



**Kentucky Employment First Council**  
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Frankfort, KY 40601  
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**Andy Beshear**  
Governor

**Jamie Link**  
Secretary, Education and Labor Cabinet

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# Employment First Council Public Policy Committee Minutes

February 15, 2024  
9:00am (EST)

Zoom  
Meeting ID: 859 4707 5457

## Members Present

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Chair, Diana Merzweiler, Allison Johnson on behalf of Gretta Hylton, Jeff White, Katie Wolf Whaley, Amy Luttrell, Andrew Johnson, Cora McNabb and Leslie Hoffman.

## Members Absent

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None

## Staff Present

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Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Pepper Caudill and Division Director - Department of Workforce Development, Holly Hendricks.

## Staff Absent

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None

## Guest(s) Present

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Dr. Luv'Tesha Robertson.

## Welcome, Introductions and Agenda Review:

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Administrator, Nanci Howard welcomed everyone to the meeting and screen shared the agenda before turning the meeting over to Chair, Diana Merzweiler. Introductions were held for Allison Johnson who is newly attending the meeting on behalf of Council Member, Gretta Hylton.

## Project NEON Update

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Administrator, Nanci Howard provided a brief update of the 2024 Project NEON Award for the group. She explained that she was scheduled to further discuss and develop a plan for the 2024 Project NEON Award this upcoming Friday, February 16, 2024, and would have additional information to share with the group after that time. There was discussion whether the committee could develop a list of desired technical supports to go over with a Project NEON Subject Matter Expert (SME) later, and it was determined that this could be done if the committee chose to pursue this.

## Review of Public Policy Checklists

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Chair, Diana Merzweiler provided a brief history of her understanding of work that had been done by the committee during the 2024 year. Member, Andrew Johnson gave a debriefing of his review of the CIE State Policy Definitions pdf, which was screen shared with the committee. There was discussion of other states that have policy language which is consistent with Federal definitions and how this relates to Kentucky. It was decided that the recommendation of the Committee would be for Kentucky State to adopt the Federal definition of “competitive integrated employment”. Diana reminded the committee that they should have all recommendations queued up to deliver to Senator Carroll for the next legislative sessions. Diana stated that the committee would develop a full definition to be worked on via email amongst the committee members between now and their next meeting, resulting in a consensus at the next meeting to bring the fully developed definition to the Council for vote to bring forward to Senator Carroll. Diana stated she would work directly with Andrew to word smith a draft definition which would then be sent to Nanci for dissemination to the other committee members for additional edits. Member, Jeff White gave a debriefing of his review of the Policy Review Checklist for SCL which was screen shared to the group. There was discussion amongst the group regarding this matter and waiver services. Diana shared with the group an update of the Advocacy & Education Committee’s work which aligns with this matter. There was discussion regarding the challenges of dissemination of

resources that are developed. Diana requested that Jeff compile a list of the resources that have already been developed and provide that to Nanci for dissemination to the remainder of the committee. There was a brief discussion of whether fee structures are impacting provider capacity and if recommendations for revisions should be developed by the committee.

## **Future Policy Review Discussion and Suggestions for Additional Agencies to Review**

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Chair, Diana Merzweiler requested that committee members consider a list of agencies and programs that need to be reviewed this year and email those to Nanci. She also stated that the committee would review and discuss the OVR Provider Contract at the next meeting. The meeting ended.

## **Future Area of Focus**

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It was decided that the recommendation of the Committee would be for Kentucky State to adopt the Federal definition of “competitive integrated employment”. Diana reminded the committee that they should have all recommendations queued up to deliver to Senator Carroll for the next legislative sessions. Diana stated that the committee would develop a full definition to be worked on via email amongst the committee members between now and their next meeting, resulting in a consensus at the next meeting to bring the fully developed definition to the Council for vote to bring forward to Senator Carroll. Diana stated she would work directly with Andrew to word smith a draft definition which would then be sent to Nanci for dissemination to the other committee members for additional edits.

Diana requested that Jeff compile a list of the resources that have already been developed and provide that to Nanci for dissemination to the remainder of the committee.

Chair, Diana Merzweiler requested that committee members consider a list of agencies and programs that need to be reviewed this year and email those to Nanci.

The committee will review and discuss the OVR Provider Contract at the next meeting.

## **Next Meeting Date**

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Public Policy Committee

Thursday, March 21st, 2024

9:00am-10:00am EST

Employment First Council Quarterly Meeting

Friday, April 12th, 2024

1:00pm – 3:00pm

Hybrid Format

Location: TBD



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Governor

**Jamie Link**

Secretary, Education and Labor Cabinet

---

# Employment First Council Public Policy Committee Minutes

March 21, 2024

9:00am (EST)

Zoom

Meeting ID: 859 4707 5457

## Members Present

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Chair, Diana Merzweiler, Allison Johnson on behalf of Gretta Hylton, Jeff White, Katie Wolf Whaley, Amy Luttrell and Andrew Johnson.

## Members Absent

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Cora McNabb and Leslie Hoffman

## Staff Present

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Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Pepper Caudill and Division Director - Department of Workforce Development, Holly Hendricks.

## Staff Absent

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None

## Welcome, Introductions and Agenda Review:

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Administrator, Nanci Howard welcomed everyone to the meeting and gave a brief update on Project NEON. She explained that committee and council leadership support

was planned to be provided through the project as well as the development and implementation of an online customized training program. She said that the 300 awarded hours would also be used to investigate ways to incentivize provider capacity through development of an updated rate system. Further development of this information is projected to be shared with leadership and stakeholders through a future presentation.

## **Competitive Integrated Employment (CIE) Definition & Discussion**

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There was extensive discussion of the CIE definition that the committee would like to present for vote to the full council, to be recommended to the legislature for implementation, to align the state's verbiage with Federal definitions. There was additional discussion regarding the Rehabilitation Services Administration (RSA) FAQs pertaining to this matter. The committee decided to move forward with definition number one and recommended adding references to Work Innovation and Opportunity Act (WIOA) and revisions to the federal law citation in the opening paragraph.

## **Michelle P. Waiver Discussion**

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Member, Jeff White gave a brief review and recap of the Michelle P Waiver and discussion was held regarding this matter. He explained the challenges that are presently faced due to the unalignment between this waiver and the federal definition of competitive integrated employment as well as other issues arising from the language used in the waiver. He recommended aligning both the Michelle P and Supports for Community Living (SCL) waivers under the same regulation due to their similarities.

## **Future Policy Review Discussion and Suggestions for Additional Agencies to Review**

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Chair, Diana Merzweiler requested that committee members consider a list of agencies and programs that need to be reviewed this year and email those to Nanci. She also stated that the committee would review and discuss the OVR Provider Contract at the next meeting. The meeting ended.

## Future Area of Focus

---

There was extensive discussion of the CIE definition that the committee would like to present for vote to the full council, to be recommended to the legislature for implementation, to align the state's verbiage with Federal definitions. The committee decided to move forward with definition number one and recommended adding references to Work Innovation and Opportunity Act (WIOA) and revisions to the federal law citation in the opening paragraph.

Recommendation to align both Michelle P. and Supports for Community Living (SCL) waivers under the same regulation due to their similarities.

It was determined that only one volunteer was necessary to review the KYOVR Provider Contract and that this review would be discussed at the Committee's next meeting.

## Next Meeting Date

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Public Policy Committee

Thursday, May 16, 2024  
9:00am-10:00am EST

Employment First Council Quarterly Meeting  
Friday, April 12th, 2024  
1:00pm – 3:00pm  
Hybrid Format  
Location: TBD



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Secretary, Education and Labor Cabinet

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## Employment First Council Public Policy Minutes

May 16, 2024

9:00am

Zoom

Meeting ID: 859 4707 5457

### Members Present

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Chair, Diana Merzweiler, Jeff White, and Katie Wolf Whaley.

### Members Absent

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Gretta Hylton, Andrew Johnson, Amy Luttrell, Cora McNabb, and Leslie Hoffman.

### Staff Present

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Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Division Director - Department of Workforce Development, Holly Hendricks.

### Staff Absent

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None.

### Guest(s) Present

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None.

## Welcome, Introductions and Agenda Review:

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Chair, Diana Merzweiler, welcome everyone to the meeting. The agenda was reviewed by all participants.

## Project NEON Update

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KYOVR Administrator, Nanci Howard, provided a brief update on the work of Project NEON. She stated she is not involved with the Supported Employment/Customized Employment work regarding Project NEON but that she continually meets with Lead Subject Matter (SME) Expert, Karen Lee bi-weekly with Council Chair, Katie Wolf Whaley and KYOVR Executive Director, Cora McNabb, to touch base on important issues surrounding the work of the project. Council Chair and committee member, Katie Wolf Whaley, expanded on the work that Project NEON is doing with Supported Employment/Customized Employment. She announced that SME, Trisha Jones-Parkins, will potentially be provided a webinar series for providers later in 2024 and will be speaking at the Kentucky APSE in the fall as a keynote/session presenter. Discussion was had regarding customized employment training. Diana proposed the question if a milestone could be written into the provider contract to require attending the updated customized employment training. Katie stated it was a good question and that it has been mentioned before. Committee member, Jeff White, stated the current training is in depth and 'phenomenal' but that some individuals may need more, intensive training. He sees there may be some underutilization of the training from provider leadership. Katie Wolf Whaley stated she will be receiving additional staff on the Supported Employment Training Project and the hope is, in July, someone will be available to conduct administrative training for provider leadership.

## CIE Definition Update

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Diana Merzweiler announced the legislative recommendation to align the state definition with the federal definition was selected by the committee and approved at the April 14th council meeting. Steps were discussed on how to proceed with the recommendation. Guidance on how to proceed from KYOVR has not been received. Diana asked Katie and Nanci to check in with KYOVR Executive Director, Cora McNabb, and the Education and Labor Cabinet regarding how to proceed with getting the definition recommendation in the hands of legislators. Nanci Howard agreed to set up a meeting. Discussion was held regarding sending a letter. It was determined not to send a letter from the Council to legislators. KYOVR Director of Field Services, Holly

Hendricks, typed in the chat that she suggested draft from the committee to Cora to view. Katie will write a draft and send to Diana after meeting with the Council of State Governments representative, Andrew Johnson, to receive his input.

## **State and Federal Regulation Discussion**

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Diana Merzweiler began to discuss comparisons federal Medicaid law Kentucky Waiver policies and regulations. Council Chair and Committee member, Katie Wolf Whaley, provided clarification regarding what Karen Lee discussed during the meeting with herself and Diana. Committee meeting member, Jeff White, explained that before a waiver can come into existence, The Centers for Medicare and Medicaid Services on a federal level, must review and approve it. It was decided to table this discussion until Karen Lee can attend the next committee meeting to provide more clarification on how the committee should proceed.

## **Waiver Regulation Discussion**

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Chair, Diana Merzweiler began the Waiver regulation discussion. She stated Jeff White provided waiver policy reviews to the committee in the past. Discussion was held on how policies should be reviewed and recommendations from the committee pulled and presented to the full council. It was suggested the committee make recommendations to the full council for approval and add those to the annual report. Katie Wolf Whaley mentioned this was different than last report due to time restraints. Diana stated prior to the next meeting the committee could review the waiver policies presented by Jeff White and choose recommendations for the Council to include in the annual report. Jeff White stated he is currently reviewing and completing short term issues. Nanci Howard expressed review of the meeting with Karen Lee, Katie Wolf Whaley and Diana. She stated discussion was held during that meeting suggesting the committee make a set priority list of all policies and a list of who is responsible for which policy review. Diana stated she could reach out to everyone who conducted the review and ask them to rank which items might be higher on the list of recommendations than others. Jeff White suggested to formally ask those responsible for those policies to please consider making revisions.

## Next Meeting Dates

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### *Public Policy Committee*

Thursday, June 13, 2024

9:00am – 10:00am (EST)

### *Quarterly Council Meeting*

Friday, July 12, 2024

1:00pm – 3:00pm (EST)

Hybrid Format

Kentucky Transportation Cabinet

200 Mero Street, Conference Center

Frankfort, KY 40601



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## Employment First Council Public Policy Minutes

June 13, 2024  
9:00am  
Zoom

### Members Present

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Chair, Diana Merzweiler, Jeff White, Andrew Johnson, Amy Luttrell and Katie Wolf Whaley.

### Members Absent

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Gretta Hylton, Cora McNabb and Leslie Hoffman.

### Staff Present

---

Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Division Director - Department of Workforce Development, Holly Hendricks.

### Staff Absent

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None.

### Guest(s) Present

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Project NEON Subject Matter Expert, Karen Lee, Kentucky Department of Education, Allison Johnson.

## Welcome, Introductions and Agenda Review:

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Chair, Diana Merzweiler, welcome everyone to the meeting. The agenda was reviewed by all participants.

## Guidance on Following Strategic Plan/Project NEON Update

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Project NEON Lead Subject Expert, Karen Lee, provided an overview of Project NEON. She stated OVR applied for the Project NEON technical assistance grant and OVR has asked for multiple supports this year. She said NEON will support OVR by assisting with rate settings and looking at customized employment. Karen stated she continues to work with Ron O’Hair and his Supported Employment team and have met with them frequently. She announced this is a huge policy change, but she is pleased with the success of the working relationship. She then announced that she has met with each committee chair. She continued to announce that the Employer Education and Engagement Committee was assigned a new SME named Steve Blanks who is the Director of Partnerships at SEEC. As part of the committee’s work, they will be hosting three, two-hour webinar on how providers can speak to employers. It will begin June 20th. She suggested Allison Johnson send information about the webinar series to educators as well so they may benefit from attending. Karen then stated the Provider Capacity committee has developed a capacity map. She asked if leadership from OVR and DDID have met. Nanci Howard said they had not met. Karen encouraged that partnership. Jeff White and Karen Lee began a discussion about Medicaid. She said she also met with the Advocacy and Education committee who have created an Employment First document. However, there is a document available that was approved by the council.

Chair, Diana Merzweiler, told Karen it was a great Segway into the specifics of the Public Policy committee’s work. She stated she met with Karen, Nanci and Katie for guidance and support. Diana asked Karen how the committee should proceed moving forward with the recommendations to Medicaid. Karen provided some background information and feedback. Karen stated that waivers must be renewed every five years by law. She held discussion regarding the Access Rule that requires Medicaid be more open about their processes and how they receive feedback. She stated not every state has followed this. There were a lot of opportunities for input for states. But Kentucky Medicaid writes it and gets input. She said any time you open a law, everything in the law is open for discussion and the same thing are true for the waivers. When they open waivers for changing rates for example, they must receive public comment. The committee might

have an opportunity to make recommendations at that time. She stated this would be an opportunity for the Council to make a wish list of recommendations they would like to have ready for public comments. Karen said the committee can write the letter with their recommendations. Diana Merzweiler asked if the committee sends a letter to another entity, would that letter have to be agreed upon by the full council. Katie informed the committee there is a representative from Medicaid who serves on the Council and asked if there was someone other than that individual that the letter would go to? Diana asked if she was in a decision-making role. Jeff White confirmed. Katie suggested this topic be an agenda item and to let the Medicaid representative know of the recommendations ahead of time. Jeff White said that he has been meeting with Medicaid on a regular basis and the same documents the committee has regarding the review, they have. He said he thinks it would be helpful if there was communication from the Employment First Council to make recommendations during their next amendment. He said one recommendation could be to make Supported Employment a priority. Katie Wolf Whaley suggested at the July meeting that Diana mention to the full Council that the committee would like to be prepared to present those recommendations and ask for additional members who may like to participate in those discussions. Jeff White said he would contact Deputy Commissioner of Medicaid, Leslie Hoffman, who serves on the Council, to discuss how she would like to approach those discussions. Karen suggested to come up with a “wish list” of recommendations. She suggested using a chart form listing the policy types and “wish list” for each and then schedule them for when those policies would be renewed. She believes this would be a great strategy for the committee.

## **CIE Definition Update**

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Katie Wolf Whaley informed the committee that Executive Director of Vocational Rehabilitation, Cora McNabb, Administrator, Nanci Howard, and the Executive Director of Legislative Services, Jordan Jones, met prior to the committee meeting to discuss the recommendation that the state definition align with the federal definition. Katie said Jordan is the person who will navigate the discussion with Senator Danny Carroll who sponsored the Employment First legislation. The recommendation is coming from the Council and should be moving forward throughout the summer.

## **Identified Barriers from 2023 Policy Review**

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Katie Wolf Whaley said she looked over the reviews that individuals on the committee had submitted last year. She said questions were answered on the form that was

created from NEON and how those policies align with Employment First. She said if the committee could create something to share that people could use as a tool to help eliminate barriers to employment that would be helpful. She stated these are more tools than policy changes. Chair, Diana Merzweiler asked if the case manager would be the one to bring that up since they are the coordinator of all services. Katie Wolf Whaley said the case managers are trained in the new orientation on Supported Employment but that there is only 11% of people on the waiver that are working. She further said this is according to the NCI data report and shows that not a lot of case managers are talking about employment. She said whether it is a policy issue, or a training issue is the question. She informed the committee one of the charges of the Council is to collect data on increasing competitive integrated employment. She informed the committee there is no state data collection system that collects all the publicly funded supports for people with disabilities. KYOVR Assistant Director of Field Services, mentioned KYSTATS and data collection between agencies in the chat. Andrew Johnson said he had a meeting with KYSTATS about and they have some information and he said he would share this with the committee. Amy Luttrell, KYSTATS typically ask for funding but praised them for the work they do. She said that is something the committee investigate. Project NEON Lead Subject Matter Expert, Karen Lee, stated the best source of data collection are tied to funding and to get the funding you must document something. She stated Washington State gets funded based on turning in their data. She said Maryland collects two weeks of data at a time. Jeff White stated there is 48% of participants in waiver funding who want to work. Katie Wolf Whaley shared statistics from the NCI data. She stated there are only 11% of individuals with developmental and intellectual disabilities are working, 45% want to work and 15% of say they want to work who are unemployed have it written in their plan. Katie then announced there will be changes in OVR's Supported Employment rates on August 1st and that waiver rates will increase. Those changes may shift some things that were written up in reviews, she said.

## **Kentucky Department of Education IEP Guidance Document/Grant Discussion**

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She then held discussion regarding the IEP guidance document and the Disability Innovation Grant (DIF) Grant. She stated there would be some staff development associated with the grant. The IEP guidance gets updated annually. Diana Merzweiler suggested getting in touch with the ARC Chair in the schools. Allison Johnson provided some information on the plan moving forward with the DIF Grant. She stated KDE staff are working on improving the language of the IEP guidance document and that the

second piece would be the Transition 360 for educators. She informed the committee this would be 5-year program. Allison continued to state that KDE is in the process of developing online training modules and information. The modules would cover transition planning, etc. for all students. She informed the committee the training modules should be available September 1st. Allison said along with the curriculum, KDE is developing additional resources such as a planning tool. She then announced that KDE is working closely with the Centers for Independent Living Working and the Office of Vocational Rehabilitation to support educators. She then stated the IEP guidance document changes annually. However, the document is revised with major changes every two years. There is a curriculum committee she said. Allison stated the agency is not building from scratch. She said TACE from Utah is involved as well. Karen Lee suggested getting OVR and DDID at the table for discussions. Allison Johnson stated the DIF Grant consists of building those partnerships and is in the planning stages. Allison stated she is open to have a conversation with Karen Lee regarding the DIF grant.

## **Next Meeting Dates**

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### *Public Policy Committee*

Thursday, August 15, 2024

9:00am – 10:00am (EST)

### *Quarterly Council Meeting*

Friday, July 12, 2024

1:00pm – 3:00pm (EST)

Hybrid Format

Kentucky Transportation Cabinet

200 Mero Street, Conference Center

Frankfort, KY 40601



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Governor

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Secretary, Education and Labor Cabinet

---

# Employment First Council

## Public Policy Minutes

August 15, 2024

9:00am

Zoom

Meeting ID: 859 4707 5457

### Members Present

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Chair, Diana Merzweiler, Jeff White, Andrew Johnson, Allison Johnson, and Katie Wolf Whaley.

### Members Absent

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Gretta Hylton, Cora McNabb, Dr. Luv'Tesha Robertson, Amy Lutrell, and Leslie Hoffman.

### Staff Present

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Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Division Director - Department of Workforce Development, Holly Hendricks and Administrative Specialist Senior, Anu Kumari.

### Staff Absent

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None.

### Guest(s) Present

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None.

## Welcome

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Administrator, Nanci Howard, welcomed everyone to the meeting and provided a brief update on the Project NEON (National Expansion on Employment Opportunities Network).

## Project NEON Update

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Administrator Nanci Howard provided an update on the Neon Project and mentioned the Employment First Council's third part of the webinar series, "Enhancing Employer Engagement", presented by Subject Matter Expert, Steve Blanks will occur the same day, August 15th, 2024, and will begin promptly at 10:00am Nanci Howard stated she would send the registration link to those interested if they have not already registered.

Nanci Howard provided registration links and recordings for previous parts I and II are available on the Employment First section of the website.

## Announcements

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Chair, Diana Merzweiler welcomed everyone. Introductions were held. The agenda was reviewed by all participants. Administrator, Nanci Howard provided an introduction of new employee, Anu Kumari, who will assist with Employment First Council duties and correspondence.

## Legislative Liaison Update

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Administrator, Nanci Howard announced the committee's recommendation to align the state definition of competitive integrated employment (CIE) with the federal definition is making progress. Ms. Howard stated that on August 6<sup>th</sup>, Jordan Jones, Executive Director of Legislative Services for the Kentucky Education and Labor Cabinet, contacted her via email asking for a short explanation on the definition of CIE and why changes were requested. A brief two-sentence description was submitted and approved by the legislative liaison and KYOVR Executive Director Cora McNabb.

Chair of the Council and committee member, Katie Wolf Whaley, asked to view the description.

## Medicaid Policy Update

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Committee Member, Jeff White provided an update on Medicaid CMS policy changes and public comments on waiver application changes focusing on rate structure changes.

Changes include definitions for competitive employment and restructuring regulations for adult day training and supported employment. SCL. And Michelle P. for carrier development and submitted regulation for supported employment.

It was recommended by the committee that a draft letter be written to Medicaid expressing support for rate increases and to encourage them to finalize their rate setting.

Council chair, Katie Wolf Whaley will draft a letter commending Medicaid for the rate increases and encouraging finalization.

## Vocational Rehabilitation Policy Review

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Discussion was held regarding VR policy review.

Vocational Rehabilitation Division Director, Holly Hendricks informed the committee that the agency consistently updates and reviews policy daily and agreed to provide regular updates on VR policies in future meetings.

## Kentucky Department of Education (KDE) Policy Review

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Committee Member, Allison Johnson provided insight on the review process for special education guidance documents.

The committee discussed the importance of focusing on the "Guidance for Individual Education Program (IEP) Transition Services" document.

The committee discussed the importance of ensuring Employment First priorities are included in these guidance documents.

The committee discussed about Transition 360 curriculum and how it can be relevant to Employment First.

Allison Johnson stated she will share any proposed changes with the committee for review.

Council Chair, Katie Wolf Whaley suggested reviewing Kentucky Department of Education (KDE) policies and guidance documents to identify any areas that may need changes to align with the Employment First mission.

## **Statewide Council for VR Advisory Council Request**

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Chair, Diana Merzweiler suggested inviting fellow council member, David Allgood, a member of the Statewide Council for Vocational Rehabilitation Council, to provide an update on their work during a future full council meeting.

## **1915(i) Waiver Update**

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Committee Member, Jeff White provided an update on the 1915(l)-waiver application to CMS, which includes services for individuals with serious mental illness and substance use disorders.

The waiver aims to extend funding for IPS supported employment and supported education.

The target implementation date is January 1, 2025, pending CMS approval.

## **2023 Policy Review**

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The committee discussed other key policies that might be crucial for Employment First mission.

Committee Member, Jeff White mentioned the need for changes in the payment structure for long-term employment supports

## **Remote Service Delivery**

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Council Chair, Katie Wolf Whaley asked if there are any standards or guidelines for remote service delivery. In response to her question, committee member, Jeff White, mentioned the use of assistive technology devices and the need for safety considerations. The need for standardized expectations for remote service delivery was discussed.

## Public Comments and Additional Discussion

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The committee emphasized the importance of collaboration and aligning efforts across different groups to facilitate faster change.

The committee agreed to have the Executive Committee review the draft letter for Medicaid with a deadline of September 19, 2024

## Agenda Items for Next Meeting

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Vocational Rehabilitation Division Director, Holly Hendricks will provide regular updates on VR policy changes and provide feedback on potential changes.

Council chair, Katie Wolf Whaley will draft a letter commending Medicaid for the rate increases and encouraging finalization.

Council Member, Jeff White will continue to update the committee on Medicaid policy changes and on the progression of the 1915(I) Medicaid waiver application and provide support as needed.

Council Member, Allison Johnson will share information to KDE staff regarding IEP guidance document changes.

## Adjournment

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Chair, Diana Merzweiler thanked everyone for their contribution and adjourned the meeting with a reminder of the next meeting date.

## Highlights

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Introduction of new staff member Anu Kumari.

Progress update on resources project NEON and Medicaid policy.

Detailed Kentucky Departments of Education discussion updates.

Medicaid letter review with a deadline for Executive Committee review the draft.

Next meeting scheduled for November 21, 2024

## Next Meeting Dates

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### *Public Policy Committee*

September 19, 2024

9:00am – 10:00am (EST)

### *Quarterly Council Meeting*

Friday, October 11, 2024

1:00pm – 3:00pm (EST)

Hybrid Format

Kentucky Transportation Cabinet

200 Mero Street, Conference Center

Frankfort, KY 40601



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## Employment First Council Public Policy Minutes

September 19, 2024  
9:00am  
Zoom  
Meeting ID: 859 4707 5457

### Members Present

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Chair, Diana Merzweiler, Jeff White, Andrew Johnson, and Allison Johnson

### Members Absent

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Council Chair, Katie Wolf Whaley, Gretta Hylton, Cora McNabb, Dr. Luv'Tesha Robertson, Susan Brown, Amy Lutrell, and Leslie Hoffman.

### Staff Present

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Nanci Howard, Holly Hendricks and Anu Kumari

### Staff Absent

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None.

### Guest(s) Present

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None

## Welcome

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Administrator, Nanci Howard, and Chair, Diana Merzweiler welcomed everyone to the meeting. Nanci Howard provided an update on Project NEON (National Expansion on Employment Opportunities Network).

## Project NEON Update

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Administrator, Nanci Howard provided an update on Project NEON, which officially ended on August 31st. While there are no current updates, Nanci acknowledged the success of the Employment First Council's third part of the webinar series, "Enhancing Employer Engagement," presented by Subject Matter Expert, Steve. She highlighted Project NEON in terms of its impact on supported employment. She also provided an update on the recommendations, mentioning that it is on the priority list for the Cabinet.

### *NEON's Assistance*

Council member, Jeff White emphasized the significant role of Project NEON in the Collaboration with OVR to develop new rate and rate structure and the positive impact it would have on employment in Kentucky.

### *Compensation for Providers*

Council member, Jeff White highlighted that previously, providers who delivered quality services but did not achieve a positive outcome received no compensation. He explained that the new structure ensures providers are compensated for their efforts, regardless of the outcome. There is ongoing confusion among providers, with many expecting negative repercussions, but reassurances were given that the new system is beneficial, he stated.

Jeff mentioned that marketing and recruitment are now essential to expand the provider base, as the new rate structure allows for sustainable service provision. He acknowledged some fear among providers regarding the changes but expressed confidence that these concerns can be addressed through education and support.

### *Impact of NEON Involvement*

Council member, Jeff White noted that Project NEON assistance was crucial in making the new rate structure a reality. He mentioned that this has been a long-term goal for KYOVR Supported Employment Branch Manager, Ron O' Hair, and Project NEON involvement was pivotal in achieving it. He shared personal experiences of guiding providers through the new process and emphasizing the opportunity to deliver quality services without the risk of going out of business.

Chair, Diana Merzweiler emphasized the importance of discussing the assistance provided by Project NEON in developing new rates and rate structures for Employment First services in Kentucky. She noted that previously, providers could not receive compensation for quality services without positive outcomes, but that has changed, which could significantly impact employment services. She expressed confidence that the involvement of Project NEON was key to achieving this change, and the committee members agreed to highlight about the rate structure in their report, emphasizing the need for meaningful recommendations to the cabinet and legislators.

She discussed about the importance of celebrating the success of the Project NEON while also addressing the need for adequate training for providers to implement the new rate structure effectively.

### *Future Collaboration with NEON*

Council member, Jeff White discussed with committee members the potential for future collaboration with Project NEON. He suggested developing a comprehensive memo of understanding Vocational Rehabilitation between BHDID, that includes various stakeholders, such as the Department of Education, and guardianship systems, to clarify roles in promoting Employment First. He emphasized the importance of ensuring that all parties understand their responsibilities and the need for a comprehensive memo to promote Employment First across Kentucky, highlighting the importance of collaboration among various organizations. The committee members agreed to keep the recommendation general, seeking assistance from multiple sources rather than focusing on Project NEON. Chair, Diana Merzweiler inquired about project NEON funding approach, wondering if they seek long-term partnerships or prefer to work with different states. Council member, Jeff White responded optimistically, expressing confidence that Project NEON would continue to support Kentucky given the progress made.

The committee members agreed to include a recommendation in their report to seek future funding and partnerships with Project NEON and other organizations.

## **Medicaid Policy Update**

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Administrator Nanci Howard shared a comment letter that was approved regarding proposed waiver changes on September 13, 2024. Council member Jeff White highlighted that these changes primarily relate to rates as ARPA funding is set to expire on December 31, 2024. He noted that this was the first-rate study completed in Kentucky, a requirement by CMS. Mr. White briefly explained the importance of the letter, which includes support for the proposed changes and emphasizes the need for Medicaid to play a stronger role in funding employment services. He pointed out that Medicaid currently spends significantly less on supported employment compared to other programs, which do not promote competitive integrated employment.

Mr. White also introduced a new waiver which allows individuals receiving Medicaid through managed care to access extended services after obtaining employment through IPS funding. This waiver aims to provide necessary support to maintain employment and prevent individuals from cycling back into the system. He emphasized the importance of the waiver in broadening access to services for individuals with diverse needs, ensuring they receive the necessary support to maintain employment and achieve long-term stability.

## **KDE Policy Update**

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Allison Johnson provided an update on the Kentucky Department of Education (KDE) and the IEP guidance document, indicating that the team is open to feedback from the committee on incorporating Employment First principles. She also mentioned the development of online modules for educators focused on Employment First and expressed her interest in collaborating with committee members to create relevant resources.

Chair Diana Merzweiler discussed the timeline for providing recommendations, with Allison Johnson aiming to have input ready by the end of the school year in May 2025. Chair Merzweiler agreed to collaborate with the committee to ensure that educators receive the necessary information about Employment First and competitive integrated employment.

Chair Merzweiler also plans to reach out to Chair Amanda Owen to collaborate on creating a module for their project. Nanci Howard noted that there are resources for educators available on their website, which the committee is collecting, and she provided a link for reference.

### *Transition Services*

Chair Diana Merzweiler asked Allison Johnson to provide a timeline for completing the Transition document, suggesting that it be reviewed at the November or December meeting. She expressed a desire to start analyzing basic documents related to the Transition process. Allison Johnson responded by highlighting the comprehensive IEP guidance document, specifically noting the post-secondary Transition section on page 59. Allison also provided a LINK for reference. She mentioned that this document is considered essential for educators in Kentucky when planning for Transitions.

Chair, Diana Merzweiler announced the Public Policy Committee will collaborate with KDE and submit recommendations by March 1, 2025. The committee members express agreed with this timeline and acknowledges the strong committee's efforts.

### **Vocational Rehabilitation Update**

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Vocational Rehabilitation Director of Field Services, Holly Hendricks provided an update on the rehabilitation aspect, noting that policies are being updated on a rolling basis. She mentioned that VR is focusing on supported employment guidance and is seeking feedback from the committee on its effectiveness. Holly emphasized the importance of assessing the new guidance and welcomed input from providers who may encounter issues. She noted that while there are no current policy assessments, they are working on updating forms and processes. She offered to share relevant documents from their shared drive to help the committee members better understand the new fee structure and processes, and she agreed to provide these documents to the committee members.

Council member, Jeff White mentioned that the Provider Capacity Committee is waiting for guidance to develop a policy workbook aimed at helping both new and existing providers understand supported employment. Vocational Rehabilitation Director of Field Services, Holly Hendricks acknowledges the need for tools to assist providers in meeting regulatory requirements and expresses interest in developing resources for new providers.

## Public Comments and Additional Discussion

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Administrator, Nanci Howard reminded the committee of the October 1, 2024. deadline for submitting their sections of the Annual Report. She shared a sample draft of the Annual Report layout and content, inviting feedback from the committee members. She mentioned that draft includes a cover page, mission statement, accomplishments, and future steps and links to relevant resources. She emphasized the importance of addressing the council's charge in the report and mentioned the inclusion of policy recommendations. She also discussed the training resources developed for families and the outreach activities conducted by council members. She expresses her gratitude for the committee members hard work, and Nanci Howard encouraged them to provide input for the report.

## Action Items

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Chair, Diana Merzweiler will review the Annual Report and provide any additional recommendations or suggestions and send to final recommendation for the committee's sections of the Annual Report to Administrator, Nanci Howard by September 27th ,2024.

Administrator, Nanci Howard will share the draft Annual Report with the committee member for review and Suggestion.

Vocational Rehabilitation Division Director, Holly Hendricks and Council Chair, Jeff White will provide updates on input and information for their sections of the report.

Additional Staff, Allison Jonson will Collaborate with the Advocacy and Education Committee to develop a module on employment first for educators.

Council Member, Jeff White will collaborate with Nanci Howard to develop the section on Vocational Rehabilitation for the Annual Report.

The Committee Members will review the Annual Report and provide any final edits or changes by the specified deadline October 1st ,2024.

Administrative Specialist Senior, Anu Kumari will submit the minutes by September 24,2024 for final review.

## Adjournment

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Chair, Diana Merzweiler and Administrator, Nanci Howard thanked everyone for their contribution and adjourned the meeting with a reminder of the next meeting date.

## Next Meeting Dates

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### *Public Policy Committee*

November 21, 2024

9:00am – 10:00am (EST)

### *Quarterly Council Meeting*

Friday, October 11, 2024

1:00pm – 3:00pm (EST)

Hybrid Format

Kentucky Transportation Cabinet

200 Mero Street, Conference Center

Frankfort, KY 40601

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# Employment First Council

## Public Policy Minutes

November 21, 2024

9:00am

Zoom

Meeting ID: 859 4707 5457

### Members Present

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Chair, Diana Merzweiler, Council Chair, Katie Wolf Whaley, Jeff White, Andrew Johnson, and Amy Luttrell, and Allison Johnson

### Members Absent

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Gretta Hylton, Cora McNabb, Dr. Luv'Tesha Robertson, Amy Luttrell, and Leslie Hoffman

### Staff Present

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Nanci Howard and Anu Kumari

### Staff Absent

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Holly Hendricks

### Guest(s) Present

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None

## Welcome

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Administrator, Nanci Howard and Chair, Diana Merzweiler welcomed everyone to the meeting. The agenda was reviewed by all participants.

## Annual Report Update

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Administrator Nanci Howard announced that the Annual Report is currently with the Cabinet and progressing well. She shared that she had received feedback from legal regarding the report and had made the necessary changes. The report was submitted on October 30th, and despite some delays caused by staff changes, it is moving smoothly through the approval process with minimal issues.

## Project NEON

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Administrator, Nanci Howard provided an update on the National Expansion on Employment Opportunities Network (Project NEON). She announced that the Project NEON application was submitted on November 6th, 2024, and the agency has requested the maximum 300 hours of technical assistance. She announced this would be the third consecutive year the agency has applied for the grant and the chosen Core States will be announced on November 27th, 2024. She stated the application included language to continue existing projects as well as the development and implementation of new projects involving benefits counseling. Language in the application consisted of the development of an extensive MOU between multiple state agencies as well. Chair Diana Merzweiler asked if there are other opportunities with other organizations for technical assistance where they could assist with goals. Nanci Howard stated, she hopes the development of the MOU could assist with that. Chair of the Council, Katie Wolf Whaley suggested holding this conversation until after November 27th and seek out additional assistance, if needed. Diana asked when the MOU could be developed. Council member Jeff White, stated, it could take some time, but stressed the MOU needs to be comprehensive and might require moving in stages. Diana suggested the committee be involved in the stages. Katie agreed there should be clear leadership on the development of the MOU but is unsure as to what that will look like. Diana suggested this be a project for the committee in 2025.

## CIE Definition Legislation Update

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Administrator Nanci Howard provided a legislative update, noting that while there were no new developments, the issue remained a priority on the cabinet's list. Nanci Howard will be following up with McNabb Cora to gather information about preliminary committee meetings in preparation for the upcoming legislative session. Nanci agreed to do so and provide update the committee via email.

Council member, Jeff White provided an update on the definition of competitive integrated employment, stating that it had been included in all Medicaid waiver definitions, including the new I waiver. He stressed it is subject to change and is in all the draft regulations. Chair Diana Merzweiler asked for a projected date for finalizing regulations. Jeff White mentioned that the goal is to achieve approval by July 1st but it is uncertain. Committee Chair, Diana, asked when the comment period occurs. Katie Wolf Whaley confirmed the Employment First Council Executive Committee can make comments on behalf of the Council should the Public Policy Committee members not meet before the comment period ends.

## Kentucky Department of Education (KDE) Policy Review

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Council Member, Allison Johnson provided the update on behalf of KDE. Chair Diana Merzweiler underscored the significance of the transition section, particularly page 97, and asked Allison to clarify the goals of the KDE concerning transition and the Guidance Document. Allison Johnson explained that the guidance document ensures compliance with regulations and laws under the IEP, while the modules being developed aim to include best practices that extend beyond compliance which are directed towards Educators. Allison stated the modules would beginning within the next week. She said yes, while those transition resources are included in the IEP Guidance Document, the modules will extend beyond those compliance pieces to include best practices. She expressed openness to collaborating with the committee to create a module focused on Employment First principles. Allison stated if there is language suggested for the IEP Guidance Document from the committee, she would take the suggestions back to the team for their review.

Chair, Diana Merzweiler proposed forming a small group to outline the module and bring it back for discussion at the December meeting. Council Chair, Katie, stated she would be interested in participating on the workgroup. Allison Johnson confirmed, and she could share planning documents to ensure consistency across the modules.

Allison Johnson shared that she could provide a general outline of the modules, which currently number around 28 modules across six units, with each module designed to be standalone and no longer than 90 minutes but each chunk of time is 30 minutes. The modules are very broad, introductory baseline information, she explained. Allison suggested “Employment First” be located in the first 90-minute block as an introductory module. Allison suggested to the committee that it would be appropriate to include Employment First resources on page 95 of the IEP Guidance Document. No further discussion regarding the module and IEP Guidance Document.

## **Office of Vocational Rehab Policy Review and Updates**

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Administrator Nanci Howard provided an update on behalf of KYOVR Division Director, Holly Hendricks. It was noted that OVR is not updating policies at this time but is instead working on internal procedures. Chair Diana Merzweiler emphasized the importance of keeping OVR updates on the radar to ensure future opportunities for input are recognized.

## **2025 Annual Report Recommendations**

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Administrator Nanci Howard reflected on the process of finalizing the 2024 report, noting that it went smoothly with ample feedback from council members specifically Jeff White and Katie’s contributions. She stated she felt the report is an accurate reflection of the Council’s work in 2024. She and Council Chair Katie Wolf Whaley plan to maintain a running list of recommendations for the 2025 Annual Report to further streamline the process. They will discuss this list bi-weekly.

Nanci stated that the report will need to be made accessible before it is distributed to the public. Once the final document is received by the Cabinet and converted into an accessible document, the report will be ready for distribution.

Council Chair, Katie Wolf Whaley also noted the committee’s prior work with VR regarding CRPs, particularly on policies related to funding and increasing quality. This will be in next year’s report and mentioned it to ensure this topic stays on the radar for the 2025 Annual Report. Administrator, Nanci Howard stated that the report is due to the Governor's office and the LRC by December 1, as mandated by legislation.

## Medicaid Eligibility

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Council member, Jeff White raised a significant issue regarding Medicaid eligibility, specifically highlighting a discrepancy between modified adjusted gross income eligibility for Medicaid and waiver income limits for individuals receiving SSDI who work above the substantial gainful activity (SGA) threshold. Jeff noted that many individuals are losing their eligibility for Social Security and Medicare due to exceeding the SGA limit, despite being below the income limit for waiver services. He pointed out the gap between SGA and waiver service eligibility, especially for Michelle P. and SCL waivers, where individuals are losing waiver services despite still qualifying under income limits. Jeff stated there is about an \$800 gap between SGA and income level for Michelle P. and larger gap for SCL. He mentioned the Medicaid buy-in program and stated it was intended to be a work incentive in Kentucky. Diana asked if these issues should be addressed in the upcoming Medicaid regulations open for public comment. Jeff mentioned it is a recent development that has surfaced and felt it might be premature to determine the best approach. He stated many individuals are compelled to quit work due to the eligibility discrepancy. Council Chair, Katie Wolf Whaley, asked how this committee or the Council could assist with the issue. Jeff White stated this could be an Employment First barrier if something is not resolved. He then stated there have been meetings between the Center for Accessible Living, the Commissioner and Cabinet Secretary who are all aware of the eligibility concern. Council member, Amy Luttrell asked if Jeff has resources to share with her regarding the Medicaid Buy-In in Kentucky. He stated he would send a resource document to her for her review. Committee members acknowledged the importance of addressing these issues, especially given current legislative interest.

Chair Diana Merzweiler agreed that these eligibility concerns should be prioritized on the committee's agenda. Jeff White was asked to share the resource document with Nanci Howard for distribution to committee members, pending approval.

## Public Comment

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None.

## Adjournment

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Chair, Diana Merzweiler thanked everyone for their contribution and adjourned the meeting with a reminder of the next meeting date.

## Next Meeting Dates

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### *Public Policy Committee*

December 19, 2024

9:00am – 10:00am (EST)

### *Quarterly Council Meeting*

TBD



**Kentucky Employment First Council**  
500 Mero Street, 4th Floor NE  
Frankfort, KY 40601  
Toll Free: (800) 372-7172  
Direct: (502) 782-3421  
Email: [Nanci.Howard@ky.gov](mailto:Nanci.Howard@ky.gov)

**Andy Beshear**  
Governor

**Jamie Link**  
Secretary, Education and Labor Cabinet

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# Employment First Council

## Public Policy Minutes

December 19, 2024  
9:00am  
Zoom  
Meeting ID: 859 4707 5457

### Members Present

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Chair, Diana Merzweiler, Council Chair, Katie Wolf Whaley, Jeff White, Andrew Johnson, and Amy Luttrell, Justin Jeter, and Allison Johnson

### Members Absent

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Gretta Hylton, Cora McNabb, Dr. Luv 'Tasha Robertson, and Leslie Hoffman

### Staff Present

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Nanci Howard, Holly Hendricks, and Anu Kumari

### Staff Absent

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None

### Guest(s) Present

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None

## Welcome

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Administrator, Nanci Howard and Chair, Diana Merzweiler welcomed everyone to the meeting. The agenda was reviewed by all participants.

## KDE Transition 360 Module Update

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Discussion was held regarding the development of an Ad Hoc group to assist with the review of the IEP Guidance document and Transition 360 modules. It was determined a meeting would be set up between the Chair of the Employment First Council, Katie Wolf Whaley, and Allison Johnson of the Kentucky Department of Education in early January to explore Transition 360 content in more detail before forming a work group. Others in the committee are invited to participate in the work group once more information has been gathered.

## Medicaid Buy-In and Eligibility Requirements

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Discussion was held regarding two barriers to employment regarding the current Medicaid Buy-In and eligibility requirements. Committee member, Jeff White, provided the overview of the issues. Committee member, Amy Luttrell, suggested to fold these issues in with other public benefits eligibility standards and approaching it as a workforce issue. It was determined the committee would draft an overview of the issue and offer potential solutions that the legislatures could impact.

The committee considered the following questions when drafting the overview.

What is the barrier?

What is the recommendation?

What is the cost associated with the changes?

What would Kentucky gain in return?

It was also suggested to have fiscal information ready to answer any specific questions regarding potential appropriations.

Michael Dalto, a Subject Matter Expert with Project NEON, was suggested as a contact to assist as he may have other state research.

Amy Luttrell will collaborate with Justin Jeter and her policy staff member, Adam Haley to discuss and research legislative process and approach. Jeff White agreed to reach out to Michael Dalto for assistance to see if the draft is something that he could assist the committee with.

## Public Comment

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None.

## Adjournment

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Chair, Diana Merzweiler thanked everyone for their contribution and adjourned the meeting with a reminder of the next meeting date.

## Next Meeting Dates

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### *Public Policy Committee*

January 16, 2025

9:00am – 10:00am (EST)

### *Quarterly Council Meeting*

Friday, January 12, 2025

1:00pm – 3:00pm (EST)

Hybrid Format

Kentucky Transportation Cabinet

200 Mero Street, Conference Center

Frankfort, KY 40601