## Approval of Community Rehabilitation Programs to Participate in the Purchasing from People with Disabilities Program Discussion Paper

#### **Background**

Texas Human Resources Code, §122.013 requires the Texas Workforce Commission (TWC) to establish rules for the certification of Community Rehabilitation Programs (CRPs) to participate in the Purchasing from People with Disabilities (PPD) program. TWC, Chapter 806 Purchases of Products and Services from People with Disabilities rule §806.41 establishes requirements for participation in the program and subsequent adherence to those requirements once a CRP has been certified. A CRP must reapply every three years before the expiration date listed on its certification in order to continue participating in the program. PPD staff reviews each completed application and all required documentation, and, once the materials are deemed acceptable, the staff presents the application to TWC's three-member Commission (Commission) for approval.

### **Issue**

Per §806.41(1), PPD program staff conducts onsite desk reviews of CRPs to determine compliance with program requirements. Staff may conduct compliance desk reviews at any time; however, priority is given to CRPs that have pending applications for recertification.

The desk reviews of three CRPs that are due for recertification revealed that the model in use for their program is not in compliance with program rules. As clarified by the rule amendments adopted by the Commission in January 2021, PPD program rules require CRPs to "employ" the individuals with disabilities working in the program and to pay those individuals at least the minimum hourly wage. Two of the three CRPs operate under a model in which individuals with disabilities are considered patient workers and are paid as contract employees. The third CRP operates as a licensed Chemical Dependency Treatment Facility (CDTF) where individuals with disabilities working under PPD contracts receive chemical dependency treatment services, counseling, room and board, and a small stipend in lieu of the required minimum wage payment.

Texas House requested that TWC allow the CRP additional time to seek a solution to their program model that will enable them to comply with both their licensure requirements and PPD program requirements. PPD staff is currently in discussions with the Texas Health and Human Services Commission regarding potential resolutions to address the difference between the patient worker model and PPD requirements. Denying the recertification of the CRPs below would disrupt the services they provide and reduce or remove the opportunity for beneficial work activities for the individuals with disabilities currently performing work with these CRPs. For the individuals with disabilities engaged in PPD activities through the CRP holding a CDTF license, denial of the CRP's recertification will create an undue hardship in receiving essential treatment for their recovery.

#### Recertifications

- 1. Austin State Supported Living Center (Austin)
  - Services: Grounds maintenance, litter pickup
  - Number of individuals with disabilities: 74

# 10 **Recommendation**

- 11 Staff recommends approving a one-year recertification for the above-referenced CRPs to allow
- 12 time to develop a solution that would bring their respective program models into compliance
- with PPD program rules.