



ACTION ALERT

Let CMS Know: Employment in the Community is Important!

CMS, the Center for Medicare and Medicaid Services, will soon be issuing guidance regarding how Medicaid funds can be used for employment. **It's very important that CMS hear from you!** APSE members and all like-minded advocates need to ask CMS to fully support Employment First, with employment fully integrated in the general workforce as the first and preferred option in the use of Medicaid funds. Please take a few minutes and send a letter to CMS today – and share this Action Alert with others. It will make a real difference in the lives of people with disabilities! Here's a [video of National APSE Board Member Betty Williams discussing the importance of integrated employment](#).

Background

Many services for individuals with significant disabilities are funded under “Medicaid Waivers”. In January 2014, the Center for Medicare and Medicaid Services (CMS) issued what is called a [Final Rule](#), which stated a preference for Medicaid Waiver funds to be used to support individuals fully integrated in the community. CMS specifically stated that settings must have the following qualities, based on an individual's person-centered plan:

The setting is integrated in and supports full access of individuals to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid Home and Community Based Services (HCBS). The setting is to be selected by the individual from among setting options including non-disability specific settings

CMS will be coming out in the near future with further guidance on non-residential settings, and in particular day and employment services. APSE is urging all of its members and like-minded advocates to send letters to CMS, thanking CMS for their actions to date, and asking that the upcoming guidance emphasize employment fully integrated in the community as the preferred option, and non-work supports that are also fully included in the community. Such advocacy will make sure that Medicaid funds are used to support people in real jobs at real wages, allowing them to have rich and full lives in the community, rather than spending their days in segregated programs and services.

There are others advocating to keep things the way they are, with far too many citizens with disabilities spending their days segregated from mainstream society and earning just a few dollars per week - or nothing at all. The voices of “Employment First, Employment Now” must be heard to ensure that your tax dollars are used for full economic inclusion and advancement!

Here are some points you can include in your letter to CMS. In your letter, also be sure to tell your own story about why employment is important!

1. Thank you CMS for your efforts to increase community integration and employment for people with disabilities.
2. People with disabilities want to work, and have the right to pursue jobs at good wages and build assets.

3. Working in competitive integrated settings is one of the best ways for engaging in community life

and having resources that you control. Individuals with disabilities have the right to have increased incomes, financial assets, and economic wealth.

4. Significance and level of disability is not a barrier to employment.
5. People should have available the necessary supports and assistance that will help them succeed in employment.
6. Language in the sub-regulatory guidance should emphasize the following:
 - Employment fully integrated within the community should be the first and preferred option for individuals receiving services under HCBS waivers.
 - The guidance should clearly define employment fully integrated in the community as the following: pay above minimum wage, working directly for the employer (not a service provider), an individual job (not an enclave or mobile crew), and in a place where the employee works side-by-side with co-workers without disabilities.
 - Staff guiding people with disabilities regarding their choices and options must be “conflict free” (for example, an individual’s day service provider shouldn’t be telling a person what service they should be getting and where).
 - Individuals assisting and guiding citizens with disabilities regarding their choices and options must be highly knowledgeable about best practices in employment.
 - Helping citizens with disabilities have informed choice is more than just asking them what they want to do. People should have the opportunity to have experiences in the community such as touring businesses, talking to employers, trying out different jobs, and also talking to others who have become successfully employed. This is in line with the [U.S. Department of Justice Olmstead Guidance](#).
 - Individuals with disabilities should be regularly asked at their planning meetings about whether or not they can or want to work. If they say no, a plan should be created to make sure they fully understand their choices, by having them go out into the community and exploring different job possibilities.
 - High quality benefits counseling needs to be available so that people aren’t afraid to go to work and lose benefits.
 - When people aren’t working, they should be supported to spend time in activities that are fully integrated in the community with people without disabilities (like recreation programs, volunteer work, etc.), rather than in buildings that house disability programs or programs just for people with disabilities.

Letters should be sent to:

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Additional Resources:

[APSE HCBS Non-Residential Recommendations](#)
[CMS - Requirements for Home and Community Settings](#)
[CMS Info Bulletin](#)