



**Transmittal:** 25-ADM-01

**To:** Executive Directors of Voluntary Provider Agencies  
Developmental Disabilities Regional Field Office Directors  
Developmental Disabilities State Operations Office Directors  
Executive Directors of Care Coordination Organizations (CCO)

**Issuing OPWDD Office:** Program Implementation and Service Access – Regional Field Office,  
Employment and Meaningful Community Activities Unit

**Date:** 4/24/2025

**Subject:** Pathway to Employment

**Suggested Distribution:**

Quality Improvement Staff  
Fiscal and Billing Staff  
Care Coordination Organizations/Care Managers  
Central Office Leadership Team  
Regional Office Staff  
Administrators and Managers of Pathway to Employment Services

**Contact:**

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**Attachments:**

Attachment 1: Career, Vocational and Transition Plan  
Attachment 2: Request to Bill Additional Pathway to Employment Services  
Attachment 3: Request to Waive the Pathway to Employment Community Based Vocational  
Experience Requirements  
Attachment 4: Request for Staff Training Period Extension  
Attachment 5: Pathway to Employment Semi-Annual Status Report

## **PURPOSE**

This Administrative Directive Memorandum (ADM) describes requirements applicable to Pathway to Employment services, including program and reimbursement standards. These requirements apply to Pathway to Employment services delivered to people who are enrolled in OPWDD's Home and Community Based Services (HCBS) Waiver.

## **BACKGROUND**

Pathway to Employment services include planning and support services for people with developmental disabilities to develop a career, vocational and transition plan that will help them obtain competitive integrated employment or self-employment in the future. OPWDD amended regulations in 14 NYCRR Sections 635-10.4 and 635-10.5 pertaining to Pathway to Employment services regulations at 14 NYCRR Part 635 effective April 1, 2025. This ADM supersedes ADM #2015-07R and includes updated information in conformance with the February 26, 2025 regulatory amendments.

In addition to the requirements in this ADM, Pathway to Employment providers must continue to comply with all applicable state and federal law, regulation, and guidance.

## **DISCUSSION**

### **I. PATHWAY TO EMPLOYMENT GENERALLY**

#### **1. Pathway to Employment Services**

Pathway to Employment is a time-limited, person-centered, comprehensive, career and vocational planning and support service. The goal of this service is to help people develop a vocational plan with an identified career path to obtain competitive integrated employment in the future. This habilitative service uses an individualized career and vocational planning process to identify the person's vocational strengths and interests. This service includes community vocational experiences and support services.

The outcome of Pathway to Employment is a career, vocational and transition plan document which includes the next steps for achieving self-employment or competitive, integrated employment at or above the applicable state or federal minimum wage.

#### **2. Limits of Pathway to Employment**

Pathway to Employment is time limited. Eligible individuals may be approved for Pathway to Employment for up to 12 months or 425 hours, whichever occurs first. In extenuating circumstances, the Pathway to Employment provider may request OPWDD approval for additional hours and/or days of this service. Attachment # 2, Request to Bill Additional Pathway to Employment Services, see (b) in this section.

##### **a. Managing Pathway to Employment as a Time-Limited Service**

Service providers must effectively plan and manage the delivery of Pathway to Employment services to ensure that the person is provided with a comprehensive Career, Vocational and Transition plan within the timeframe for completion (i.e., 12 months or 425 hours whichever is sooner). Service providers should discuss disenrollment from Pathway to Employment services if the individual is inactive, has a significant change in status which impacts their ability to engage in the service, or the agency lacks the resources necessary to deliver services within the established timeframes. Doing so will preserve the person's lifetime allowance of Pathway to Employment hours and/or days for future use.

#### b. Requesting Additional Hours and/or Days for Pathway to Employment

If a service provider in coordination with the person and support team, determines that the person needs more than 12 months or 425 hours, then they must submit a Request to Bill Additional Pathway to Employment Services form (see Attachment #2) to the OPWDD Central Office Employment and Meaningful Community Activities Unit. When reviewing these requests, OPWDD considers:

- The services delivered;
- The person's requests, interests and needs;
- Whether the service provider has provided a reasonable number of hours in community-based vocational experiences;
- New strategies and resources to complete the Career, Vocational and Transition Plan;
- Whether authorization of additional hours and/or days is in the best interest of the individual; and
- Any other relevant criteria as determined by the OPWDD Central Office Employment Unit.

If the request for additional hours or days is authorized by OPWDD, it must not exceed 24 months or 556 lifetime hours whichever occurs first. The service provider must maintain documentation of OPWDD's authorization of additional hours and/or time.

#### c. Disenrollment from Pathway to Employment

People will be automatically disenrolled from Pathway to Employment 24 months from enrollment. This includes non-contiguous periods of service when a person may have enrolled in the service multiple times. Providers are responsible for checking with the person and their Care Manager to determine if the individual previously received Pathway to Employment services with another provider.

### 3. Delivery of Pathway to Employment in Community-Based Settings

Pathway to Employment services must be delivered primarily in community-based settings. Community-based settings are locations that are used by the general public, where people with disabilities have opportunities to interact with other people who do not have disabilities, do not receive Medicaid HCBS, and are not paid to provide services to people with disabilities.

#### 4. Community-Based Vocational Experiences

##### a. Community-Based Vocational Experiences

Community-based vocational experiences and career exploration activities are fundamental elements of Pathway to Employment services. Service providers are expected to develop community-based vocational experiences following initial planning and meetings with the person. Community-based vocational experiences and career exploration activities must be delivered in integrated settings alongside members of the broader community (e.g., local, community-based businesses and organizations). The purpose of community-based vocational experiences is to identify the person's demonstrated skills, interests, strengths, and support needs in a variety of vocational areas.

##### i) Number of Community-Based Vocational Experiences When 100 or more Hours of Pathway to Employment Have Been Delivered

People who receive 100 or more hours of Pathway to Employment must participate in at least three (3) different community-based vocational experiences to inform the development of the Career, Vocational, and Transition Plan. Service providers must effectively plan and manage the delivery of Pathway to Employment services to ensure that people receive an appropriate amount of community-based vocational experiences.

##### ii) 30% Community-Based Vocational Experiences Requirement for a Person Receiving 100 or more hours of Pathway to Employment Services

If a person enrolls with a provider and receives 100 or more hours of Pathway to Employment services from that provider at the time of disenrollment, at least 30% of those service hours must include community-based vocational experiences. The 30% is calculated at the time of the person's disenrollment from Pathway to Employment.

If a person enrolls with a provider and receives fewer than 100 hours total of Pathway to Employment services from that provider at the time of disenrollment, the provider is not subject to the 30% community-based vocational experience requirement.

##### iii) Exceptional Circumstances Regarding the Community-Based Vocational Experience Requirements for a Person Receiving 100 or more hours of Pathway to Employment Services

If the person enrolls with a provider and receives 100 or more hours of Pathway to Employment services from that provider and there are exceptional circumstances where the person has not received three (3) separate community-based vocational experiences and/or 30% of their Pathway to Employment service delivery hours as community-based vocational experiences, the provider

may complete Request to Waive the Community-Based Vocational Experience Requirements Form (see Attachment #3) and submit the request to the OPWDD Central Office Employment Unit. The 30% is calculated at the time of the person's disenrollment from Pathway to Employment. When reviewing these requests, OPWDD considers:

- The summary of the services delivered;
- The person's requests, interests, and needs;
  - Whether the service provider has provided a reasonable number of hours in community-based vocational experiences and/or a reasonable number of community-based vocational experiences considering circumstances;
  - Whether there is a clear demonstration of the exceptional circumstances preventing the service provider from fulfilling the community-based vocational experiences requirements including but not limited to natural disasters or public emergencies; and
  - Other relevant criteria as determined by the OPWDD.

OPWDD may make changes to the required format with advance notification to provider agencies.

## **5. The Career, Vocational and Transition Plan**

The Career, Vocational and Transition Plan (see Attachment #1) summarizes the services delivered to the person and on behalf of the person; and provides recommendations, informed by the person's demonstrated skills, interests, and needs, for transition to either the most appropriate employment, vocational and/or other habilitative service option(s) or competitive integrated employment, upon disenrollment from Pathway to Employment

Service providers must complete and submit the Career, Vocational and Transition Plan, Attachment #1 for every person enrolled in Pathway to Employment services regardless of the number of hours of Pathway to Employment they have received. Service providers must upload each person's Career, Vocational and Transition Plan to CHOICES, no later than 90 days after the person has been disenrolled from Pathway to Employment services. CHOICES is OPWDD's web-based system that allows voluntary providers and OPWDD to share information securely.

## **II. BILLING STANDARDS**

### **1. Unit of Service**

The unit of service for Pathway to Employment is one hour. Services are billed in 15-minute increments, with a full 15 minutes of service required to bill a single increment. When there is a break in the service delivery during a single day, the service provider may combine, for billing purposes, the duration of continuous periods.

### **2. Rounding Units of Service**

Service providers may round their units of service for billing. Rounding for units of service is permitted based on the criteria outlined in 14 NYCRR 635-10.5(ad)(2). Only the total minutes of the specific billing category (individual or group) for the day may be rounded up to the next 15-minute increment. If there are multiple periods of service during the day, the provider must combine the total minutes for the specific billing category (individual or group) for the day and may

not round each specific service period separately. The provider should determine how many 15-minute increments were provided for each specific service. If there are additional minutes of the specific service provided that do not meet the full 15-minute increment, the additional minutes may be rounded to one additional 15-minute increment if there were 10-14 minutes of additional service.

### **3. Individual and Group Billing**

Pathway to Employment services may be provided to an individual or to a group of people.

#### **a. Individual Billing**

Individual Pathway to Employment may be billed when a staff person delivers and documents services:

- Directly to a person (i.e., face-to-face);
- Remotely to a person (e.g., telephone, video conference); or
- On behalf of a person (i.e., the person is not present at the time-of-service delivery).

#### **b. Group Billing**

Group Pathway to Employment must be billed when a staff person delivers and documents services to a group of people. When services are provided to a group of people, providers must bill for each individual at the group fee.

Groups must include at least two (2) but no more than five (5) people, except for employment-related group instruction. Providers may have more than one group involved in a community-based vocational experience at a time. However, each group must not exceed 5 individuals per staff person.

Employment-related group instruction must not exceed 15 people. Employment-related group instruction should be limited, as Pathway to Employment is expected to be primarily delivered in integrated settings alongside members of the broader community.

#### **c. Moving Between Individual and Group Billing**

A person may move to and from individual and group service delivery as needed. If, on a given day, Pathway to Employment services are provided to a person both in a group and individually, the service provider may bill at both rates, with separate claims, reflecting the service time associated with group service delivery and individual service delivery. However, one staff person cannot bill for both individual and group Pathway to Employment services simultaneously.

### **4. Billing for Planning and Managing the Delivery of All Allowable Pathway to Employment Services**

Pathway to Employment staff may bill individual or group in the allowable service title “Planning the Delivery of All Allowable Pathway to Employment Services” when planning for Pathway to Employment services.

A supervisor, manager, or director may bill individual or group in the allowable service title “Managing the Delivery of All Allowable Pathway to Employment Services.”

When a supervisor, manager, or director meets one-on-one with a Pathway to Employment staff to provide direction for services, the supervisor, manager, or director and the staff must each bill for a different Pathway to Employment service. The supervisor, manager, or director would bill the allowable service title “Managing the Delivery of All Allowable Pathway to Employment Services” and the staff would bill the allowable service title “Planning the Delivery of All Allowable Pathway to Employment Services”.

“Managing the Delivery of All Allowable Pathway to Employment Services” may not be billed when a supervisor, manager, or director is meeting with multiple staff. Meetings with two or more staff are covered under Billing for Observations, Communications and Meetings.

When a supervisor, manager, or director spends time without other staff present determining, assessing and/ or assigning resources to meet the needs of people receiving Pathway to Employment services, they may bill the allowable service title “Managing the Delivery of All Allowable Pathway to Employment Services.”

**5. Billing for Pathway to Employment Services Delivered Without the Individual Present**  
Pathway to Employment Services delivered on behalf of a person are services without the individual present.

Pathway to Employment delivered on behalf of the individual may be billed while the individual receives another service. This is not considered double billing because the person is receiving two separate services: one Pathway to Employment service without the individual present, and another service (with or without the individual present). For example, Pathway to Employment staff A works with the individual face-to-face on transportation training while staff B works on developing community-based vocational experience opportunities at the same time).

**6. Billing for Staff Travel Time Generally**  
Staff travel time is a billable service for Pathway to Employment. This travel may be with or without the individual present. Staff may bill for travel time when the individual is present and being transported to or from an allowable Pathway to Employment service. When the individual is not present, Pathway to Employment staff may bill for travel time when travelling to Pathway to Employment service-related activities such as:

- Community-based vocational experiences sites to provide Pathway to Employment services;
- Meetings with potential and current business partners;
- Conducting vocational assessments or observations;
- Attending OPWDD Innovations trainings designed to enhance the quality of Pathway to Employment services; or
- Providing other billable Pathway to Employment activities (including documentation of services and all other allowable Pathway to Employment services).

Travel time is billable when services provided occur during work hours and the staff is being paid by the provider billing for the service. Travel time must be billed to either an individual or group fee with the specific Pathway to Employment individual(s) identified.

## **7. Pathway to Employment Staff Training Billing Requirements**

For Provider Agency staff, OPWDD trainings must be billed under the allowable service: “staff time to attend and travel to OPWDD Innovations Training.” (14 NYCRR 635-10.4(h)(1)(xviii))

Staff can bill for no more than five (5) people for the hours of attendance at OPWDD Innovations in Employment Supports Training or Innovations Training travel time, even if the staff serves more than 5 people.

A Pathway to Employment staff person may bill for travel to, and attendance of, the OPWDD Innovations in Employment Supports Training. The Pathway to Employment staff person can bill up to five (5) hours per day for the in-person classroom training time, plus billing for travel time to the training, at the group fee for up to five people. If virtual then can bill up to 6 hours at the group fee for up to 5 people.

If more than one Pathway to Employment staff travels to and attends an OPWDD Innovations in Employment Supports Training, each staff person can bill up to 5 hours per day for the in-person classroom training time, plus billing for travel time to the training, using the group fee for up to five people. Multiple Pathway to Employment staff cannot bill for the same people for the same training time.

The group fee – and not the individual fee – must be billed for Innovations Training, even if providers have a limited number of Pathway to Employment enrollees and cannot otherwise bill at the group fee.

OPWDD recognizes that it is important that staff are available to work with people across the program to provide back-up supports to people (e.g., staff leave, job vacancies). If staff attend Innovations Training on different dates or times, they may bill for the same person.

## **8. Billing for Observations and Communication**

Observations and assessment of a person’s interactions and routines at home, in the community and within other services or programs for the purpose of assessment and career planning are billable and considered services delivered on behalf of the individual.

Communication with the person, businesses, community based vocational staff, instructors, staff providing other services, family members and the person’s circle of support to address challenges, discuss supports or coordinate Pathway to Employment services is billable.

## **9. Billing for Time Spent Attending Meetings**

Billing for time spent attending meetings with a person or on behalf of an individual receiving Pathway to Employment services is billable. When more than one Pathway to Employment staff attend a meeting, the billing may be split between the multiple Pathway to Employment staff or billed by only one Pathway to Employment staff person. Meetings may be billed as an individual or group service, as applicable. Multiple staff must not bill for the same individual(s) during the same exact period.

# **III. STAFF TRAINING REQUIREMENTS**



### **1. Training Requirements Generally**

Pathway to Employment staff, supervisors, managers, directors, and any other staff providing and billing for Pathway to Employment services must participate in OPWDD's Innovations training. Innovations trainings may be offered either in-person or remotely.

If a staff person, supervisor, manager, or director ends employment prior to completing the required training, the service provider's prior billing may be considered valid. For example, if the staff person must complete their required training by September 1, 2025, but they end their employment with the service provider on June 1, 2025, the service provider may be reimbursed for the services provided by the staff person. However, services provided after the required training deadline will not be reimbursed unless there is an OPWDD approved Request for Staff Training Period Extension, Attachment #4.

### **2. Initial Training Requirements**

Staff providing Pathway to Employment services must complete 24 hours of initial training completed no later than December 31st two (2) years after the staff's date of hire or transfer to Pathway to Employment service.

If a staff person transfers from one area of service delivery to Pathway to Employment services, OPWDD will consider the date of transfer as that staff person's date of hire for training purposes.

### **3. Annual Training Requirements**

After completing the initial 24 hours of Innovations training, staff providing Pathway to Employment services must obtain 6 hours of continuing education each calendar year, beginning on each full calendar year (January 1 to December 31) thereafter. The service provider must maintain documentation that the annual continuing education requirements for each staff person are met. To meet these requirements, all Innovations trainings are listed on their official transcript. If a Pathway to Employment services staff person changes employment from one provider agency to another or is reassigned within an agency, the staff person's training records and credits follow them to the new agency.

### **4. Training Documentation**

Providers must maintain documentation of all Innovations training that demonstrate the staff meets the training requirements. To meet these requirements, all Innovations trainings must be listed on their official transcript.

If a Pathway to Employment services staff person changes employment from one provider agency to another or is reassigned within an agency, their staff person's training records and credits may follow them.

## **IV. REQUIRED DOCUMENTATION FOR PATHWAY TO EMPLOYMENT SERVICES**

### **1. Service Documentation and Monthly Summary**

Service documentation supporting a provider's billing for Pathway to Employment services must include Service Documentation for each Pathway to Employment service session and a Monthly Summary.

a. Service Documentation

Required service documentation elements include:

- i. Person's name and Medicaid number (CIN).
- ii. Name of the agency providing the Pathway to Employment service.
- iii. Identification of the category of Waiver service provided (i.e., Pathway to Employment service).
- iv. Documentation of start and stop times. Document the service start time and service stop time for each continuous period of service provision.
- v. Documentation if Individual is Present. Document whether the individual was present for the service, or if it was delivered on behalf of the individual.
- vi. Documentation of whether service was delivered to an individual or a group.
- vii. Description of services. Each documented session must list at least one allowable service delivered in accordance with the person's Pathway to Employment Staff Action Plan. The location of the service does not need to be documented.
- viii. Date of service provision.
- ix. Verification of service provision by the staff person delivering the service. Either a signature or Initials must be provided. Initials are permitted if a "key" is provided that identifies the title, signature, and full name associated with the staff initials.
- x. Date the service was documented.

b. Monthly Summary

The narrative monthly summary must be completed, signed, and dated no later than the end of the following month of service. A narrative monthly summary must include a summary of the following:

- i. The implementation of a person's Pathway to Employment Staff Action Plan for the month;
- ii. A description of the person's vocational progress including additional supports that may be needed to maintain employment and enhance future opportunities.
- iii. A description of some of the actions of staff to address vocational challenges;
- iv. A description of the person's response;
- v. Any issues or concerns, if applicable.

**2. Other Documentation Requirements for Pathway Services**

In addition to the service documentation and monthly summary supporting the Pathway to Employment service billing claim, the agency providing Pathway to Employment services must maintain a Life Plan and Staff Action Plan for each person.

a. Life Plan

Providers must maintain a copy of the person's Life Plan, covering the time of the claim. For Pathway to Employment, the following elements must be included in the Life Plan:

- i. Identification of at least one goal or valued outcome that the person has related to preparing for or obtaining competitive employment or self-employment;
- ii. Identification of Pathway to Employment as the type of HCBS waiver service;
- iii. Identification of the agency providing Pathway to Employment services;
- iv. Specification of an effective date for Pathway to Employment that is on or before the first date of service for which the agency bills Pathway to Employment services for the person;
- v. Specification of the frequency for Pathway to Employment as "hour" or "hourly;" and;
- vi. Specification of the duration of Pathway as "Time limited".

*Note: Care Managers create the person's Life Plan. However, service providers are responsible for reviewing the finalized, acknowledged, and agreed to Life Plan. Service providers may occasionally find inaccuracies in the finalized, acknowledged, and agreed to Life Plan. Providers should demonstrate due diligence in working with the Care Manager, CCOs, OPWDD, and/or others to correct the Life Plan as soon as possible. Service providers should document their timely efforts to correct any errors in the Life Plan. Examples of this documentation may include notes in the individual's monthly summary, e-mails, dispute resolution, phone calls, etc.*

b. Staff Action Plan

Providers must develop a Pathway to Employment Staff Action Plan. Staff Action Plans must meet the requirements outlined in Staff Action Plan (see ADM#2018-09R).

c. Additional information for Pathway to Employment Services Delivered Remotely

Pathway to Employment may be delivered remotely. However, providers must ensure remote PTE service delivery complies with OPWDD ADM #2021-03R *Ability to use Technology to Remotely Deliver Home and Community-Based Services*.

Pathway to Employment provided via remote technology directly to the person (i.e., direct services) must be listed in the Life Plan and reflected in the Staff Action Plan. For the purposes of telehealth, telephone does meet the definition of two-way, real-time communication technology, and may be used as a means to deliver telehealth services. Email and text messages do not fit this definition. However, providers can call people over the phone as an incidental component of service delivery to check-in with participants as allowed in the service definition or in emergency circumstances. This is different from phone calls that involve teaching/training with the staff that are considered telehealth.

In Pathway to Employment, examples of incidental calls include:

- reminding the person about a volunteer or job interview;
- reminding the person to wash their uniform;
- informing the person of volunteer/job schedule changes;
- learning about the person's volunteer/work schedule so the staff know when to visit sites;
- checking in to see if there are any unforeseen challenges; and
- scheduling upcoming service activities.

Emergency phone calls include helping the person trouble shoot an unexpected, non-regular problem at their volunteer or work site.

PTE services provided via remote technology on behalf of the person (i.e., indirect services) do not need to be listed in the Life Plan but must be reflected in the Staff Action Plan

## **V. Data and Other Reports**

Providers must submit Pathway to Employment related data semi-annually to OPWDD's Employment and Meaningful Community Activities Unit. Providers must use *Attachment #5: Pathway to Employment Semi-Annual Status Report* to submit this data to OPWDD.

These semi-annual reports must be submitted to OPWDD no later than:

- April 30<sup>th</sup> (using data from previous October 1 - March 31); and
- October 30<sup>th</sup> (using data from previous April 1 – September 30).

OPWDD may make changes to the required format and method of submission for data, reports and other forms with advance notification to providers agencies. OPWDD may grant extensions to provider agencies in extenuating circumstances.

## **RECORDS RETENTION**

New York State regulations require each Medicaid service provider to prepare records to demonstrate its right to receive Medicaid payment for a service.

All documentation specified above, such as the service documentation, Life Plan, Pathway to Employment Staff Action Plan, and ACCES-VR information, must be retained for a period of at least 10 years from the date the service was delivered or when the service was billed, whichever is later.

For additional information on documentation requirements, contact the OPWDD Employment and Meaningful Community Activities (EMCA) unit at [employment.vocational.services@opwdd.ny.gov](mailto:employment.vocational.services@opwdd.ny.gov).