource for businesses and state economies across the country. In addition to the stark difference in labor force participation, the unemployment rates for individuals with disabilities are generally double that of individuals without disabilities.

Under the leadership of Governor Markell, Delaware is seeking to change that tide. In the summer of 2012, the Governor signed the Employment First Act (HB 319) to provide more people with disabilities the chance to engage in productive employment. Delaware has also begun a number of other initiatives aimed at expanding opportunities to ensure that individuals with disabilities can work and contribute to the State's economy— to the benefit of businesses, State government and individuals with disabilities alike.

In addition to already having an established Medicaid Buy-In program (Medicaid Workers with Disabilities) so individuals with disabilities can work without fear of losing important benefits, Delaware has established a state-funded program, entitled Early Start, to ensure that students are provided key tools to transition smoothly from high school to educational opportunities and careers, ensuring educational investments are not lost.

Building upon these successful efforts, Delaware is creating additional employment supports programs to serve transition age individuals across the spectrum of disabilities. Using a Medicaid 1915(i) HCBS SPA, Delaware will implement the Pathways program which will serve individuals, ages 14 to 25 across an array of disabilities, and expand choices and opportunities in Delaware for individuals seeking to enter the job market. Using the 1915(i) HCBS SPA presents a unique opportunity in Medicaid to serve individuals in identified target groups and to structure a cross-disability, employment-focused benefit based on work-related, needs-based criteria.

In addition, through a separate program effectuated through an 1115 waiver amendment, Delaware will offer similar services to gain and maintain employment to individuals with mental health and substance abuse support needs. This effort is a comprehensive effort by the state to meet its Olmstead obligations for individuals with mental health and substance use needs.

In an unprecedented partnership, multiple divisions within Delaware State government have joined forces to develop employment programs, with each division contributing important information on the specific needs of the individuals they serve. While the goal of competitive employment is cross-cutting, the supports needed to effectively meet the needs of the target groups require expertise and knowledge of disability-specific support needs. Pathways is designed to establish common goals, expectations, and opportunities for individuals with disabilities, while providing individually tailored supports, reflective of population-specific considerations, to meet the specific needs of the persons served.

Within the Department of Health and Social Services (DHSS), the following divisions are leading these key efforts:

- Division of Medicaid and Medical Assistance
- Division of Developmental Disabilities Services

¹ Department of Labor, Office of Disability Employment Policy, Disability Employment Statistics, July 2013.



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Medicaid & Medical Assistance

- Division for the Visually Impaired
- Division of Services for Aging and Adults with Physical Disabilities
- Division of Substance Abuse and Mental Health²

In addition to these key partners within DHSS, the State's Department of Labor's Division of Vocational Rehabilitation, Department of Education, as well as local school districts are contributing to the development of this important program. Furthermore, Delaware received information on promising practices from other states through the expertise of the State Employment Leadership Network, as well as additional technical expertise from the National Association of State Directors of Developmental Disabilities Services (NASDDDS).

Eligibility for Pathways to Employment

Pathways will expand the choices available within Delaware for individuals ages 14 to 25 who seek employment opportunities for individualized, competitive jobs. Ensuring seamless transitions from school (high school and post-secondary) to work, and across the array of employment options and supports, Pathways will enable individuals to gain skills needed to obtain and maintain employment, and continue to build their careers.

Delaware's 1915(i) HCBS SPA will serve individuals who are Medicaid eligible. For most individuals, the income eligibility will be the same as under the State Plan³. Pathways will target the following groups:

- Individuals with visual impairments
- Individuals with physical disabilities, which may include individuals with brain injury
- Individuals with intellectual disabilities and individuals with autism spectrum disorder and individuals with Aspergers

The benefit will provide seamless transitions from school into adulthood and will offer opportunities for individuals to explore employment options and subsequent opportunities for growth within their employment choices. For most individuals, the benefit may begin as early as age 14 to inform and complement the individual's transition from school to adulthood, and provide a key bridge from high school to college and/or career. Eventually, with approval from CMS and available state resources, Delaware would like to expand Pathways to include individuals age 25 and older.

Using needs-based criteria that is less stringent than institutional level of care criteria, Delaware will make the benefit available to anyone in the target groups ages 14 to 25 who has a desire to work in a competitive work environment and for which the services provided through the benefit are not otherwise available to the individual under either special education and related services as defined in section 602(16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401(16) and (17)) or vocational rehabilitation services available to the individual through a program funded under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730).

Service Delivery

² DSAMH will operate their employment supports through a separate but similar Medicaid authority supporting all aspects of community living including employment, but the principles of Employment First and the supports available will be similar.

³ Individuals in the Special Income Level Group or individuals in the Medicaid for Workers with Disabilities (MWD) group will need to have incomes that do not exceed 150% of Federal Poverty Line.

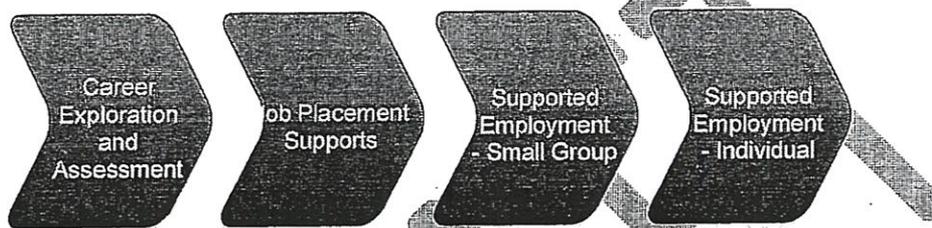


DELAWARE HEALTH AND SOCIAL SERVICES

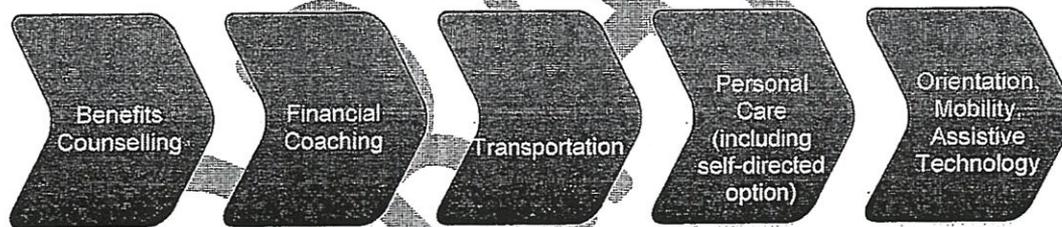
Division of Medicaid & Medical Assistance

Pathways will offer a rich continuum of services to assist individuals to build skills needed and to obtain and maintain individualized, competitive employment. The service array provided through Pathways recognizes that each individual may need specific and individualized supports to better position them for ongoing employment. The Pathways to Employment program recognizes natural career trajectories, and will provide individuals with opportunities to nurture changing interests and to build upon skills, strengths, and experience gained through work. Importantly, the service array offered through Pathways is designed to address the disability-specific needs of individuals and to ensure that the available supports can meet their needs. Delaware has specially designed service packages for each of the target groups, from the array included below, to ensure that the right services are available based on population needs.

Pathways will offer the following services to directly prepare individuals for and support them in competitive work environments:



Pathways will also offer an array of ancillary services to provide key supports to enable individuals to be successful in employment situations:



Delaware will provide individuals with the option of hiring their own staff for the provision of personal care. Building upon current and historical experience, Delaware will provide the supports necessary for individuals to serve, at their election, as the employer of record for personal care attendants who will assist them in the workplace. Delaware believes this will provide a strong opportunity for individuals to take a leadership role in the provision of their services. Delaware will utilize existing relationships with two Vendor/Fiscal Employer Agents who will provide both fiscal management activities and information and assistance to support individuals. These entities are the same entities that provide such services for the Diamond State Health Plan Plus (DSHP Plus) program, ensuring seamless coordination for individuals enrolled in the Plus program served through Pathways as well.

Delaware will work to identify strategies for payment that will reward the completion of milestones and to tie payment to performance as the program evolves.

Program Administration and Quality Improvement

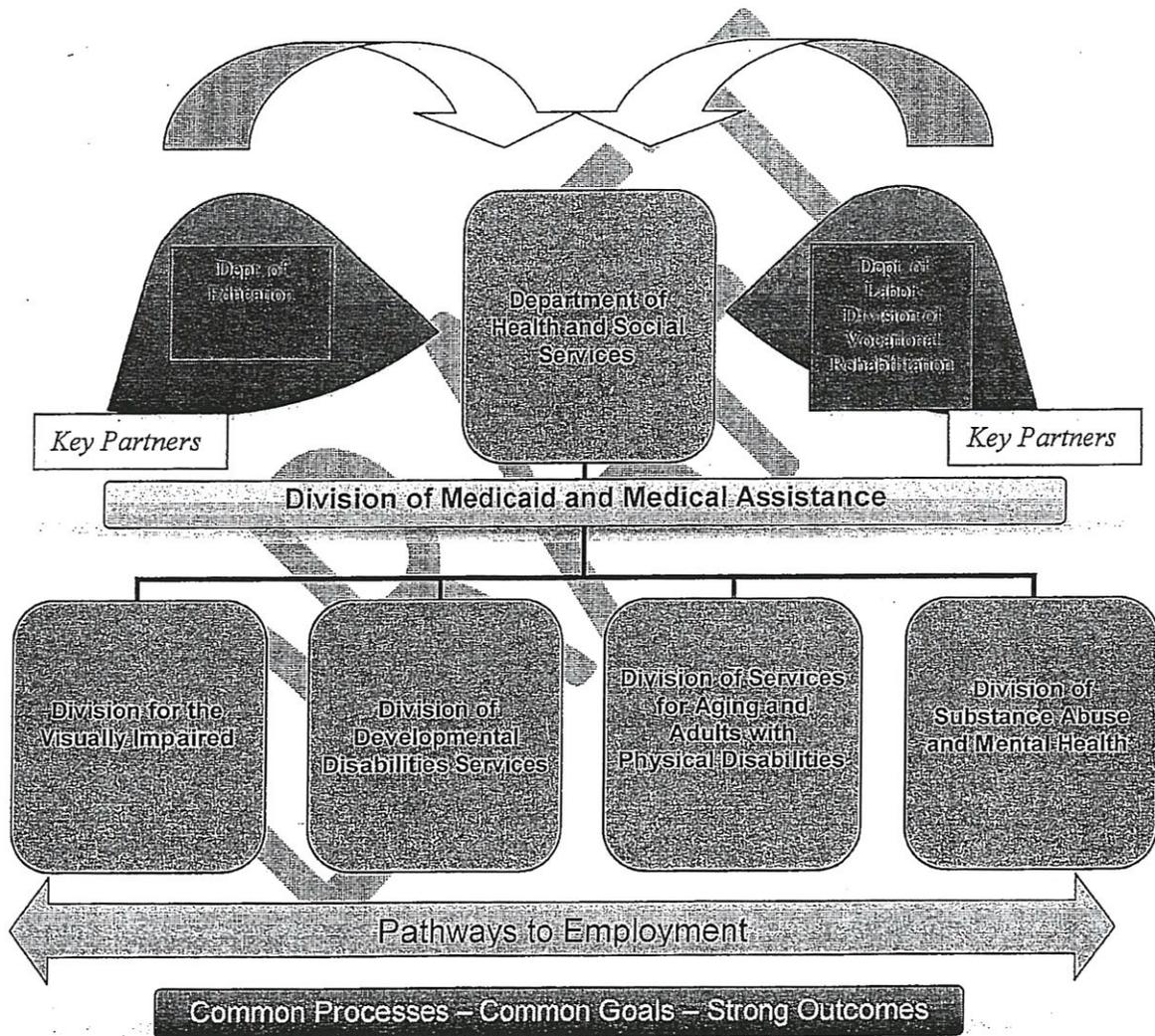
Pathways will be operated as a fee-for-service program administered by the DHSS, the Single State Medicaid Agency. The divisions noted below within DHSS will jointly administer the



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Medicaid & Medical Assistance

program. Using a standard evaluation, enrollment and assessment process, with tailoring for each of the target groups, to determine eligibility and to inform a person-centered care planning approach, DHSS will ensure consistency in operations for each of the target groups, while still maintaining the key expertise needed to effectively meet their needs. Through the established cross-division workgroup, which will provide ongoing oversight for the benefit, the divisions will ensure standards and quality for the administration of the Pathways to Employment program. These entities will also ensure ongoing quality improvement, measuring the efficacy of the overall systems and the effectiveness of individually tailored service strategies.



*DSAMH will operate their employment supports through a separate but similar Medicaid authority supporting all aspects of community living including employment, but the principles of Employment First and the supports available will be similar.

Using a person-centered approach to planning and service delivery, DHSS will utilize planning process that will:



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Medicaid & Medical Assistance

- Provide necessary support to ensure that the individual has a meaningful role in directing the process to the maximum extent possible, is able to make informed choices and decisions, and is able to make decisions regarding who is included in the planning process;
- Be timely and occur at times and locations of convenience to the individual;
- Reflect cultural considerations of the individual;
- Include strategies for solving conflict or disagreement within the process, including clear conflict of interest guidelines for all planning participants;
- Offer choices to the individual regarding the services and supports they receive and from whom; and
- Include a method for the individual to request updates to the plan (if needed in advance of annual updates).

Commensurate with the level of need of the individual and their respective target group, and the scope of services and supports available through Pathways, the person-centered plan will meet all requirements outlined in the proposed regulations for 1915(i)⁴, including that individuals receive services in settings that meet requirements for HCBS. The plan will provide an emphasis on the supports needed by the individual to successfully gain and maintain employment and to seek growth opportunities within their chosen work path.

Individuals performing the evaluation, assessment, and facilitating the person-centered planning process will be free from conflict. In limited circumstances where divisions of State government may also provide certain services, DHSS will establish both administrative firewalls and oversight strategies to ensure that there is no conflict or potential for conflict in the determination of eligibility for both the benefit and for the services offered under the 1915(i) SPA.

Delaware is committed to ensuring that Pathways helps transition age individuals to obtain and maintain jobs, based on their personal goals and preferences. To that end, in addition to the important performance measures related to program administration, fiscal accountability, service planning, qualified providers, and health and welfare, Delaware will explore measures to gauge the efficacy of the services being provided – with employment as the preferred outcome. Delaware will use all of the information gained through discovery to make systemic improvements to the program.

Delaware sees Pathways to Employment as a first steps on an ongoing journey to improve employment opportunities for individuals with disabilities. As the program matures and based on the outcomes we gather, Delaware will explore strategies to further encourage and reward successful employment arrangements and to serve additional individuals through Pathways.

Next Steps

Delaware has begun engagement with an array of stakeholders on the design and implementation of Pathways, and will continue to gather and incorporate the important feedback from those stakeholders. Delaware intends to submit the formal 1915(i) SPA to CMS early in 2014, aiming for a July 2014 effective date.

⁴ CMS 2249-P2

How It Works

You became eligible to participate in the Ticket to Work program when you started receiving SSDI or SSI benefits based on disability. Social Security no longer sends paper tickets in the mail, but don't worry-you don't need a paper Ticket to participate. Participation in the Ticket program is free and voluntary; if you decide to participate, you can contact any authorized employment service provider in your area to see if the services they offer are right for you. These providers, called Employment Networks (ENs), offer specialized services such as career counseling, vocational rehabilitation, and job placement and training. Feel free to talk with as many ENs as you would like to see what they have to offer! You may also receive services from your local vocational rehabilitation agency and then receive ongoing services from an EN.



View an Introduction to Ticket to Work in ASL

Who Qualifies?

Everyone age 18 through 64 who receives Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) benefits because of his or her disability is eligible to participate in the Ticket to Work program. Participation in the Ticket program is free and voluntary.

Social Security used to send paper tickets in the mail, but no longer does so. You don't need a paper Ticket to participate! Your eligibility will be verified by your service provider. You can also find out about your eligibility status by calling the Ticket to Work Help Line at 1-866-968-7842 (V) / 866-833-2967 (TTY).

Who Can Help Me Go to Work?

You can get the help you need from two types of providers, an Employment Network (EN) or your state's Vocational Rehabilitation agency (VR).

An Employment Network (EN) is under contract with Social Security to provide free services to beneficiaries under the Ticket program. Some ENs provide services in local communities, across a state or in multiple states, and some national ENs serve beneficiaries over the Internet and by phone. If you and an EN agree to work together, you will jointly develop an Individual Work Plan (IWP) that is just for you. The plan defines your employment goals and describes the specialized services the EN will provide or obtain to help you meet your goals. All ENs provide career counseling, job placement, and ongoing support services. Some provide additional services, so think about what your needs are as you search for a provider that best meets them. The Ticket to Work Help Line or the Find Help tool on this website can help you learn more about the ENs available to you.

You can also work with your State Vocational Rehabilitation (VR) agency. If they agree to take you on as a client, they also will work with you to develop an individual plan that will help you get a job. VR agencies often provide more significant types of rehabilitation or training services compared to an EN. If you need ongoing support and services after the VR agency closes your case, you can also then work with an EN to continue your progress toward financial independence.

It is your choice what type of service provider you wish to work with. Feel free to talk with as many service providers as you would like to learn what they have to offer!

Once you have decided what service provider is right for you, learn more about how you make progress in the Ticket to Work program.

Social Security Handbook



519. The Ticket to Work and Self-Sufficiency Program

519.1 What Is The Ticket To Work And Self-Sufficiency Program?

The Ticket to Work and Self-Sufficiency Program (Ticket to Work Program) is designed to give Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) disability or blindness beneficiaries more choices to obtain vocational rehabilitation (VR) and employment support services to begin working or to increase their earnings. Beneficiaries ages 18-65 are eligible for the Ticket to Work Program. Organizations called Employment Networks (ENs), consisting of private, nonprofit, and public organizations, including many State VR agencies, have agreements with SSA to provide services to assist beneficiaries in meeting their individual work goals.

519.2 How Does The Ticket To Work Program Work?

The Ticket gives eligible beneficiaries access to a network of ENs who can provide job training, career preparation, job placement and retention, and other employment support services at no cost to the beneficiary. SSA pays ENs for assisting individual beneficiaries in reaching certain monthly work-related milestones or outcomes that eventually eliminate financial dependence on SSDI and SSI benefits.

A beneficiary who wants to use his or her Ticket to return to work or increase earnings may contact an EN directly. ENs may also initiate contact with beneficiaries. When an EN and a beneficiary decide to work together, they must develop an individualized work plan outlining services and supports needed to achieve the beneficiary's vocational goal. The beneficiary's ticket is assigned when there is a signed work plan between the beneficiary and the EN and the beneficiary meets all Ticket regulation requirements. SSA will not conduct a continuing medical disability review while the beneficiary is using a Ticket with an EN or State VR agency as long as the beneficiary is making the expected progress.

VR agencies and ENs can both receive payment sequentially - VR under reimbursement and EN under the Ticket after VR closure. This is called Partnership Plus, and allows flexibility for increased collaboration among VR agencies and ENs.

519.3 For More Information About Ticket To Work

There are a variety of resources available on SSA's Work Site: <http://www.ssa.gov/work> for those who wish to learn more about the Ticket to Work Program. Beneficiaries may contact the Ticket Call Center by calling toll-free: 1-866-968-7842 (TTY 1-866-833-2967) for additional information. For a list of ENs in your geographic area, please visit the EN Directory on the web at <http://www.yourtickettowork.com/endir>.

519.4 Work Incentives Planning And Assistance And Protection And Advocacy

SSA has established cooperative agreements with community-based organizations called Work Incentives Planning and Assistance (WIPA) organizations to provide benefits planning and other assistance to SSA beneficiaries with disabilities. The goal of the WIPA program is to provide Social Security and SSI beneficiaries with disability-related support to achieve a work goal. WIPA projects assist beneficiaries to understand, and effectively use, work incentives. WIPA staff members, called Community Work Incentives Coordinators (CWICs), also assist beneficiaries to connect to vocational and financial supports. These supports include not only the SSA work incentives, but also services provided by ENs or State VR agencies, and a host of Federal, State, and local programs including Medicaid, housing, Food Stamps, etc. CWICs analyze a beneficiary's current benefit status, assist them to connect to needed supports, and follow the individual long-term as the beneficiary works towards economic self-sufficiency, or if that is not possible, improvement of the person's economic situation through earnings.

 The Protection and Advocacy for Beneficiaries of Social Security (PABSS) program was also authorized by the Ticket to Work legislation. In every State and U.S. territory, there is a designated Protection and Advocacy agency that receives Federal funding to provide advocacy services to individuals with disabilities. SSA provides grant funds to these agencies to administer the PABSS program. These agencies provide information and advice about vocational rehabilitation and employment services provided by ENs and State VR agencies. PABSS also provide systemic advocacy to improve available services or individual advocacy to assist beneficiaries to secure other related services that beneficiaries with disabilities need to secure or regain gainful employment. Both PABSS and WIPA services are free to individuals receiving SSDI or SSI benefits based on disability or blindness. A list of WIPA and PABSS grantees, with their contact information, is located in our Service Provider Directory at <https://secure.ssa.gov/apps10/oesp/providers.nsf/bystate>.

Last Revised: Aug. 8, 2011

DRAFT DDDS CLIENT EMPLOYER TAX CREDIT BILL
(BJH 2/17/13 DRAFT)

SPONSOR:

HOUSE OF REPRESENTATIVES/SENATE

147th GENERAL ASSEMBLY

HOUSE/SENATE BILL NO. -

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO DELAWARE TAX CREDITS.

BE IN ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 30 of the Delaware Code by making insertions as shown by underlining as follows:

Chapter 20B. Employer Tax Credit for Hiring Individuals with Developmental Disabilities.

§20B-100. Declaration of Purpose.

The purpose of this Act is to provide Delaware's employers an incentive to hire clients of the Division of Developmental Disabilities Services. Provision of a hiring incentive is intended to implement public policy established by §5503 of Title 16, §§740-747 of Title 7, and 7909A of Title 29 which promote meaningful employment in integrated work settings for individuals with developmental disabilities.

§20B-101. Definitions.

For purposes of this chapter:

- (1) "Gross wages" means that part of the sum reported on Form W-2, or equivalent form of the United States Department of Treasury, Internal Revenue Service as "Medicare wages and tips" that is attributable to Delaware sources.
- (2) "Qualified employee" means a client of the Division of Developmental Disabilities Services established by §7909A of Title 29 employed in an integrated setting as defined in §742(3) of Title 19.
- (3) "Qualified employer" means an employer located in Delaware which hires and employs one or more qualified employees.
- (4) "Secretary" means the Secretary of the Department of Finance as described in §8302 of Title 29.
- (5) "Sustained employment" means a period of employment that is not less than 185 days during the taxable year.

§20B-102 Credit for wages paid to qualified employee.

- (a) Subject to the limitations contained in §20B-103 of this title and to such return requirements as may be imposed by the State Bank Commissioner, the Insurance Commissioner, or the Secretary, qualified employers shall be eligible during the year in which a qualified employee is hired and for the 2 taxable years thereafter for credits against the taxes imposed by the following statutory provisions:
- (1) Chapter 11 of Title 5;
 - (2) Chapter 19 of this title;
 - (3) Chapter 11 of this title;
 - (4) Sections 702 and 703 of Title 18.
- (b) The amount of the credit against the tax shall equal 10%, but in no event exceed \$1,500, of the gross wages paid by the qualified employer to a qualified employee in the course of that employee's sustained employment during the taxable year.
- (c) To the extent a qualified employer's credits exceed the amounts otherwise due for the taxes and fees listed under §20B-102(a) of this title, such unused credits shall be paid to it in the nature of tax refunds.

§20A-104. Rules and Regulations.

The Director of Revenue is authorized to promulgate rules and regulations not inconsistent with this chapter and require such facts and information to be reported as the Director deems necessary for administration and enforcement of this chapter. No rule or regulation adopted pursuant to the authority granted in this section shall extend, modify or conflict with any law of this State or the reasonable implication thereof.

Section 2. This Act shall be effective for qualified employees hired on or after January 1, 2014.

SYNOPSIS

In 2012, enactment of H.B. No. 319 established the "Employment First Act" which promotes access to meaningful employment opportunities in integrated settings for individuals with disabilities. The percentage of clients of the Division of Developmental Disabilities employed in integrated settings has declined in recent years. This legislation is designed to offer an initial tax credit to employers as an incentive to hire Division clients. It is patterned on legislation enacted in 2012 (H.B. No. 275) which authorized a similar tax credit for employers hiring qualified veterans.