



**Andy Beshear**  
Governor

**Jamie Link**  
Education and Labor Cabinet Secretary

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## Public Policy Committee

Minutes  
May 15, 2025  
9:00am – 10:00am

### Attendees:

Council Chair, Katie Wolf Whaley, Justen Jeter, Allison Johnson, Andrew Johnson, and Jeff White

### Staff Attendees:

Nanci Howard, Kentucky Office of Rehabilitation (KYOVR) Administrator, Holly Hendricks, KYOVR Division Director and Anu Kumari, KYOVR Administrative Specialist Senior, Betty Whitaker, KYOVR Staff Assistant.

### Members Absent:

Diana Merzweiler, Cora McNabb, Luv Tesha Robertson, and Amy Luttrell

### Welcome:

Employment First Chair, Katie Wolf Whaley welcomed everyone to the meeting. The agenda was reviewed by all participants.

### Project NEON Update:

KYOVR Staff Assistant, Betty Whitaker provided an update on Project NEON ongoing activities.

Highlights:

## Customized Employment:

Ron O'Hair, KYOVR Supported Employment, Tricia Jones Parkin and Karen Lee, SME's, continue to work on the plan for Customized Employment. They are reviewing the current competencies created by ACRE (Association of Community Rehabilitation Educators) and documents about Customized Employment created by WINTAC. They have created a crosswalk between KY CE/ACRE/Best Practice. They will be moving into the process of creating the framework and recommending components of the curriculum in the next few weeks.

## Benefit Planning and Support:

Michael Dalto, SME, has met with the team of advocates, obtained lots of information about Tennessee's successful effort to create a robust Medicaid Buy-In Program, and enlisted Tennessee's primary advocate for their Buy-In, Robby Barbieri, to provide information about his research on other states' efforts as well, and to fund 3 hours of consulting from Annette Shea, the leading national expert on Medicaid Buy-In programs. Michael has a meeting scheduled with the advocates to identify precisely how they want Annette to assist the effort.

## *Upcoming Staff Trainings on Benefits Planning:*

Betty Whittaker reported on upcoming OVR staff trainings. Three sessions were scheduled as follows:

- Why on earth should I work my way off SSDI? – July 8<sup>th</sup>, 9:00am - 11:00am.
- HUD Rental Assistance Programs – July 15<sup>th</sup>, 9:00am - 12:00pm.
- Medicaid – July 22<sup>nd</sup>, 9:00am - 12:00pm.

These three trainings will be offered to all OVR staff, especially counselors and assistants who would benefit from a deeper understanding of the topics to better support consumers with benefits planning. Committee member, Jeff White connected with Jordan Griffin from Department for Medicaid Services regarding the trainings, which are currently under review at the state level.

## Order of Selection (OOS) Update:

An announcement regarding KYOVR's Order of Selection (OOS) was shared. Effective date May 14, 2025, KYOVR implemented Order of Selection and are temporarily closing

all priority categories. A formal notification is posted on the KYOVR [website](#) for interested stakeholders seeking additional information.

Key highlights included two public hearings:

- The first public hearing focused on the closure of categories.
- The second public hearing addressed priority category definitions and guidance from the Rehabilitation Services Administration.

Committee members were encouraged to provide any comments, recommendations or feedback pertaining to the implementation of the Order of Selection.

- There are currently three categories:
  - Priority Category 1: Eligible individuals with a most significant disability and that limits three (3) or more functional capacities.
  - Priority Category 2: Eligible individuals with a most significant disability that limits two (2) functional capacities.
  - Priority Category 3: Eligible individuals with a significant disability that limits one (1) functional capacity.
  - Priority Category 4: Eligible individuals with a non-significant disability.

Services would continue to be provided to individuals on the waitlist based on the existing priority category definitions.

- Current definitions of priority categories will remain in effect until revised definitions are formally implemented as part of the agency's ongoing efforts to redefine the priority categories.
- Individuals currently on the waitlist would remain in their originally assigned priority category to ensure that no applicant was inadvertently penalized by changes to the category definitions.
- Services would continue to be provided to individuals on the waitlist based on the existing priority category definitions.
- The agency is currently developing clear definitions for "individual with the most significant disability," "individual with a significant disability," and "individual with a non-significant disability," consistent with federal regulations.

## Committee Questions and Answers:

## **Is it possible for individuals to be removed from the waitlist before the definitions are finalized?”**

Yes, if the agency determines it has enough money to serve individuals off of the wait list.

## **“Will individuals begin to be moved off the waitlist based on the current definitions, particularly in regard to application versus eligibility?”**

The agency would proceed with serving individuals from the waitlist at the earliest opportunity, even if the new priority categories had not yet been finalized, reviewed, or approved.

## **“What is the current wait list and how much do you expect assuming this progress growth in applications?”**

There are approximately 880 individuals had been placed on the waitlist as of May 14<sup>th</sup>, 2025 and is expected to increase as applicants are determined eligible each month. These individuals had applied for services, had been determined eligible, but had not yet developed or implemented an Individualized Plan for Employment (IPE), On average, each caseload had around 10 individuals that were placed on the wait list that day.

**“Could you clarify whether the September or October timeframe pertains to movement on the waitlist, the opening of a service category, or the implementation of a policy change?”**

Agency and Cabinet leadership continues to meet monthly to track waitlist numbers’ progress and adjust projections as needed.

**"Does the requirement for multiple services imply that, in addition to supported employment, an individual would also need to receive other services such as rehabilitation technology, education, or similar supports to meet the criteria?"**

Guidance and counseling are considered baseline services. To meet the criteria for category one, individuals would need to require additional services.

**"If the federal standard for reimbursement to state agencies changes—particularly regarding the definition of 'most significant disability'—does the department plan to revise its definition to comply with the updated federal standard?"**

Relevant federal regulations are outlined in Title 34 of the Code of Federal Regulations (CFR), specifically in section 361.5, which contains the applicable definitions. Any time federal definitions change, OVR must ensure our definitions are reviewed to ensure they are not in conflict with federal definitions.

**“In defining the different disability categories, do you use predetermined criteria—such as aligning specific diagnoses with certain categories—and then count all individuals with those diagnoses as falling under that category?”**

No, classification within the Order of Selection was not determined by specific diagnoses, but rather by the unique impact of one or more disabilities on each individual.

- A state resource document was shown which is intended to provide additional resources to consumers who may need services beyond those provided by KYOVR.

**“How can the Employment First Council share information regarding OOS with individuals?”**

Council members should direct members of the public to the OVR website to ensure consistent and accurate information is shared.

**Once the full batch of draft language is prepared, will the definitions be submitted to RSA for approval first and then incorporated into the broader policy changes?**

RSA's involvement in the process has concluded. The agency will now proceed through the state's established process, which includes finalizing the definitions and releasing them for public comment.

**Will the definitions, along with the other proposed changes—such as the order of selection and eligibility criteria—be released for public comment as a single, consolidated package?**

The entire package will be included in the public comment process.

## **2025 Annual Report Recommendations**

It was recommended there be continued collaboration with Project NEON, specifically focusing on Medicaid buy-in and its relation to the 1115 amendment.

## **Additional Discussion:**

Committee members briefly discussed the positives regarding the Medicaid demonstration grant that will include community engagement and work requirements as it addresses the Medicaid expansion population.

## **Public Comment:**

No public comment addressed.

## **Adjournment:**

Council Chair, Katie Wolf Whaley thanked everyone for their contribution and adjourned the meeting.

## **Next Meeting:**

Date: July 17<sup>th</sup>, 2025

Time: 9:00am to 10:00am

Administrator: Nanci Howard

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