



Andy Beshear
Governor

Jamie Link
Education & Labor Cabinet Secretary

Public Policy Committee Meeting

Minutes

November 21st, 2024

9:00am – 10:00am

[Zoom Link](#)

Meeting ID: 859 4707 5457

Passcode: 654000

Attendees

Nanci Howard (Vocational Rehabilitation Administrator)
Diana Merzweiler (Chair)
Katie Wolf Whaley (Council Chair/Committee Member)
Jeff White (Council Member)
Andrew Johnson (Council Member)
Allison Johnson (Committee Member)
Anu Kumari (Administrative Specialist Senior)
Amy Luttrell (Council Member)

Members Absent

McNabb Cora (Council Member)
Luv Tesha Robertson (Council Member)
Gretta Hylton (Council Member)
Holly Hendricks (Vocational Rehabilitation Division Director)

Welcome

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

Annual Report Update

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

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

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

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 begin 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

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

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

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: No public comment addressed.

Adjournment:

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

Next Meeting:

- Date: December 19th, 2024
- Time: 9:00 am to 10:00 am



Created by: Nanci Howard, Administrator
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