# Vocational Rehabilitation Services Manual

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## Notes on the Manual

On October 1, 2017, Texas Workforce Commission’s Blind Services Division and Rehabilitation Services Division combined to create a single designated state unit (DSU) to administer the vocational rehabilitation program for Texans with disabilities.

The combined Vocational Rehabilitation Services Manual (VRSM) was initially published on October 1, 2017. The latest update to this manual is reflected in the chapters below.

Please note that VRSM includes links to information that is intended to provide additional decision-making supports to VR staff. Some of this information may not be available to individuals who are accessing the VRSM outside of TWC's firewall. Copies of materials that cannot be accessed directly through links can be made available upon request.

Substantive revisions to the content are noted in the VRSM List of Revisions. Any printed versions may not contain the latest policy changes.

If you have any questions about VRSM content, please contact the TWC Vocational Rehabilitation Division Policy Team at state office by sending an email message to [vrsm.support@twc.texas.gov](mailto:vrsm.support@twc.texas.gov).

## Manual Overview

The VR Services Manual:

* helps ensure VR customers receive quality services to assist them in achieving successful competitive integrated employment outcomes as a result of their participation in vocational rehabilitation services.;
* helps to ensure taxpayer funds are spent wisely and each purchase paid for with public funds represents full value to the taxpayer; and
* provides published policies and procedures for maintaining compliance with federal and state laws, statutes, and rules or regulations.

The latest update to this manual is reflected in the chapters below. Any printed versions may not contain the latest policy changes.

# Vocational Rehabilitation Services Manual A-100: Introduction to Vocational Rehabilitation

Texas Workforce Commission Vocational Rehabilitation (TWC-VR) has developed both the VR Standards for Providers Manual (VR-SFP) and the Vocational Rehabilitation Services Manual (VRSM) to comply with federal and state laws, statutes, and rules or regulations while allowing for the use of professional judgment and sensitivity in administering the VR program to meet the individual needs of VR customers. For more information about requesting exceptions to policies and procedures, see VRSM E-200: Summary Table of Approvals, Consultations, and Notifications. For more information about the roles and responsibilities of VR staff in the VR process, see VRSM B-100: Vocational Rehabilitation Process, Roles, and Responsibilities.

Links to other information throughout these manuals provide examples, tools, and practical application guides that support existing policies and procedures. Links also are provided to other policies, procedures, rules, regulations, and forms that must be applied. All links in the VR-SFP are available to anyone who is accessing the manual either externally or internally. However, in the VRSM, there are links that are intended to provide additional decision-making supports to VR staff that may not be available to individuals who are accessing the VRSM outside of TWC's firewall. Copies of materials that cannot be accessed directly through links can be made available upon request.

VR staff must be familiar with and apply both the VR-SFP and the VRSM in all decision making. Providers of VR services that are provided under contract must comply with content in the VR-SFP that is related to the services provided. Providers of VR services that are not provided through a contract are subject to the content in the VRSM that is related to the services provided.

All services and supports provided by TWC-VR are provided for the sole purpose of achieving a competitive integrated employment outcome, as defined in CFR 361.5(c)(1). For more information and resources about competitive integrated employment, refer to the Competitive Integrated Employment intranet page (internal only) or email VR Standards ([vr.standards@twc.texas.gov](mailto:vr.standards@twc.texas.gov)).

## A-101: Legal Authority

The Rehabilitation Act of 1973 as amended through P.L. 114–95 [(Workforce Innovation and Opportunity Act (WIOA)], enacted December 10, 2015:

"The Rehabilitation Act replaces the Vocational Rehabilitation Act,

* to extend and revise the authorization of grants to states for vocational rehabilitation services, with special emphasis on services to individuals with the most severe disabilities,
* to expand special federal responsibilities and research and training programs with respect to individuals with disabilities,
* to create linkage between state vocational rehabilitation programs and workforce investment activities carried out under title I of the Workforce Investment Act of 1998,
* to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the federal government,
* and for other purposes.

The Rehabilitation Act of 1973 as amended by title IV of WIOA establishes programs and initiatives administered by RSA."

Title 34: Education  
[PART 361—STATE VOCATIONAL REHABILITATION SERVICES PROGRAM](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361)  
[Subpart A—General](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361/subpart-A)

### §361.1 Purpose.

Under the State Vocational Rehabilitation Services Program, the Secretary provides grants to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation programs, each of which is—

(a) An integral part of a statewide workforce development system; and

(b) Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency.

(Authority: Sections 12(c) and 100(a) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c) and 720(a))

CFR §361.5(c)(9) Competitive integrated employment means work that—

(i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that-

(A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;

(B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(D) Is eligible for the level of benefits provided to other employees; and

(ii) Is at a location—

(A) Typically found in the community; and

(B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and

(iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

# Vocational Rehabilitation Services Manual A-200: Customer Rights and Legal Issues

## Introduction

Texas Workforce Commission (TWC) staff members may experience a variety of requests for customer information for which various protocols are appropriate. Generally, the table of contents directs individuals on the protocols to follow.

When contacting the TWC Office of General Counsel (OGC), individuals can first review the information and instructions in this chapter that seem most directly related to their question, and then call, email, or open a ticket in the self-service portal to submit the question. Calling is always fastest, but if it would be easier to explain in writing, individuals can use email or the OGC portal. Subpoenas, court orders, letters from attorneys, and out-of-the-ordinary customer releases will almost always need to be emailed. Individuals can call or email either the Open Records Department or the attorney designated to support their division. If individuals do not know which attorney is designated to support their division, they can ask the OGC receptionists or legal assistants. If the designated attorney is not available, then speaking with any other attorney is acceptable.

For more information on how to access OGC, refer to VRSM D-503: Office of General Counsel.

The Open Records Department can answer most ordinary questions. Telephone calls may be placed through the OGC receptionist at 512-463-3300 or directly to the main number 512-463-2422. The OGC portal to submit subpoenas and customer releases is located at TWC-OGC portal. Email may be sent to [open.records@twc.texas.gov](mailto:open.records@twc.texas.gov) or faxes may be sent to 512-463-2990.

## A-201: Legal Authorization

The Rehabilitation Act of 1973 (Act) was amended by the Workforce Innovation and Opportunity Act (WIOA), which was signed into law on July 22, 2014. Changes to the Act made by WIOA have been implemented through amendments to the regulations governing the State Vocational Rehabilitation Services program (VR program) (34 Code of Federal Regulations (CFR) part 361) and State Supported Employment Services program (Supported Employment program) (34 CFR part 363), administered by the Rehabilitation Services Administration (RSA).

1. Customer rights under the individualized plan for employment (IPE) include the following:

The changes to 34 CFR §361.45, "Development of the individualized plan for employment," are intended to efficiently and effectively serve eligible individuals, move them through the VR process with minimal delay, and achieve employment outcomes in competitive integrated employment.

It is important to note that the state is required to provide certain information to each eligible individual or, as appropriate, the individual's representative, which include the option to develop all or part of the IPE, with assistance from various individuals or organizations; an explanation for determining an eligible individual's financial commitments under an IPE; a description of the rights and remedies available to the individual; and a description of and contact information for a client assistance program (CAP). Subsection (c) of 34 CFR §361.45 is set out below, relating to requirements for development of the IPE.

§361.45(c) Required information. The State unit must provide the following information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative:

(1) Options for developing an individualized plan for employment. Information on the available options for developing the individualized plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment—

(i) Without assistance from the State unit or other entity; or

(ii) With assistance from—

(A) A qualified vocational rehabilitation counselor employed by the State unit;

(B) A qualified vocational rehabilitation counselor who is not employed by the State unit;

(C) A disability advocacy organization; or

(D) Resources other than those in paragraph (c)(1)(ii)(A) through (C) of this section.

(2) Additional information. Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the individualized plan for employment, including—

(i) Information describing the full range of components that must be included in an individualized plan for employment;

(ii) As appropriate to each eligible individual—

(A) An explanation of agency guidelines and criteria for determining an eligible individual's financial commitments under an individualized plan for employment;

(B) Information on the availability of assistance in completing State unit forms required as part of the individualized plan for employment; and

(C) Additional information that the eligible individual requests or the State unit determines to be necessary to the development of the individualized plan for employment;

(iii) A description of the rights and remedies available to the individual, including, if appropriate, recourse to the processes described in §361.57; and

(iv) A description of the availability of a client assistance program established under part 370 of this chapter and information on how to contact the client assistance program.

(3) Individuals entitled to benefits under Title II or XVI of the Social Security Act. For individuals entitled to benefits under Title II or XVI of the Social Security Act on the basis of a disability or blindness, the State unit must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.

2. Customer rights to review of determinations include the following:

Section 102(c) of the Act, as amended by WIOA, establishes an appeals process for individuals who are not satisfied with the services that the VR program is or is not providing, giving individuals the right to pursue mediation as a means of resolving the complaint. The Act also establishes a formal hearing process and a judicial review process for individuals.

Additionally, the Act establishes a CAP, which assists individuals in resolving disputes with the VR agency. The CAP has the authority to advocate on an individual's behalf to resolve a dispute between the individual and the VR agency. Customers can contact the CAP in their state directly for further advice and assistance regarding rights to appeal.

Section 361.57 of 34 CFR requires the designated state unit (DSU) to develop and implement procedures to ensure a customer can request a review of any determination made by DSU personnel. These procedures must provide notification of the customer's rights, including the right to obtain a review of DSU determinations through an impartial due process hearing or through mediation, and the right to receive assistance from the CAP through either process.

It is important to note that the DSU may not suspend, reduce, or terminate a customer's VR services pending resolution through an informal process, mediation, or a formal hearing unless the customer or their representative, as appropriate, agrees or TWC has evidence that services have been obtained through misrepresentation, fraud, collusion, or criminal conduct. The Office of the Attorney General (OAG) will inform the VR counselor if TWC has evidence that services have been obtained through unlawful means.

TWC rules governing VR hearings and mediation procedures are found in 40 Texas Administrative Code (TAC), Chapter 850.

### 34 CFR §361.38. Protection, use, and release of personal information.

(a) General provisions. (1) The State agency and the State unit must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must ensure that—

(i) Specific safeguards are established to protect current and stored personal information, including a requirement that data only be released when governed by a written agreement between the designated State unit and receiving entity under paragraphs (d) and (e)(1) of this section, which addresses the requirements in this section;

(ii) All applicants and recipients of services and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information;

(iii) All applicants and recipients of services or their representatives are informed about the State unit's need to collect personal information and the policies governing its use, including—

(A) Identification of the authority under which information is collected;

(B) Explanation of the principal purposes for which the State unit intends to use or release the information;

(C) Explanation of whether providing requested information to the State unit is mandatory or voluntary and the effects of not providing requested information;

(D) Identification of those situations in which the State unit requires or does not require informed written consent of the individual before information may be released; and

(E) Identification of other agencies to which information is routinely released;

(iv) An explanation of State policies and procedures affecting personal information will be provided to each individual in that individual's native language or through the appropriate mode of communication; and

(v) These policies and procedures provide no fewer protections for individuals than State laws and regulations.

(2) The State unit may establish reasonable fees to cover extraordinary costs of duplicating records or making extensive searches and must establish policies and procedures governing access to records.

(b) State program use. All personal information in the possession of the State agency or the designated State unit must be used only for the purposes directly connected with the administration of the vocational rehabilitation program. Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program. In the administration of the program, the State unit may obtain personal information from service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under paragraphs (c), (d), and (e) of this section.

(c) Release to applicants and recipients of services. (1) Except as provided in paragraphs (c)(2) and (3) of this section, if requested in writing by an applicant or recipient of services, the State unit must make all requested information in that individual's record of services accessible to and must release the information to the individual or the individual's representative in a timely manner.

(2) Medical, psychological, or other information that the State unit determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative.

(3) If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization.

(4) An applicant or recipient of services who believes that information in the individual's record of services is inaccurate or misleading may request that the designated State unit amend the information. If the information is not amended, the request for an amendment must be documented in the record of services, consistent with §361.47(a)(12).

(d) Release for audit, evaluation, and research. Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program or for purposes that would significantly improve the quality of life for applicants and recipients of services and only if, in accordance with a written agreement, the organization, agency, or individual assures that—

(1) The information will be used only for the purposes for which it is being provided;

(2) The information will be released only to persons officially connected with the audit, evaluation, or research;

(3) The information will not be released to the involved individual;

(4) The information will be managed in a manner to safeguard confidentiality; and

(5) The final product will not reveal any personal identifying information without the informed written consent of the involved individual or the individual's representative.

(e) Release to other programs or authorities.

(1) Upon receiving the informed written consent of the individual or, if appropriate, the individual's representative, the State unit may release personal information to another agency or organization, in accordance with a written agreement, for its program purposes only to the extent that the information may be released to the involved individual or the individual's representative and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

(2) Medical or psychological information that the State unit determines may be harmful to the individual may be released if the other agency or organization assures the State unit that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

(3) The State unit must release personal information if required by Federal law or regulations.

(4) The State unit must release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

(5) The State unit also may release personal information in order to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(Authority: Sections 12(c) and 101(a)(6)(A) of the Rehabilitation Act of 1973, as amended; 29 USC 709(c) and 721(a)(6)(A))

## A-202: Basic Customer Rights

VR customers are afforded certain basic rights, which include the right to:

* informed choice;
* be informed in writing of their rights;
* services that are nondiscriminatory;
* protection of personal information contained in the division's records, and
* appeal decisions regarding their planned services or their eligibility for such services.

Applicant and customer rights applicable to each VR program are summarized in a brochure titled [Vocational Rehabilitation Appeal Procedures - Can We Talk? (PDF)](https://twc.texas.gov/files/jobseekers/vocational-rehabilitation-appeal-process-twc.pdf). A copy of the brochure is to be provided to the customer, including those who are potentially eligible, at a minimum:

* at application (or when the VR1820, Request to Receive Pre-Employment Transition Services is completed for potentially eligible customers);
* at the time of initial plan development or IPE amendment;
* when services are being denied, reduced, suspended, or terminated; and
* upon applicant/customer request.

A case note must be entered in RHW documenting the date and method the brochure was given to the customer.

For a detailed description of the appeals process, see VRSM A-204: Appeals and Hearings in this chapter.

### A-202-1: Nondiscrimination Policy

VR does not exclude, deny benefits, limit participation, or otherwise discriminate against any individual who is otherwise qualified in the administration of services based on:

* race;
* color;
* sex;
* national origin;
* age;
* disability; or
* religion.

### A-202-2: Civil Rights Complaints

All discrimination complaints received by VR, either directly from a customer or through an external compliance agency, must be forwarded immediately to the TWC Equal Opportunity (EO) Officer at [eo.complaint@twc.texas.gov](mailto:eo.complaint@twc.texas.gov) (Attn: EO Compliance Dept., Fraud Deterrence and Compliance Monitoring Division) by the VR staff member receiving the complaint. Customers can also be referred immediately to the EO hotline at 512-463-2400.

Detailed information about policies, services, and procedures may be found on the EO Compliance Department’s intranet SharePoint page or at [TWC Equal Opportunity is the Law](https://twc.texas.gov/equal-opportunity-law).

### A-202-3: Allegations of Abuse, Neglect, or Exploitation

[Texas Family Code §261.101](https://statutes.capitol.texas.gov/SOTWDocs/FA/htm/FA.261.htm#261.101) requires an individual who believes that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any individual to immediately (within 48 hours) report the suspected abuse.

[Texas Human Resources Code §48.051](https://statutes.capitol.texas.gov/SOTWDocs/HR/htm/HR.48.htm#48.051) requires a person to make a report if there is cause to believe that a person age 65 or older or a person with a disability is being abused, neglected, or exploited.

To report allegations of abuse, neglect, or exploitation, the person who believes that abuse, neglect, or exploitation has occurred must immediately:

* contact law enforcement if the incident is a threat to health or safety;
* notify their supervisor, manager, or the appropriate contract manager of the allegation; and
* report the incident to the appropriate investigatory agency, as listed in the table below.

When a supervisor, manager, or appropriate contract manager receives a report of suspected abuse, neglect, or exploitation, they must do the following:

* consult with TWC Fraud Deterrence and Compliance Monitoring Division and/or Human Resources for next steps;
* consult with TWC Office of General Counsel (OGC), as appropriate; and
* fill out an RSM-3120, Security Incident Report, on the same day, but no later than 48 hours after the date the allegation was made, and email the report to Incident Reports – RSM, and to his or her supervisor or manager.

If a person believes that the suspected abuse, neglect, or exploitation presents a threat to the health and safety of the person being abused, neglected, or exploited, law enforcement should be notified immediately.

Additionally, when a person believes that suspected abuse, neglect, or exploitation has occurred, they must report it to the appropriate investigatory agency.

Suicide and suicide attempts should immediately be reported to law enforcement and the person's supervisor and/or manager.

If the alleged abuse, neglect, exploitation, suicide, or suicide attempt occurs in the locations outlined in the left column in the table below, the reporting process for each location is provided in the right column.

|  |  |
| --- | --- |
| **Incident Location** | **Report Incident to:** |
| Texas Workforce Solutions office | The TWC staff member who believes abuse, neglect, exploitation, suicide, or suicide attempt has occurred reports the information to local police and/or dials 9-1-1. |
| * a Texas Department of Family and Protective Services–licensed child care operation, including a residential child care operation; * a state-licensed facility or community center that provides services for mental health, intellectual disabilities, or related conditions; * an adult foster home (with three or fewer customers, which is not licensed by the Texas Health and Human Services Commission (HHSC)); * an unlicensed room-and-board facility; * a school; or * an individual's own home. | Texas Department of Family and Protective Services Statewide Intake P.O. Box 149030 Austin, Texas 78714-9030 Voice 800-252-5400 Fax 512-832-2090  [Texas Abuse Hotline](https://www.txabusehotline.org/Login/Default.aspx) |
| an HHSC-licensed entity, including:   * assisted-living care facility; * nursing home; * adult day care; * private intermediate care facility for individuals with intellectual disability; or * adult foster care. | [Texas Abuse Hotline](https://www.txabusehotline.org/Login/Default.aspx) |
| a Texas Department of State Health Services licensed substance-abuse facility or program | Texas Department of State Health Services Substance Abuse Compliance Group Investigations 1100 W. 49th St. Austin, Texas 78756 Mail Code 2823 800-832-9623 |
| a Texas Department of State Health Service–licensed hospital | Texas Department of State Health Services Facility Licensing Group 1100 W. 49th St. Austin, Texas 78756 Complaint Hotline 888- 973-0022 |

### A-202-4: Allegations of Fraud or Employee Misconduct

TWC employees should contact the following to report suspected fraud, waste, and abuse of government resources, and TWC employee misconduct:

TWC Fraud Hotline: 800-252-3642

TWC website: [Reporting Fraud in Programs - TWC](https://twc.texas.gov/reporting-fraud#hotlineAndInvestigationOfFraudInPrograms)

TWC mailing address:

Texas Workforce Commission

Attn: Office of Investigations

101 E. 15th St., Room 214T

Austin, Texas 78778-0001

See the TWC Personnel Manual, 1.19 Reporting Fraud, Theft, Waste and Program Abuse (PDF) for additional information.

### A-202-5: Customers Requesting Amendments to Their Records

If a customer believes information in the customer's record of services is inaccurate or misleading, the customer may request that Workforce Solution Vocational Rehabilitation Services (TWS-VRS) amend the information, as described in Texas Administrative Code §850.50. The agency will acknowledge receipt of the request and will notify the individual of final action taken. If the information is not amended, the request for an amendment must be documented in the record of services.

### A-202-6: Discrimination Based on Gender Expression and Identity

Texas Workforce Commission (TWC) Vocational Rehabilitation (VR) Division prohibits discrimination against VR customers based on gender identity, gender expression, and sex stereotyping. Lesbian, gay, bisexual, and transgender customers must not be denied access to workforce and training programs due to their gender identity.

Requirements related to the prohibitions on discrimination in the workforce development system are described in U.S. Department of Labor Employment and Training Administration, Training and Employment Guidance Letter No. 27-14, issued May 29, 2015.

## A-203: Mediation

Any party in an appeal may request mediation. Mediation is a voluntary process in which an appellant and a VR representative may work with a trained mediator to try to resolve a dispute with VR about determinations that affect the appellant's VR services.

Participation in the mediation process is voluntary on the part of the customer and VR.

The mediation process cannot deny or delay:

* the appellant's right to pursue resolution of the dispute through an impartial hearing held 60 days from receipt of the appellant's request for a due-process hearing; or
* any other rights described in this chapter.

At any point during mediation, either party or the mediator may decide to end the mediation. When mediation is ended, either party may pursue resolution through an impartial hearing.

When the VR hearings coordinator receives a request for mediation, the hearings coordinator selects an individual from a list of qualified mediators who are knowledgeable about the laws and regulations concerning VR services.

Mediation sessions are scheduled and conducted in a timely manner and can be held over the telephone, if that is the customer's preference, or in person. If an in-person hearing is conducted, the location is usually the VR regional or field office nearest the appellant's residence or a place agreed to by both parties. Arrangements can be made to address the need for any accommodations.

Discussions that occur during the mediation process are kept confidential and are not used as evidence in any subsequent due-process hearing or civil proceedings. The parties to the mediation process may be required to sign a confidentiality pledge before the process begins.

Any agreement reached during the mediation must be in writing and signed by all parties. The agreement becomes a part of the customer's record.

VR pays the cost of a mediation session. However, VR does not pay for costs related to the appellant's representation by counsel or another advocate selected by the appellant.

## A-204: Appeals and Hearings

An appeal, also known as a due-process hearing, provides the opportunity to:

* resolve disputes about decisions concerning furnishing or denying services; and
* submit additional evidence and information to an impartial hearing officer (IHO), who decides on the issues in dispute.

VR fairly and impartially addresses a customer's complaints about furnishing or denying services. To avoid an interruption of services, VR handles complaints promptly and at the lowest possible management level.

It is TWC's policy to explore all options in VR policy to resolve the complaint. This requires VR staff to address any complaint through an informal resolution process. However, if the VR counselor or his or her VR Supervisor or VR Manager cannot resolve the complaint, the customer must be given the right to appeal.

This policy applies to customer appeals involving VR and Independent Living Services for Older Individuals Who Are Blind.

Refer to Office of General Counsel-Due Process Hearing for additional information.

### A-204-1: Notifying the Customer of the Appeals Process

VR provides a customer (or as appropriate, the customer's representative) written notice of:

* the right to a review of VR determinations that affect the provision of services to the customer through an impartial due-process hearing as described in this chapter;
* the right to pursue mediation with respect to VR determinations that affect the customer's VR services;
* the address of OGC, with whom the customer may file a request for mediation or a due-process hearing;
* the way a mediator or IHO may be selected consistent with the requirements of this chapter; and
* the availability of the [CAP](https://disabilityrightstx.org/en/handout/vocational-rehabilitation-system-in-texas-2/) to help the customer during a mediation session or due-process hearing.

A case note must be entered in RHW documenting the date and method the information was given to the customer.

Decisions subject to review by appeal include:

* denial, reduction, suspension, or termination of services;
* the nature or content of the customer's IPE; or
* the delivery or quality of vocational counseling services or other services provided by VR.

### A-204-2: Time Limit of an Appeal

A customer who is not satisfied with a determination by VR must file the appeal within 180 days of the date on which VR made the determination. Otherwise, the appeal is not timely.

### A-204-3: Time Limit for the Hearing

An IHO must conduct a hearing within 60 days of VR's receipt of a customer's request for a due-process hearing, unless the parties to the dispute:

* achieve informal resolution or a mediation agreement before the sixtieth day; or
* agree to a specific time extension, which must be:
  + in writing;
  + signed by the appellant; and
  + filed with OGC.

The IHO may grant reasonable time extensions for good cause at the request of either party.

### A-204-4: Roles and Responsibilities in a Due-Process Hearing

#### Independent Hearing Officer

The IHO's authority is limited to reviewing the appellant's dissatisfaction with the furnishing or denial of services by VR.

The IHO may not:

* change TWC rules, policies, or procedures;
* hear alleged violations of the Americans with Disabilities Act, §504 of the Rehabilitation Act, or other federal laws;
* hear or decide class actions; or
* grant compensatory or monetary relief.

#### Office of General Counsel

OGC provides administrative support to the IHO during the appeal process and is the point of contact for the appellant's questions about the due-process hearing.

OGC's role depends on whether the appellant represents himself or herself or designates an attorney as a representative.

If the appellant represents himself or herself or is represented by someone who is not an attorney, OGC's role is primarily that of advisor to the VR representative. The VR representative prepares and presents the case. OGC provides all requested support to the VR representative.

Before the hearing, OGC is available to meet with the VR representative to discuss:

* developing the issues;
* gathering the evidence;
* preparing witnesses; and
* preparing exhibits.

If the appellant's representative is an attorney, OGC prepares and presents the case with the VR representative's help.

#### VR Representative

The VR representative is a VR deputy regional director or regional director.

If the appellant is not represented by an attorney, the VR representative:

* has the authority to settle the dispute with the appellant;
* prepares and presents the case;
* represents VR at the due-process hearing;
* fields all content calls; and
* may request support from OGC.

If the appellant is represented by an attorney, the VR representative:

* no longer has total responsibility for the due-process hearing;
* supports counsel legal staff members who are representing VR;
* is the rehabilitation content and case file expert; and
* helps counsel legal staff to reach a settlement.

The VR representative is the contact person for witnesses who are VR employees regarding the date, time, and location of the hearing and for any changes that occur.

#### The Appellant

The appellant is a customer who has filed an appeal and is the primary party to the hearing process. The purpose of the hearing is to resolve the issues that the appellant raised in the petition.

When the appellant does not have a representative, the appellant presents the case (for example, presents all the evidence and witness testimony) alone.

#### A Witness

A witness has:

* personal knowledge of the facts; or
* special knowledge (expert) of the alleged facts and issues.

A witness is usually prepared for testimony by the party's representative. An untrained witness may be asked to provide "impressions," and an expert is often asked to render an opinion based on a hypothetical question. All admissible witness testimony is entered into the record.

It is generally expected that the appellant's VR counselor is called as a witness.

### A-204-5: Serving Customers During an Appeal

A pending appeal decision by a mediator or IHO does not suspend, reduce, or stop services being provided for an appellant, including evaluation and assessment services and plan development, unless the:

* appellant or the appellant's representative requests it; or
* services have been obtained through misrepresentation, fraud, collusion, or criminal conduct by the appellant or the appellant's representative.

If a customer completes a term of training or similar services before the appeal is resolved, and the next term has not yet begun, the training or services under appeal will not continue to be provided for the next term. Training or services not under appeal will not be suspended, reduced, or stopped.

### A-204-6: Designating an Appellant's Representative

An appellant may represent himself or herself, or may designate someone to act as his or her representative, by completing VR1487, Designation of Applicant or Customer Representative. The representative may be an attorney licensed to practice law in Texas, but he or she is not required to be an attorney.

The appellant's representative:

* speaks for the appellant;
* handles the hearing for the appellant; and
* holds the same status in the appeals process as:
  + the VR representative; or
  + TWC's OGC attorney.

Once the appellant has designated a representative, the VR employee provides copies of all notices, pleadings, and other correspondence to the appellant's representative.

When the appellant's representative is an attorney, then:

* an attorney-client privilege relationship exists; and
* all communication with the appellant must occur through the appellant's representative.

The appellant's authorized representative remains the representative of record in the absence of a formal request to withdraw and an order approving the withdrawal issued by IHO.

When the appellant or the appellant's representative communicates that a representative designation is no longer in effect, the VR representative:

* stops communicating with the representative about the case;
* documents the appellant's oral or written notice in a case note; and
* asks the appellant to provide the request for revocation in writing, if applicable.

VR does not pay expenses for legal services or for witnesses requested by the appellant.

### A-204-7: Client Assistance Program

In addition to providing information about the availability of a CAP during the IPE process, VR must provide this information in any determination provided to the customer and document in a case note the date and method the information was provided. Information specific to the hearings process is also provided by the hearings coordinator. The required information for the appellant must include the [CAP](https://disabilityrightstx.org/en/handout/vocational-rehabilitation-system-in-texas-2/) office intake number, which is 800-252-9108.

Information about the availability of CAP must also be provided to customers who are potentially eligible when they complete the VR1820, Request to Receive Pre-Employment Transition Services.

Other free legal services and referrals may be available through [Texas Legal Services Center](https://www.tlsc.org/), [Texas Lawyers for Texas Veterans](https://www.texasbar.com/AM/Template.cfm?Section=Texas_Lawyers_for_Texas_Veterans), or, depending on the customer's location:

* [Legal Aid of Northwest Texas](https://internet.lanwt.org/home) , which serves the Dallas/Fort Worth area and Northwest Texas;
* [Lone Star Legal Aid](https://www.lonestarlegal.org/), which serves the Houston area and East Texas; or
* [Texas Rio Grande Legal Aid](https://www.trla.org/), which serves the Austin/San Antonio area, El Paso area, and South Texas.

### A-204-8: Communications with the Impartial Hearing Officer

Unless authorized by law, the VR representative or the appellant may not communicate directly or indirectly with the IHO about any issue of fact or law unless all parties may participate in the communication.

### A-204-9: Witness Mileage and Fees

The party that requests the witness's appearance or deposition pays witness mileage and fees.

VR employees' expenses are paid by the office to which they are assigned.

Any witness who is not a VR employee and who is subpoenaed by TWC is entitled to:

* mileage based on state travel rates for travel to and from the hearing or deposition, if the place is more than 25 miles from the individual's residence; and
  + a fee of at least $10 a day for each day or part of a day that the individual is required to be present; or
  + a fee equal to the per diem and travel allowances of a state employee, if an overnight stay is required.

### A-204-10: Providing Reasonable Access

During the appeal process, VR provides reasonable access on requests to the customer or other individuals with disabilities, as required by the Rehabilitation Act of 1973, as amended, §101(a)(6)(B) and §504.

Hearings or proceedings are always held at a time and place that is reasonably accessible to the appellant and any witnesses and convenient for the parties.

During the appeal process, the IHO must require that VR provide, upon reasonable notice and request, and at VR's expense, special communication help, including translators, readers for blind or visually impaired customers, and interpreters or communication access real-time translation (CART) for deaf and hard-of-hearing customers during proceedings.

For an appellant who is deaf and has sign language skills, VR uses certified interpreters when possible.

A VR employee may not serve as an interpreter during an appeal process.

An appellant who has a different hearing and/or speech impairment might need communication help such as:

* special environmental arrangements; or
* other communication technologies.

Technical assistance with interpreters and other communication alternatives may be obtained from the [Texas Office of Deaf and Hard of Hearing Services.](https://www.hhs.texas.gov/services/disability/deaf-hard-hearing)

### A-204-11: Computing Time

In computing any period stated in these procedures, the VR representative:

* does not include the date of the act, event, or default (the period begins on the next day); and
* includes the last day of the period, unless it falls on a Saturday, Sunday, or legal holiday. (The period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.)

Unless stated otherwise, the word "days" refers to calendar days.

### A-204-12: Prehearing Procedure

#### Notification of Appeal

An appeal is made when the customer files a VR1505, Request for Due Process Hearing and/or Mediation, with OGC. A customer may file an appeal when he or she disagrees with any determination affecting the provision of rehabilitation services.

#### Selection of the IHO for Hearing or Mediation

After receiving VR1505, Request for Due Process Hearing and/or Mediation, OGC randomly selects an IHO from a pool of IHOs.

#### VR Representative

If the appellant is not represented by an attorney,

* the deputy regional director prepares and presents the case; and
* OGC provides all requested support to the deputy regional director.

If the appellant is represented by an attorney, the roles change. See "Roles and Responsibilities in a Due-Process Hearing," in this section for more information.

#### Action Before the Hearing

The IHO sets the date, time, and place for the hearing and notifies the parties. Hearings can be held over the telephone or in person. If an in-person hearing is conducted, the location is usually at the VR regional or field office nearest the appellant's residence, or a place agreed to by both parties. Arrangements can be made to address the need for any accommodations.

The IHO schedules a prehearing conference to acquaint all parties with the laws, regulations, and rules to be followed during the hearing. The prehearing conference also allows all parties to raise and address concerns about any relevant matter, including:

* pending motions;
* stipulations;
* issues;
* witnesses;
* disclosures;
* reasonable access; or
* settings.

Names and addresses of witnesses must be filed before the hearing date set by the IHO.

The IHO may order that the parties be prepared to do the following at the prehearing conference:

* Discuss the prospects of settlement and report on them at the prehearing conference
* File and discuss preliminary motions
* Specify the facts and legal issues in the case
* State concisely the disputed facts and issues

All of the discovery, prehearing conference, and due-process hearing is electronically recorded. VR provides one copy of the recording at no cost to the appellant. There is a charge for additional copies or transcripts.

#### Discovery

VR must provide to the appellant, or the appellant's representative, a copy of the appellant's case file without the appellant having to request it.

A party may request in writing that the other party:

* provide the names of potential witnesses, including experts;
* summarize the anticipated testimony of the witnesses;
* state the issues as the party sees them and the factual basis for the issues; and
* provide other information requested by the IHO.

### A-204-13: Action During the Due-Process Hearing

The appellant and VR representative may:

* offer into evidence any relevant information;
* examine all material offered into evidence;
* object to any evidence offered;
* provide testimony;
* call witnesses to testify; and
* cross-examine witnesses.

#### Conduct of the Parties During the Hearing

The IHO maintains and enforces standards of conduct. Every party, witness, attorney, and representative must participate in all proceedings with professionalism, dignity, courtesy, and respect for all other parties.

#### Order of Procedure at the Hearing

1. The appellant may state:
   * the claim or defense;
   * what the appellant expects to prove; and
   * the relief sought.
2. VR may make a similar statement.
3. The IHO may allow others to make statements.
4. The appellant introduces evidence.
5. VR and any other parties may cross-examine each of the appellant's witnesses.
6. Parties may redirect and re-cross-examine.
7. Unless the statement has already been made, VR may state:
   * the claim or defense;
   * what VR expects to prove; and
   * the relief sought.
8. VR introduces evidence, if any.
9. The appellant and any other parties may cross-examine each of VR's witnesses.
10. The parties then may present rebuttal evidence.
11. The IHO may allow the parties to make their closing statements.

The IHO may deviate from this order of procedure in the interest of justice or to expedite the proceedings.

At the hearing, parties must provide four copies of each exhibit offered as evidence.

No evidence may be admitted that is irrelevant, immaterial, or unduly repetitious.

### A-204-14: The Impartial Hearing Officer's Decision

The IHO renders a decision within 30 days after the hearing completion date.

### A-204-15: Motion for Reconsideration

Either party to a hearing may file a motion for reconsideration with OGC within 20 days after the IHO issues a decision.

The motion for reconsideration must specify the matters in the IHO's decision that the party considers erroneous. The opposing party must file a response to the motion within 15 days of the date that the motion was served on the opposing party.

### A-204-16: Final Decision

The IHO acts for VR, and the IHO's decision is final.

### A-204-17: Civil Action or Judicial Review

Any party aggrieved by an IHO's final decision may bring a civil action for review of the decision. Without regard to the amount in controversy, the action may be brought in:

* any state court of competent jurisdiction; or
* a US district court of competent jurisdiction.

In any such action, the court:

* receives the records relating to the hearing;
* hears additional evidence at the request of a party to the action;
* bases a decision on the preponderance of the evidence; and
* grants appropriate relief.

Exhausting all administrative remedies, including a motion for reconsideration, is a prerequisite to judicial review. A party seeking judicial review of the final VR decision must begin civil action no later than 30 days after the date of the final decision.

If a party brings a civil action to challenge an IHO's final decision, the IHO's final decision must be implemented, pending a court's review.

## A-205: Subrogation

Subrogation is a process in which TWC recovers all or part of the costs of providing rehabilitation services when a customer:

* was injured in an accident that was somebody else's fault; and
* stands to recover monetary damages in a lawsuit or insurance settlement.

TWC-VR's statutory authority for subrogation is Texas Labor Code §352.058. When TWC-VR funds are expended on behalf of a customer who has filed litigation or other legal claims, OGC helps recover those funds.

### A-205-1: Legal Authorization

Section 352.058 provides that TWC-VR be subrogated to the customer's right of recovery when TWC-VR pays for rehabilitation or medical care services for a customer. In other words, TWC-VR is put in the customer's place and assumes the customer's right of recovery from:

* personal insurance;
* another person for personal injury caused by the other individual's negligence or wrongdoing; or
* any other source.

VR's right of subrogation is limited to the cost of the services VR has provided to the customer.

Example: VR pays for rehabilitation or medical services made necessary by a motor vehicle accident, and the customer later receives a court judgment or insurance settlement for the accident. VR is entitled to be reimbursed out of the proceeds of the settlement or judgment for the services VR provided to the customer.

TWC-VR has the ability to waive, totally or partially, VR's subrogation interest when it is found enforcement will tend to defeat the purpose of the customer's rehabilitation.

### A-205-2: Asking the Right Questions

When completing or updating the Personal Information page in ReHabWorks (RHW), the VR counselor must ask the customer whether he or she has retained an attorney for any issues associated with his or her disability or the requested VR services.

If the customer confirms that he or she has retained an attorney, then it is presumed that there is a pending claim or litigation and the VR counselor must ascertain whether VR may pursue subrogation. Refer to VRSM A-205-3: Types of Subrogation for additional information about pursuing subrogation.

### A-205-3: Types of Subrogation

When the customer has retained an attorney or there is a disability-related lawsuit pending, the VR counselor reviews the following scenarios with the customer to determine whether a VR3500, Subrogation Report should be completed:

TWC-VR pursues recovery of expenditures in the following types of cases:

* A customer is bringing claims or suing another party for personal injury caused by the other party's negligence or wrongdoing, and when VR has expended, or will expend, funds for rehabilitation services due to the negligence or wrongdoing.
* A customer was injured on the job, but there is no workers' compensation coverage, and the customer has filed a liability claim or lawsuit.
* The Texas Department of Insurance, Division of Workers' Compensation, has denied the customer's claim, and the customer is appealing the denial either to the Texas Department of Insurance, Division of Workers' Compensation, or in court, and TWC-VR has provided or will provide diagnostic or restorative services related to the injury.

TWC does not pursue subrogation when any of the following are true:

* The Texas Department of Insurance, Division of Workers' Compensation, is paying or will pay for the customer's medical expenses.
* When the customer is applying for Supplemental Security Income (SSI) or Social Security Disability (SSD) benefits.
* When TWC-VR has expended no funds and expects to spend no funds.
* When TWC-VR expenditures in on-the-job injury cases include no medical costs relating to the original injury.

### A-205-4: Subrogation and Use of Comparable Benefits

TWC-VR usually does not purchase goods or services for customers when there are other sources to cover these expenses. However, per 34 CFR §361.53(a), VR funds can be used before a settlement or judgment is reached in a workers' compensation or liability case when funds are not available at the time needed to ensure that the customer's progress toward the employment goal is not delayed.

### A-205-5: Subrogation Procedure

If it is determined that TWC-VR may be entitled to pursue subrogation there are several steps required to ensure that OGC is notified of the pending subrogation case in a timely manner.

As part of the diagnostic interview or when completing the IPE, Joint Annual Review, or IPE amendment, VR staff must complete the VR3500, Subrogation Report. Include the details of the subrogation in either the diagnostic interview or another case note.

Enter "yes" in the "lawsuit pending" section of the RHW Personal Information page and send the form to OGC by email, fax, or regular mail to:

Texas Workforce Commission

Office of the General Counsel

Attention: Legal Assistant

101 East 15th Street, Room 608

Austin, Texas 78778

Tel: 512-936-3511

Fax: 512-463-1426

Email: [subrogation@twc.texas.gov](mailto:subrogation@twc.texas.gov)

A copy of the VR3500 is filed in the customer's case file. A copy of the Explanation of TWC-VR Subrogation Rights under Texas Law is provided to the customer. This is located on the Office of General Counsel’s SharePoint site.

If the customer has questions about the subrogation process, VR staff can escalate those questions through their chain of management to OGC for additional guidance and support.

Once the VR3500, Subrogation Report has been completed and submitted to OGC, recovery will begin when funds that are recoverable have been encumbered,

TWC-VR field staff are not required to track a subrogated case.

### A-205-6: Role of Office of General Counsel in Subrogation Process

OGC provides all legal support and representation regarding subrogation, including legal intervention in lawsuits. Additionally, the office acts as a liaison with the OAG.

Within OGC, the subrogation coordinator:

* helps identify cases that are appropriate for subrogation;
* begins efforts to recover costs when OGC is notified of a subrogation case; and
* communicates with field counselors and private attorneys to facilitate reimbursement.

### A-205-7: The Recovery Process

When OGC finalizes a settlement of a subrogation claim, the customer's attorney often will submit a request for a waiver of all or part of the TWC-VR subrogation lien. When this happens, the TWC subrogation coordinator:

* communicates with the customer's attorney regarding the subrogation claim; and
* sends a list of assessment questions to the counselor of record or the VR Manager of that unit.

The VR counselor of record or VR Supervisor:

* completes the list of assessment questions; and
* sends the completed document to the subrogation coordinator within three workdays.

When all necessary documents, including the VR counselor's assessment responses, are received, TWC-OGC will use the information provided to negotiate an appropriate settlement amount for the subrogation claim, if warranted.

The final settlement amount may range from 0 percent to 100 percent of the total lien amount claimed by TWC-VR.

## A-206: Litigation

Litigation is an action or lawsuit filed in a state or federal court in which TWC and/or its employee(s) are named a party. If an employee is served and/or named as a defendant in a lawsuit related to TWC business, he or she should immediately contact OGC at 512-463-7902.

The OAG represents the agency and may represent individual employees named individually in the lawsuit if related to agency duties.

The attorney general cannot represent an employee in a legal matter if the employee is being sued for conduct not:

* on state time; or
* related to agency duties.

If an employee is sued in the employee's individual capacity, not related to agency duties, VR staff or OGC will not accept service on behalf of the employee. The employee must personally receive and accept service of the lawsuit.

### A-206-1: Responding to Litigation Proceedings

In a state lawsuit, the lawsuit document (petition) is hand-delivered by a process server (constable, deputy sheriff, or any other individual who is not interested in the outcome of the case).

In a federal lawsuit, the document (complaint) is hand-delivered by a federal marshal or delivered through first-class mail. Delivery of these documents is known as "service of process."

TWC does not accept service of process documents that name an employee and the employee's conduct is not:

* on state time; or
* related to agency duties.

If TWC, one of TWC's three Commissioners, or a member of executive management is sued in his or her official capacity, OGC may accept service of the lawsuit on behalf of TWC.

### A-206-2: Guidelines Regarding a Litigation

Discuss the lawsuit only with TWC attorneys or the assistant attorney general assigned to the case.

### A-206-3: Depositions and Other Discovery

TWC employees may be required to provide sworn testimony through a deposition by attorneys involved in a lawsuit wherein TWC may or may not be a party to the litigation. TWC employees will assist OGC attorneys and the OAG through the deposition process, including making themselves available for both preparation for a deposition and the actual deposition.

TWC may also be served with discovery such as interrogatories, requests for admissions, requests for production, and requests for disclosures. When requested, TWC employees will assist OGC attorneys and OAG attorneys to make timely responses to discovery requests.

## A-207: Confidentiality and Use of Customer Records and Information

This section applies to all customer records and information pertaining to individuals who apply for or receive VR services. The VR Release Forms Desk Aid is available on the Program Policy and Support Intranet page for additional guidance.

A customer is anyone who applies for or receives VR services.

A customer representative is any individual chosen by an applicant or eligible individual, including a parent, guardian, other family member, or advocate. If a court has appointed a guardian or representative for an applicant or eligible individual, that person is the individual's representative.

The customer representative for a child who is less than 18 years old and not emancipated or married is the parent or court-appointed guardian. The parent is presumed to be the representative unless documentation is provided showing otherwise.

For VR to safeguard the customer's confidentiality, the customer or the customer's representative must provide documentation of representation to VR. The customer's representative has responsibilities related to the provision of VR services until VR is notified by the customer or the customer's representative that the person is no longer the representative.

A customer's representative must:

* complete VR1487, Designation of Applicant or Customer Representative; or
* provide power of attorney documentation or a written statement by the customer designating a representative.

A court-appointed guardian or representative must provide current legal documentation of guardianship.

The paper case file for an emancipated or married minor child must include current legal documentation as proof of emancipation or marriage.

### A-207-1: Request for Records Procedures

The VR employee contacts OGC immediately, and notifies the immediate VR Supervisor, when:

* a customer, customer's representative, or lawyer requests that a TWC employee discusses a customer's case with a lawyer;
* a lawyer, judge, magistrate, or clerk of court calls or writes TWC concerning a subpoena; or
* the VR employee is served with a subpoena that requires a TWC employee to appear:
  + in court;
  + before an administrative proceeding; or
  + for a deposition.

The VR staff member sends a copy of the subpoena via email to [open.records@twc.texas.gov](mailto:open.records@twc.texas.gov) or fax to 512- 463-2990. Responses to subpoenas, court orders, or summons are centrally coordinated through the OGC Open Records Section. Release of records is prohibited unless expressly approved by OGC. The VR staff member should contact OGC via email at [open.records@twc.texas.gov](mailto:open.records@twc.texas.gov)or call the VR Records Coordinator at 512-936-6355 for instructions in the following circumstances.

### A-207-2: Obtaining Customer Information

Customer information usually is obtained from:

* the customer;
* another individual; and/or
* various agencies and organizations.

To authorize release of customer information at the time of application, the applicant completes and signs the VR5060, Permission to Collect Information.

Refer to VRSM A-210: PIN and Signature Procedures for more information on signatures.

#### Release to Obtain Records from Other Agencies

Other agencies and organizations usually require written permission from the individual before releasing personal information (e.g., medical, psychiatric, psychological, and/or social history records) to Texas Workforce Solutions Vocational Rehabilitation Services (TWS-VRS).

When an agency or organization requires that the customer sign the agency's own release form before providing information to TWS-VRS, including requests for alcohol and drug abuse patient records:

* obtain the customer's signature on the other agency's or organization's form, and
* return the signed form to the other agency or organization.

All applicants and recipients of services and, as appropriate, those individuals' representatives, must be informed of the confidentiality of personal information and the reasons for accessing this information. The requirements for the protection and use of confidential information are under 34 CFR §361.38.

Sometimes, the information source is subject to federal or state law limitations not always consistent with the legal limitations applicable to TWS-VRS. When an information source questions how TWS-VRS protects the confidentiality of customer information, the source may be provided with a copy of this chapter.

If the source has more stringent controls than TWS-VRS:

* accept the information;
* advise the source that a written statement must be clearly attached to the information, or that a stamp must be imprinted on all documents that
  + explains the restrictions on release,
  + identifies the person or organization imposing the restriction, and
  + identifies the source of the restriction (if the restriction is based on a statute or regulation, the written statement or stamp must clearly identify the statute or regulation);
* file the information and the written statement together so it will be clear that the statement goes with the information; and
* ensure that the imprinted stamp is affixed to all files and is clearly visible.

### A-207-3: Safeguarding Customer Records and Information

Employees are responsible for protecting the confidential nature of information in customer case files, in accordance with this policy, and for prohibiting unauthorized access to them.

Information is not to be disclosed directly or indirectly, other than in the administration of the rehabilitation programs, unless:

* the consent of the customer has been obtained in writing;
* in compliance with a court order; or
* in accordance with a federal or state law or regulation, as described in this chapter.

The confidential information that is protected includes all customer-identifying information contained in:

* reports;
* lists; and
* other paper or electronic documents.

Specifically, this means any information that would identify an individual as being a VR customer.

Protected customer information includes information normally filed in a customer case file, such as:

* applications, medical reports, IPE, and contact reports; and
* any document held outside customer case records, such as Internal Audit reports containing information that identifies a customer by name, Social Security number (SSN), or other means.

A customer's case files and materials scheduled for inclusion in the customer's folders are kept in a locked desk, filing cabinet, or other suitable locked container when VR employees are not present to ensure proper security.

All other information identifying the customer is kept in a locked VR building, office area, or room when VR employees are not present to ensure proper security.

Good judgment must be exercised, and reasonable precautions taken, to ensure unauthorized individuals do not have access to confidential records. Employee violations of VR policy on protecting the confidential nature of customer records are grounds for appropriate disciplinary action.

All TWC employees must maintain a professional respect for the confidential nature of the data on individuals and refrain from indiscreet and/or casual conversation that might reveal to unauthorized individuals information concerning VR customers.

## A-208: Release of Customer Records and Information

Unless specifically authorized by OGC, confidential customer information is released only when:

* authorized by the customer or customer's representative on a valid release;
* responding to a valid subpoena or other legal process;
* directly connected with the customer's rehabilitation; or
* needed in certain investigative and emergency circumstances.

After receiving a valid release, VR staff may provide the requested confidential information pursuant to A-209 without an Open Records request. However, VR staff must consider the exceptions for information that may not be released pursuant to A-209-2 when responding to the request.

If an Open Records request has been completed by OGC and returned to the VR counselor, the VR counselor must complete VR1514, Request from Open Records, certifying that the information was released per TWC policy. The form allows the VR counselor to identify information not provided to the requestor because it would be potentially harmful to the customer if released.

For more information on valid releases, refer to VRSM A-209: Valid Release Authorized by the Customer or a Representative.

For more information on retrieving closed case files, refer to VRSM D-303-1: Case Files.

### A-208-1: Release of Information from Governmental Agencies with Restrictions

When information is rereleased based on a valid release by the customer or the customer's representative, personal information in the file obtained from another governmental agency or governmental organization, either local, state, or federal, can be rereleased only by, or under the conditions established by, the other agency or organization, and specified in the records.

Customers are required to sign VR5061, Notice and Consent for Disclosure of Personal Information, during the application process. This form, when signed, is the customer's acknowledgment that personal information, by law, may be shared with other governmental entities.

It is possible that due to stringent controls, VR cannot release to the requestor the information obtained from the other agency or organization, but must refer the requestor to the source to obtain the information. OGC determines when information of this type is needed to respond to a request in a court order, subpoena, or is needed for other purposes described in this chapter.

### A-208-2: Release of Customer Criminal History Records

Occupations requiring a license permit or other credential may include a computerized customer criminal history (CCH) search as part of the credentialing process.

If a customer wants to work in an occupation or participate in a training program requiring a license, permit, or other type of credential, the VR counselor must explain to the customer why the CCH search is necessary and document the reasons for obtaining the CCH and a summary of the discussion with the customer in a case note.

Requests for a CCH search may be submitted only on cases determined eligible or that are in active status. Criminal history information must not be considered as part of the eligibility determination process, only as part of employment planning during the comprehensive assessment and plan development process or when a case is in active status.

To request a CCH search on a customer, the VR counselor completes the VR1510, Request for Computerized Criminal History (CCH) Search, and sends it by email to the regional point of contact. The CCH requested by VR is typically obtained using the name and date of birth, also known as a name-based search, and covers offenses that occurred in Texas. For information on when to conduct a fingerprinting background check, refer to B-405-3: When Fingerprinting is Needed.

The CCH report is critical to the decision-making process. For policy and procedure on when to request a CCH, refer to VRSM B-405-1: Obtaining and Maintaining Computerized Criminal History Check Results.

For policy and procedure on documenting and storing a CCH, refer to VRSM B-405-4: Evaluating and Documenting Computerized Criminal History Results.

VR receives customer CCH records from the Texas Department of Public Safety on the assurance that the records are used for rehabilitation purposes only.

VR may not release a name-based search to another organization or individual. This includes the customer or customer’s representative unless there is a request contained in a valid subpoena or other valid court order and the release is approved by the Office of General Counsel (OGC).

Name-based searches are not an exact search and only fingerprinting background checks represent true identification of criminal history record information.

Information from a fingerprinting background check may be released by VR to the customer or customer’s representative if there is a valid release or written request. Requests contained in a valid subpoena or other valid court order may be released after obtaining approval by the OGC.

For more information on obtaining fingerprinting background checks, refer to VRSM B-405-3: When Fingerprinting Is Needed and VRSM D-510-6: Fingerprint Procedures.

Based on Texas Government Code §411.085(a)(2).

### A-208-3: Release of Information Obtained from Disability Determination Services

VR releases customer information in the customer's case record that was obtained from Disability Determination Services in accordance with the provisions of this chapter.

### A-208-4: Release of Alcohol and Drug Abuse Patient Records

Customer "alcohol and drug abuse patient records" means any records in a customer's file provided to VR from an outside source and accompanied by the following written statement, attached by the source providing the records:

"This information has been disclosed to you from records protected by Federal Confidentiality rules (42 CFR 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient."

Alcohol and drug abuse patient records do not include records such as psychological reports or medical records, which are not accompanied by a cover sheet or other attached document containing the statement quoted above.

#### Labeling and Maintaining Alcohol and Drug Abuse Patient Records

Any time a customer's alcohol and drug abuse patient records are released, this same restrictive statement must be printed on a cover sheet and attached to the records. If the statement attached by the source providing the records to TWC was on a cover sheet, a copy of that same cover sheet may be used by VR. Otherwise, the VR counselor prints the restrictive statement on a new cover sheet and attaches it to the records.

Based on 42 CFR 2.32. Alcohol and drug abuse patient records may not be maintained in customer files unless the file contains a properly signed VR5061, Notice and Consent for Disclosure of Personal Information.

### A-208-5: Educational and Noneducational Records

TWC discloses records to a juvenile service provider (JSP) to prevent the duplication of services and to improve the quality of services for certain juvenile customers. "Juvenile service provider" means a governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile. (Texas Family Code §58.0051(2))

#### Educational Records

VR has the authority to obtain educational records from an independent school district or a charter school for a student who has been taken into custody or referred to a juvenile court. VR is required to certify in writing that the information will be disclosed only to another JSP to verify the identity of the student and to provide delinquency or treatment services. VR is required to provide a VR5060, Permission to Collect Information to a JSP when requesting educational records.

#### Noneducational Records

VR is required to disclose to a JSP a multisystem youth's personal health information or history of governmental services for the purposes of identifying the youth and to coordinate, monitor, and improve the quality of juvenile services.

Personal health information or a history of governmental services include the multisystem youth's:

* identity;
* medical records;
* assessment results;
* special needs;
* program placement; and
* psychological diagnoses.

TWC may charge a fee or may be required to pay a fee for records in accordance with the Texas Public Information Act unless an agreement with the JSP:

* prohibits the payment of a fee;
* provides for the waiver of a fee; or
* provides an alternate method of assessing a fee.

For more information, refer to VRSM D-503-2: Texas Public Information Act.

### A-208-6: Labeling "Confidential" on Released Customer Records

Any customer records released must have a "CONFIDENTIAL" stamp imprint on each file, assuring that the information will:

* be safeguarded;
* be used only for the purpose provided; and
* not be released to unauthorized individuals.

Exception: If more than 10 pages are released, the pages may be stapled together with the stamp imprint on a cover page, or, if appropriate, the VR counselor may use:

* VR1515, Notice for Release of Confidential Records Pursuant to Legal Process or Investigation; or
* VR1516, Notice for Release of Confidential Records for Audit, Research, Evaluation, or Other Program Purposes.

## A-209: Valid Release Authorized by the Customer or a Representative

When the customer or his or her representative submits a valid release, that is, a properly completed written request for information, the VR counselor must provide in a timely manner the information requested from the customer's case file. The following are valid releases and are accepted by VR:

* A properly completed VR1517-2, Authorization for Release of Confidential Customer Records and Information;
* [Social Security Administration (SSA) Form SSA-827, Authorization to Disclose Information to the Social Security Administration (SSA)](https://www.ssa.gov/disability/professionals/ssa827_informationpage.htm), version dated April 2009 or later (versions of Form SSA-827 dated before April 2009 are not valid and must not be honored); or
* An authorization or form provided by the customer, which, after evaluation on a case-by-case basis, has been found to meet the criteria set forth below.

To qualify as a valid release, a customer's authorization form must:

* be in writing (either handwritten or typed);
* identify the records or other information to be released;
* be signed by the customer or a representative;
* be dated;
* identify the individual (as appropriate, by name, telephone number, address) or entity to whom VR is authorized to release the information; and
* be specifically directed to VR. (Exception: Release forms that are not addressed, or releases addressed "To Whom It May Concern" or "To Custodian of Records," are valid if they identify the records to be released as VR records.)

Refer to VRSM A-210: PIN and Signature Procedures for more information on signatures.

### A-209-1: Examples of Invalid Releases

General release forms, not addressed to VR and not identifying the records to be released as VR records, are not valid.

Example: "I authorize any organization having any records concerning me to release those records to..."

When the customer's own form authorizes individuals or organizations that are not part of VR to release the information, the release is not valid, and VR cannot honor the request.

Example: "I authorize all doctors, hospitals, and other medical providers who have treated me to release..."

Only the records that are identified in the request may be released.

Example: "I request release of my medical records" is valid for releasing copies of medical records but not valid for releasing rehabilitation records or other records in the customer's file.

### A-209-2: Exceptions

In responding to requests submitted on a valid release, the VR counselor may not release the following:

* Information obtained from other governmental agencies with restrictions on re-release
* Customer criminal history records obtained from the DPS to anyone other than to the customer or the customer's representative
* Information that may be harmful to the customer, which may be released to the customer only through the customer's designated representative. (Information delivered directly to the customer's representative or a third party is releasable without regard to this restriction.) This exception does not apply to a Form SSA-827 request because the information is not released directly to the customer.
* Human immunodeficiency virus (HIV) test results, unless the authorization specifically states that HIV test results may be released

### A-209-3: Release to Guardian or Court-Appointed Representative

When a guardian or court-appointed representative of the customer asserts entitlement to receive customer information without the customer's consent, before releasing any information, the VR counselor:

* obtains from the individual a certified copy of a court-issued letter of guardianship;
* files the letter or other appointment letter in the customer's case file; and
* ensures that the appointed representative completes and provides to TWC a valid release.

This applies only to adults who have been specifically identified by the court to be the customer's representative.

### A-209-4: Release to Customer-Appointed Representative

Although the most common way of releasing customer information to family members and friends is using a valid release signed by the customer, occasionally information is released to an individual in his or her capacity as the customer's appointed representative. If information is to be released to an individual in his or her capacity as the customer's own representative, the customer must have appointed the representative by:

* completing the VR1487, Designation of Applicant or Customer Representative;
* obtaining power of attorney; or
* providing the customer's own form designating a representative.

The VR counselor files in the customer's case file the:

* VR1487;
* power of attorney; or
* the customer's own form designating a representative.

### A-209-5: Release to a Customer's Relative

Unless the customer's relative is the customer's authorized representative, a customer's relative may not receive the customer's records without an explicit, written, and signed authorization on a valid release by the customer or the customer's representative.

When one of the following applies, the VR counselor ensures that the relative properly completes a valid release, before releasing the information:

* The customer is a minor, and the customer's parent is the authorized representative.
* There is a judicial finding of the customer's incompetence, and a relative of the customer, who also is the customer's legal guardian, is the authorized representative.
* A relative appointed by the court, also named as the customer's guardian, is the customer's representative.

### A-209-6: Release to Individuals Accompanying a Customer to a Counseling Session

When a spouse, minor child, or another individual accompanies a customer or applicant to a counseling session, unless the individual is the customer's authorized representative, a VR employee must ensure that:

* the customer completes a VR1517-2, Authorization for Release of Confidential Customer Records and Information, or other valid release described in VRSM D-300: Records Management, authorizing the spouse, minor child, or other individual to be present during the discussion of confidential customer information; or
* any previously provided consent has not expired and contains information applicable to the current situation.

### A-209-7: Release to Medical and Mental Health Professionals

In this section the following will be covered:

* Release of Information Potentially Harmful to the Customer
* Release of HIV Test Results
* Release to a Designated Mental Health Professional
* Release to a Designated Medical Professional
* Consultation to Review Potentially Harmful Information
* Release to the Client Assistance Program

#### Release of Information Potentially Harmful to the Customer

Medical, psychological, or other information that the VR counselor believes could be potentially harmful if released to a customer must not be released directly to the customer.

Information considered potentially harmful must be released to the customer through a third party chosen by the individual, designated by an explicit, written consent form signed by the customer using either:

* VR1517-2, Authorization for Release of Confidential Customer Records and Information, or other valid release described in VRSM D-300: Records Management; or
* the customer's own form designating the third party chosen by the individual.

A third party chosen by the individual may include, among others:

* a family member;
* an advocate;
* a qualified mental health professional; or
* a medical professional.

Third parties chosen by individuals are expected to use appropriate professionals, as needed, to discuss potentially harmful information with the customer.

If the customer chooses to designate an individual already named to represent him or her before VR on one of the forms for designating a representative, then, as an exception, the additional consent form described here is not required.

When psychological or psychiatric records are stamped as "not to be shared with the customer," the VR counselor should refer the customer to the psychologist or psychiatrist limiting the distribution of the document.

#### Release of HIV Test Results

VR staff members must not reveal HIV test results to anyone, including the customer, without the customer's explicit, written, and signed authorization on a valid release. The valid release must specifically authorize the release of HIV test results.

The confidentiality of customer HIV test results is strictly regulated under Texas Health and Safety Code §85.115 and 40 TAC §101.117.

#### Release to a Designated Mental Health Professional

Psychological information that the VR counselor believes could be harmful if released to the customer may be released to a licensed psychologist whom the customer has designated as the third party chosen by the individual.

#### Release to a Designated Medical Professional

When the potentially harmful information is related to a medical condition, the representative may be a physician skilled in the diagnosis and treatment of the disorder, among others.

#### Consultation to Review Potentially Harmful Information

When comparable services and benefits are not available, TWC can pay for a single-visit consultation (in accordance with a medical access program), with a physician or psychologist, to review potentially harmful information with the customer.

Based on 34 CFR §361.38(c)(2).

#### Release to the Client Assistance Program

A customer may designate the [CAP](https://disabilityrightstx.org/en/handout/vocational-rehabilitation-system-in-texas-2/) to be the third party chosen by the individual for receiving potentially harmful information.

When releasing records containing mental health information to the CAP, the VR counselor:

* obtains the customer's or court-appointed representative's signature on a valid release; and
* in the description of released records, specifically states that records related to mental health or an intellectual disability are being requested.

### A-209-8: Charging for Copies of Customer Records

VR may charge for copies of customer records. For guidance, see the TWC Open Records Unit Manual.

### A-209-9: Release for Administration of the Customer's VR Program

The scope of the customer's rehabilitation is determined by the provisions of the customer's IPE.

Releasing customer information for a purpose directly connected with the customer's rehabilitation usually poses no problem. This release does not legally require express or written customer consent. At application, the customer signed VR5061, Notice and Consent for Disclosure of Personal Information.

When it is difficult to ascertain whether the purpose of the release is "directly connected with the customer's rehabilitation program," the VR counselor obtains the customer's written authorization on a valid release to provide information to an organization or individual.

Based on 34 CFR 361.38(b).

#### Release to an Employer or Prospective Employer

The VR counselor may provide to an employer or prospective employer customer information that the VR counselor considers relevant and appropriate for achieving the customer's employment goals. However, the VR counselor must not divulge any information concerning the customer's disability without the customer's permission to do so.

Additionally, the VR counselor obtains a valid release from the customer to release the information:

* when it is difficult to ascertain whether the information is relevant and appropriate to the customer's employment goals;
* before releasing information from a fingerprinting CCH background check (see VRSM A-208-2: Release of Customer Criminal History Records);
* before releasing alcohol and/or drug abuse patient records; and
* before releasing HIV test results.

#### Release to Another Agency or Organization for Its Program Purposes

Unless the customer information requested by another agency or organization is for a purpose directly connected with the customer's rehabilitation program, the information may be released to another agency or organization for its own program purposes only with specific written customer authorization.

The VR counselor uses VR1516, Notice for Release of Confidential Records for Audit, Research, Evaluation, or Other Program Purposes, and obtains a valid release from the customer.

After receiving a valid release containing the customer's authorization, the VR counselor selects the appropriate checkboxes, signs, and attaches a copy of VR1516 as a cover sheet to the released documents. Individual documents are stamped as explained above.

### A-209-10: Release to Law Enforcement, Courts, and Organizations in Emergency Situations

VR releases, with or without written consent, customer information in response to requests involving law enforcement, including official investigations concerning:

* national security violations;
* tax fraud;
* apprehension related to illegal immigration; and
* public assistance fraud.

VR also releases relevant customer information to an authorized state agency and other organizations for reports and investigations required by state law concerning:

* child support enforcement (see public law 93-647);
* child abuse; and
* abuse, exploitation, or neglect of the elderly or disabled.

Under Chapter 614 of the Texas Health and Safety Code, VR must disclose information about a customer when the disclosure supports a program under the Texas Correctional Office on Offenders with Medical or Mental Impairments, and the customer:

* has criminal charges pending;
* has been convicted or adjudicated; or
* is in custody or under any form of criminal justice supervision.

These circumstances require TWC to provide the customer's:

* identity;
* needs, treatment, social, criminal, and vocational history;
* status of and compliance with supervision by a criminal justice agency; and
* mental and medical health history.

Except for emergency situations, or as required by law, the request must be:

* in writing; and
* signed by an appropriate official, stating that the information is required for:
  + an official investigation in connection with the above subjects; or
  + a program under the Texas Correctional Office on Offenders with Medical or Mental Impairments; and
  + the specific information required from the customer's record.

When releasing information to a governmental law enforcement agency, the VR counselor attaches a copy of the request and VR1515, Notice for Release of Confidential Records Pursuant to Legal Process or Investigation, with the second checkbox selected, as a cover sheet to advise the agency of the confidential nature of the documents.

The VR counselor contacts OGC for advice on all requests from law enforcement or other agencies.

#### Release of Customer Records Pursuant to a Subpoena

TWC releases customer information to a federal or state court, an administrative hearing officer, or a judge when presented with a subpoena, court order, or summons. Valid subpoenas are binding upon TWC, with or without the customer's consent.

If the employee receives a subpoena, the VR counselor immediately contacts OGC directly by emailing [Subpoena Requests](mailto:subpoena.requests@twc.texas.gov). The employee notifies his or her immediate VR Supervisor or VR Manager if he or she receives any subpoena, court order, or other summons.

For detailed information on handling subpoenas, see VRSM A-207: Confidentiality and Use of Customer Records and Information and OGC Letters on the TWC intranet at Office of General Counsel.

#### Release to Other Individuals or Organizations in Emergency Situations

Emergency situations are those that pose a threat to the safety of the customer or others. The VR counselor releases only the information necessary to protect the customer or others. A written request is not required if time is of the essence to meet the threat, but the VR counselor or employee providing the information must carefully record all the facts and circumstances in the customer's case file.

The VR counselor contacts OGC for advice on all requests in emergency situations.

### A-209-11: Release of Information to Elected Officials

Customer information is released in accordance with federal and state laws when requested by members of the US Congress, the Texas legislature, and other elected officials.

Upon receiving such a request, the VR counselor must forward the pertinent information to:

* the TWC-VR Inquiries Office (see TWC's External Relations Manual, Chapter 2.0, Government Relations), including a copy or complete description of the information requested for release; and
* TWC's External Relations Division, in coordination with OGC.

Then, the VR counselor:

* determines whether the appropriate release has been obtained; and
* notifies the customer in the event that a valid release is required.

A letter signed by a customer and delivered to a member of the legislature or other elected official requesting assistance is a sufficient authorization to release information. However, if the customer's records contain alcohol and drug abuse patient records or HIV test results, the customer must provide TWC with a valid release, and must specifically authorize the release of alcohol and drug abuse patient records or HIV test results. In other instances, if consent cannot be obtained, the VR counselor contacts OGC for advice.

VR staff members must not reveal HIV test results to anyone, including the customer, without the customer's explicit, written, and signed authorization on a valid release.

State law prohibits release by VR of criminal history record information documents received from DPS to members of US Congress, the Texas legislature, or other elected officials. Requesters should be referred to DPS to obtain these records.

Based on Texas Government Code §411.085(a)(2).

### A-209-12: Release of Information for Audit and other TWC Purposes

Under certain circumstances, VR may be authorized to release personal information to an organization, agency, or individual engaged in an audit, evaluation, or research for purposes that would significantly improve the quality of life for individuals with disabilities.

When such a request is received, the VR counselor contacts OGC to determine whether VR is authorized to provide the information and to obtain the documentation that must be signed by the recipient when such information is released.

Based on 34 CFR §361.38(d).

#### Release to Workforce Solutions Offices

Texas Workforce Solutions staff employed by local Workforce Solutions Offices are not VR staff. Therefore, when sharing information about a customer with Workforce Solutions Office staff, a VR1517-2, Authorization for Release of Confidential Customer Records and Information, is required.

### A-209-13: Release for Media Purposes

TWC requires written consent from the customer to release, disseminate, and/or use the customer's information—including written or recorded information, photographs, and film or videotape—for print, broadcast, or electronic publication, including social media use. The TWC Media Release form is used to meet this requirement and is located on the TWC Communications Department web page. It is available in both English and Spanish. The signed Media Release Form is kept in the customer's paper case file.

When circumstances arise that involve use of customer information in a media format, VR staff must consult with the unit management team and coordinate with the TWC Communications Department.

For additional information about media and external communications, refer to the TWC Communications Department web page and the TWC External Relations Manual.

Note: A TWC media release form is not required to provide VR services to a customer or for a customer to participate in public events associated with VR services and supports. Signing a TWC media release form is only required if customer information will be shared as described in this section.

### A-209-14: Release of Information from a Provider

A provider must not share with a customer documents received from TWC-VR. When a customer requests such documents, the provider must refer the customer to the customer's VR counselor.

A provider may share with a customer documents that relate to the services provided by the provider and that have been signed by the customer or legal guardian.

### A-209-15: Records Requests Received From TWC Open Records

Records requests that are received from TWC Open Records must by processed by the receiving VR office within five business days.

The assigned VRC/RA team fills out the VR1514, Request from Open Records, and follows the instructions below:

* Review records for any items to be withheld, such as information harmful to the individual if released regarding certain medical/psychological notations. Release only items within the scope of the authorization and only to those authorized to receive the information.
* Make copies of the records that will be released.
* Sign the Official Certificate and attach it to a copy of the records being released. Open Records does NOT need to see the records before they are provided.
* Make a copy of the signed Official Certificate and retain it in the case file along with a description of the records that are being provided.
* Regardless of what is requested, do NOT answer any questions, complete depositions, or complete affidavits that may arrive as part of the request.
* Do not notarize the certification or other documents.
* If a question or section does not apply, enter "Not Applicable" and explain why. Type or handwrite responses using blue or black ink.
* Return a scanned copy of the VR1514, Request from Open Records, and the signed Official Certificate to Open Records ([open.records@twc.texas.gov](mailto:open.records@twc.texas.gov)) via email.

If there are no records available in RHW or in a paper case file that is located in the field office, notify Open Records via email ([open.records@twc.texas.gov](mailto:open.records@twc.texas.gov)) within five business days of receipt of this form.

For specific information on policies, procedures, and costs pertaining to open records requests, see the TWC Open Records Unit Manual.

## A-210: PIN and Signature Procedures

ReHabWorks (RHW) automatically assigns the last four digits of a customer's SSN as a pseudo (temporary) personal identification number (PIN) when the initial contact is created.

The customer sets a new four-digit PIN:

* before completing the application for services; and
* at any time that the PIN is reset throughout the life of the case.

For more information about setting and resetting a PIN in RHW, see the ReHabWorks User's Guide, Chapter 8: PINs and PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments located on the Program Policy and Support Intranet page.

The customer enters a PIN as a signature of authorization on the application and on all other electronic RHW documents that require a signature of authorization (for example, the IPE and any IPE amendment).

When the customer is setting his or her PIN, VR staff encourages the customer to use a number that is easy to remember and is not the last four digits of the customer's SSN. (RHW uses the last four digits to create the pseudo PIN.) The customer should make a personal note of the PIN and keep it where it can be found easily.

VR staff must not record the PIN or any type of prompts or hints that could inadvertently compromise the confidentiality of the PIN in the customer's case record.

### A-210-1: Parent or Guardian Signature

The signature of either a parent or guardian is required when the customer is:

* a minor (that is, under 18 years of age); or
* legally incompetent and assigned a legal guardian.

Usually a foster parent is not the legal guardian for his or her foster child and cannot sign an application for services, releases, or the IPE on behalf of the child. The child's managing conservator has the legal authority to sign these documents. Locate the conservator by contacting the nearest office of the Texas Department of Family and Protective Services.

Under Texas law, an individual who is under 18 years of age and is legally married is not considered a minor. Customers under 18 years of age must provide documentation of marriage if they assert that they are their own legal guardian.

When required, the parent or guardian sets a PIN in RHW. When parents or guardians set their PIN, VR staff encourages them to use a number that is easy to remember and is not the last four digits of the customer's SSN or the first four digits of the customer's case ID. (RHW uses the first four digits of the customer's case ID to create the parent or guardian pseudo PIN.) The parent or guardian should make a personal note of the PIN and keep it where it can be found easily.

VR staff must not record the PIN or any type of prompts or hints that could inadvertently compromise the confidentiality of the PIN in the customer's case record. For more information about setting a PIN in RHW, see the ReHabWorks User's Guide, Chapter 8: PINs and PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments located on the Program Policy and Support Intranet page.

When required, VR staff asks the parent or guardian to:

* enter the PIN in the designated field on the RHW document; or
* sign on the designated signature line on the paper version of the form.

### A-210-2: Representative's Signature

A customer or his or her legal guardian may designate an individual to serve as his or her representative in all or part of the rehabilitation process. The representative may be authorized to sign documents, speak on the customer's behalf, or serve in other capacities indicated on the VR1487, Designation of Applicant or Customer Representative. In some cases, a representative can help facilitate communication and help the rehabilitation process move forward to a successful outcome.

When required, the representative sets a PIN in RHW. When the representative is setting the PIN, VR staff encourages him or her to use a number that is easy to remember and is not the last four digits of the customer's SSN or the last four digits of the customer's case ID. (RHW uses the last four digits of the customer's case ID to create the representative pseudo PIN.) The representative should make a personal note of the PIN and keep it where it can be found easily.

VR staff must not record the PIN or any type of prompts or hints that could inadvertently compromise the confidentiality of the PIN in the customer's case record. For more information about setting a PIN in RHW, see the ReHabWorks User's Guide, Chapter 8: PINs.

When required, VR staff asks the representative to:

* enter the PIN in the designated PIN field on the RHW document; or
* sign on the signature line on the paper version of the form.

To learn how to reset the customer's representative, parent, or guardian PIN, see the ReHabWorks User's Guide, Chapter 8: PINs.

### A-210-3: When VR Staff Members May Enter a PIN on Behalf of a Customer

A PIN is the equivalent of a legal signature. VR staff must not enter it in RHW without the direct consent and involvement of the customer.

The only circumstances under which VR staff members may enter a pseudo PIN in RHW on behalf of the customer are as follows:

* The customer completed a paper application when RHW was not available; or
* The customer is not present when the PIN needs to be entered but did agree to let VR staff enter a pseudo PIN on his or her behalf; or
* The customer cannot physically enter a PIN.

VR staff documents in a case note the use of the pseudo PIN and the reason for using.

For more information about setting and resetting a PIN in RHW, refer to the ReHabWorks User's Guide, Chapter 8: PINs and PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments located on the Program Policy and Support Intranet page.

### A-210-4: When RHW Is Not Available and Paper Phase Documentation Is Completed

As soon as RHW is available, create the pseudo PIN using one of the following two procedures, depending upon the circumstance:

#### When a Customer Has a PIN

If the customer has already set his or her PIN, ask a member of the unit management team to:

* reset the PIN to the last four digits of the customer's SSN; and
* document the action in a case note.

#### When a Customer Does Not Have a PIN

If the customer has not already set his or her PIN, the VR counselor:

* enters the information from the signed paper form into RHW; and
* enters the pseudo PIN (last 4 digits of SSN) to sign the RHW form.

For more information on PIN procedures, refer to PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments located on the Program Policy and Support Intranet page.

VR staff documents in a case note the use of the pseudo PIN and the reason for using.

The following signed paper documentation must be kept in the paper case file, even after recording the information in RHW:

* Application;
* Individualized trial work plan;
* Individualized trial work plan amendment;
* Individualized plan for employment (IPE); and
* Individualized plan for employment amendment.

VR staff must ask the customer to reset the PIN on his or her next visit to the VR office, when RHW is available.

#### When the Customer Is Not Present

A customer does not have to be present to

* apply for services;
* develop an individualized trial work plan;
* develop an individualized trial work plan amendment;
* develop an individualized plan for employment (IPE); or
* develop an individualized plan for employment (IPE) amendment.

The document is not complete and valid until a signature is obtained.

If the customer is not able to come into the office in a timely manner, the VR counselor asks the VR Manager, VR Supervisor, or their designee to:

1. verify permission directly with the customer;
2. reset the PIN to the last four digits of the customer's SSN; and
3. document the reason for resetting the PIN in a case note.

The next time that the customer is in the office and RHW is available, the VR counselor:

1. asks the customer to reset the PIN to a new number; and
2. documents the action in a case note.

For more information on PIN procedures when the customer is not present, refer to PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments located on the Program Policy and Support Intranet page.

#### Customer Cannot Physically Enter the PIN

When a customer cannot physically enter a PIN in RHW, VR staff:

1. asks a coworker to serve as a witness;
2. enters the witness's name in RHW in the appropriate space; and
3. enters a PIN for the customer.

### A-210-5: Signature Procedures

When signatures are required, VR staff must work with customers to obtain their signatures, using encryption when required, through one of the following methods:

* obtaining handwritten signatures;
* obtaining digital signatures using an approved software option. Examples of approved software to collect digital signatures include Adobe and DocuSign (when it is an option for a TWC-VR form). Approved software including Adobe and DocuSign can be used on smart devises (i.e. tablets and phones); or
* sending a copy of the document to the customer when the customer has the equipment necessary to print, sign, and return an electronic copy of the signed form (such as a photo or scanned copy).

In circumstances in which VR staff cannot obtain a handwritten or digital signature, VR staff may obtain an email from the customer indicating agreement for his or her signature on the form. For release forms and the Computerized Criminal History form, follow the procedures listed in Alternative to Obtaining Signatures on VR Release Forms and the Computerized Criminal History located on the Program Policy and Support Intranet page.

When obtaining an email from the applicant or customer indicating agreement for his or her signature, staff must document that the applicant or customer has reviewed the form and authorized the VR counselor to sign (enter form name) on his/her behalf. The VR counselor will copy and paste the email into the case note, including the email from the applicant or customer stating the agreement. When the form is printed, this email is to be attached to the form.

## A-211: Accessing Customer Records in ReHabWorks

Records in RHW are confidential and can be accessed only for purposes directly associated with the provision of VR services.

Staff must not:

* access their own record of VR services in RHW;
* access RHW records of family members; or
* access any records in RHW for which they do not have an official VR business need.

For the purposes of this section, "family" includes the employee's:

* spouse;
* child;
* parent;
* grandparent;
* brother;
* sister;
* cousin;
* aunt;
* uncle;
* niece; and
* nephew.

"Family" also includes any individual related to the employee by:

* kinship;
* adoption; or
* marriage (such as a step relative, for example, stepchild, stepparent); and
* all related individuals who are dependent upon the employee or employee's family member for personal care or services on a continuing basis; and
* all individuals living in the same household with the employee or with an employee's family member (regardless of kinship).

For more information on ethics see the TWC Personnel Manual, 1.9 Ethics Policy (PDF) and the [2023 Code of Professional Ethics for Rehabilitation Counselors (PDF).](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf)

## A-212: Voter Registration

On February 21, 2018, under the National Voter Registration Act of 1993 and Chapter 20 of the Texas Election Code, Texas Workforce Commission-Vocational Rehabilitation Division (TWC-VRD) was designated by the Secretary of State to provide voter registration services through its Vocational Rehabilitation (VR) and Independent Living Services for Older Individuals Who Are Blind (OIB) programs. TWC-VRD is required to offer customers an opportunity to register to vote when they apply for services or when they report a change of address.

Note: From September 1, 2016 to May 11, 2018, policy did not require that TWC-VRD staff offer voter registration services to VR customers.

VR staff is prohibited from:

* influencing a customer's political preference or party registration;
* displaying political preference or party affiliation;
* making any statement or taking any action to discourage a customer from registering to vote; and
* documenting—in ReHabWorks (RHW) case management notes or case files—any customer response or reaction to being given the opportunity to register to vote.

VR or OIB staff may email questions on policies and procedures related to TWC voter registration services to the Vocational Rehabilitation Services Manual Support mailbox at [vrsm.support@twc.texas.gov](mailto:vrsm.support@twc.texas.gov), and review VR1680INST, Instructions for the Opportunity to Register to Vote.

VR staff must inform VR customers that they may contact the Texas Secretary of State Elections Division at any time to ask questions or file a complaint, and must provide the contact information:

Elections Division

Texas Secretary of State

P.O. Box 12060

Austin, Texas 78711-2060

Phone: 800-252-VOTE (8683)

Email: [elections@sos.texas.gov](mailto:elections@sos.texas.gov)

Website: <https://www.votetexas.gov/>

## A-212: Voter Registration

On February 21, 2018, under the National Voter Registration Act of 1993 and Chapter 20 of the Texas Election Code, Texas Workforce Commission-Vocational Rehabilitation Division (TWC-VRD) was designated by the Secretary of State to provide voter registration services through its Vocational Rehabilitation (VR) and Independent Living Services for Older Individuals Who Are Blind (OIB) programs. TWC-VRD is required to offer customers an opportunity to register to vote when they apply for services or when they report a change of address.

Note: From September 1, 2016 to May 11, 2018, policy did not require that TWC-VRD staff offer voter registration services to VR customers.

VR staff is prohibited from:

* influencing a customer's political preference or party registration;
* displaying political preference or party affiliation;
* making any statement or taking any action to discourage a customer from registering to vote; and
* documenting—in ReHabWorks (RHW) case management notes or case files—any customer response or reaction to being given the opportunity to register to vote.

VR or OIB staff may email questions on policies and procedures related to TWC voter registration services to the Vocational Rehabilitation Services Manual Support mailbox at [vrsm.support@twc.texas.gov](mailto:vrsm.support@twc.texas.gov), and review VR1680INST, Instructions for the Opportunity to Register to Vote.

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Email: [elections@sos.texas.gov](mailto:elections@sos.texas.gov)  
Website: <https://www.votetexas.gov/>

### A-212-1: Voter Registration Procedures

VR staff must offer the customer the opportunity to register to vote at the time of application for services, or when the customer reports a change of address.

#### Application for Services

During the application for services, VR staff must:

* provide a Texas Voter Registration Application to customers of voting age (in Texas, an individual may register to vote when they are at least 17 years and 10 months old, if they will be 18 years of age on Election Day);
* help the customer complete the Texas Voter Registration Application, if the customer requests assistance;
* mail the completed application for the customer within five calendar days of receiving the application, unless the customer declines assistance and indicates that they wish to submit the application to the voter registrar or take the blank application form, in which case inform the customer that they can submit it to the voter registrar through postal mail or the customer may submit application online at <https://vrapp.sos.state.tx.us/>;
* document that voter registration services were provided to the customer by completing the:
  + Opportunity to Register to Vote page of the Personal Information page in RHW, or
  + in the event that RHW is unavailable, complete VR1680, Opportunity to Register to Vote and obtain the customer's signature unless the customer refuses to sign, in which case VR staff will check the appropriate box. For additional information about completing this form, refer to VR1680INST, Instructions for the Opportunity to Register to Vote.

#### Change of Address

When a customer reports a change of address in-person, VR staff must:

* provide a Texas Voter Registration Application to the customer if they are of voting age (in Texas, an individual can register to vote when they are at least 17 years and 10 months old, if they will be 18 years of age on Election Day);
* help the customer complete the Texas Voter Registration Application, if the customer requests assistance;
* mail the completed application for the customer within five calendar days of receiving the application, unless the customer declines assistance and indicates that they wish to submit the completed application to the voter registrar or take the blank application form with them, in which case the VR staff member must inform the customer that they may submit it to the voter registrar through postal mail or the customer may submit application online at <https://vrapp.sos.state.tx.us/>;
* document that voter registration services were provided to the customer by completing the:
  + Opportunity to Register to Vote page on the Personal Information page in RHW, or
  + in the event that RHW is unavailable, complete VR1680, Opportunity to Register to Vote and obtain the customer's signature unless the customer refuses to sign, in which case VR staff will check the appropriate box. For additional information about completing this form, refer to VR1680INST, Instructions for the Opportunity to Register to Vote.

It is not required to obtain the customer's signature on the VR1680 when a customer reports a change of address by phone, email, or other communication. VR staff must:

* mail a Texas Voter Registration Application and VR1681, Texas Voter Registration Application Letter to customers who are of voting age;
* help the customer complete the Texas Voter Registration Application, if the customer requests assistance; and
* document that voter registration services were provided to the customer by completing the Opportunity to Register to Vote page on the Personal Information page in RHW.

#### Declination to Register

For customers not wishing to complete a voter registration application form, program staff check the appropriate box in the agency’s case management system. If the system is not available, complete the VR1680, Opportunity to Register to Vote and obtain the customer’s signature. If the customer refuses to sign, then program staff will check the appropriate box.

All VR1680 forms are retained in the customer case file. For more information on records retention, see VRSM D-303-1: Case Files.

## A-213: Incident Reporting and Documentation

### A-213-1: Procedure

When a VR employee or other reliable source is aware of or observes behavior that could pose a threat to other VR employees or to providers, it is important to capture the information as specifically and factually as possible by creating a case note in the customer's case file.

A VR employee creates a case note:

* if at any time during the rehabilitation process a customer verbally or physically threatens someone; or
* if the customer has a recent history of actual or threatened physical abuse.

The employee enters the case note in RHW, under the topic Requires Special Attention.

A case note must include as much information as possible about the incident, including:

* the date;
* the location;
* the names and addresses of witnesses and the people involved;
* what was said or done; and
* the names of those willing to testify.

The employee reports any incident affecting the security of a VR employee or division property to VR management and, if appropriate, to the local law enforcement authority. The employee places a copy of the police report in the paper file if the police were involved.

When other VR employees refer to the customer's online case record, the case note alerts them to use caution when working with the customer. Additional case notes must be entered as needed to maintain an accurate record of potential risks or of changes to the circumstances.

Although it is important to alert others to potential risk, VR employees must exercise extreme care in using a case note titled "Requires Special Attention" to avoid unnecessarily labeling a customer.

### A-213-2: Additional Information

TWC supports a safe and secure environment for employees, customers, clients, and visitors conducting business at all TWC locations. TWC has a system in place to ensure that employees report incidents as required by TWC policy.

Examples of incidents include, but are not limited to:

* workplace violence, including domestic violence situations in which the abuser seeks out the victim at work;
* automobile accident involving a state vehicle;
* automobile accident involving a personal vehicle used to conduct official state business;
* physical or sexual assault;
* serious medical emergency, death, or suicide;
* threat of harm to one's self or others;
* terrorist event or civil unrest;
* breach of information systems;
* theft or loss of personal or state property;
* mischievous or malicious destruction of state property;
* fire or hazardous materials event;
* service interruption that is due to an emergency or disaster;
* threat by personal contact, letter, phone, or email;
* intentional business interruption, including false alarms or bomb threats;
* suspicious package or material received by mail or discovered in the workplace; and
* a business disruption that results in activating partial or full continuity of operations activities (assigning staff members to work remotely or securing alternate facilities).

All incidents must be reported immediately as outlined in this policy and the TWC Personnel Manual (PDF).

TWC employees are also subject to state reporting requirements and must:

* know and understand the policy and procedures outlined in this chapter for incident reporting;
* inform their manager or supervisor of any situation described in this policy;
* contact law enforcement or first responders if the incident involves a threat to health or safety;
* follow the procedures in this policy to report incidents, injuries, and automobile accidents; and
* submit copies of all reports to Risk and Security Management (RSM) through the [Incident Reports - RSM mailbox](mailto:IncidentReports.RSM@twc.texas.gov).

Local office managers and supervisors:

* ensure that employees know and follow the policy and procedures outlined in this policy for incident reporting;
* know and understand their role in implementing the procedures outlined in this policy;
* inform the appropriate regional program support specialist (RPSS) of incidents;
* follow the procedures to report incidents, injuries, and automobile accidents; and
* submit copies of all reports to the [Incident Reports - RSM mailbox](mailto:IncidentReports.RSM@twc.texas.gov).

Headquarters managers and supervisors:

* ensure that employees know and follow the policy and procedures outlined in this policy for incident reporting;
* know and understand their role in implementing the procedures outlined in this policy;
* follow the procedures in this policy to report incidents, injuries, and automobile accidents; and
* submit copies of all reports to the [Incident Reports - RSM mailbox](mailto:IncidentReports.RSM@twc.texas.gov).

Regional program support specialists:

* know and understand their role in implementing the procedures outlined in this policy;
* support local office employees who have questions about incidents;
* follow the procedures in this policy to report incidents that occur in regional locations to the RSM staff;
* review incident reports submitted and forward the reports to the [Incident Reports - RSM mailbox](mailto:IncidentReports.RSM@twc.texas.gov);
* participate as subject matter experts for their region in meetings, as appropriate;
* coordinate responses from TWC;
* provide updates to the incident commander, as appropriate;
* coordinate with appropriate program managers to ensure continuation of services; and
* act as incident commanders for multiunit incidents in their region.

To report an incident at a local office:

* the employee, manager, or supervisor contacts professional first responders (911) if the incident is an immediate threat to health or safety of individuals or property;
* the employee, manager, or supervisor notifies the RPSS of the incident by telephone;
* the employee notifies a manager or supervisor of the incident; and
* the employee, supervisor, or manager fills out form RSM 3120 (PDF) on the same day or within 48 hours of the incident and forwards it by email to:
  + the RPSS;
  + RSM;
  + program management; and
  + the [Incident Reports - RSM mailbox](mailto:IncidentReports.RSM@twc.texas.gov).

If injuries are sustained by employees and nonemployees in conjunction with an incident, the employee must also follow the procedures outlined in the TWC Personnel Manual (PDF).

Note: A manager or supervisor completes this step for nonemployees and for employees who are unable to self-report.

### A-213-3: Security Breaches of Confidential Information

TWC defines a confidential information incident as a loss of control, a compromise, an unauthorized disclosure, an unauthorized acquisition, unauthorized access, or any similar situations in which individuals other than authorized users have, for an unauthorized purpose, access or potential access to confidential information, whether physical or electronic. The term "confidential information incident" encompasses suspected and confirmed incidents or breaches, whether intentional or inadvertent, involving confidential information, that raise a reasonable risk of harm.

To report a known or suspected breach of confidential information, the employee follows the procedures in the TWC Personnel Manual (PDF) or on the TWC Privacy Governance page.

#### Procedures

Upon discovery of a known or suspected breach, the staff member secures any loose papers or electronic devices in a locked drawer or cabinet. If the breach is discovered on the network or in an email, the staff member notes the location or method of access or receipt.

The employee reports the incident to his or her supervisor or, if the supervisor is unavailable or if there is a potential conflict of interest, reports the incident to his or her local privacy liaison or regional field support manager.

To report the incident to TWC's Privacy Office or chief information security officer, the employee uses TWC's Open FISMA site regarding compliance with the Federal Information Security Management Act.

The staff member clicks the "Report a Security Incident" button, then selects Yes for the question "Was PII Involved?" He or she makes at least one entry on each page and then clicks "Submit."

The staff member is aware of common mistakes so that his or her response to a privacy incident does not constitute another incident:

The employee does not forward or reply with compromised information (for example, information such as a Social Security number, full name, or birth date) when reporting.

When the compromised information is needed by the staff member's supervisor for TWC's Privacy Office or chief information security officer to respond to an incident, the staff member will be given instructions on whether the compromised information needs to be forwarded to officials at TWC and how to secure it properly.

### A-213-4: Injuries Unrelated to an Incident

To report injuries sustained during routine business activities by employees and nonemployees, the employee follows the procedures outlined in the TWC Personnel Manual (PDF).

## A-214: Harm to Self and Others

### A-214-1: Obligation to Report

Communications between a customer and a professional, and records of the identity, diagnosis, evaluation, or treatment of a customer that are created or maintained by a professional, are confidential. However, a professional may disclose confidential information:

1. to a governmental agency if the disclosure is required or authorized by law;
2. to medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the customer to the customer or others or there is a probability of immediate mental or emotional injury to the customer;
3. to other professionals and personnel under the professionals' direction who participate in the diagnosis, evaluation, or treatment of the customer; or
4. to a parent if the customer is a minor, or a guardian if the customer has been adjudicated as incompetent to manage the customer’s personal affairs.

For more information on reporting abuse, exploitation, and neglect refer to VRSM A-202-3: Allegations of Abuse, Neglect, or Exploitation and A-213: Incident Reporting and Documentation. The expectation is that each employee will treat all customers with dignity and professionalism.

### A-214-2: Responding to Customers Who Threaten to Harm Themselves or Others

A serious incident is one that threatens or impairs the basic health, safety, or well-being of any customer receiving services. When a customer demonstrates or expresses a threat to harm themselves or others, law enforcement must be contacted immediately. For information on responding to a potential threat of harm refer to the VR Psychological Services intranet page.

# Vocational Rehabilitation Services Manual A-300: Specific Customer Populations

## A-300: Specific Customer Populations

In addition to providing services to qualified individuals with disabilities, Vocational Rehabilitation (VR) provides services and support to individuals with specific disabilities who will benefit from working with VR counselors and program staff with specialized knowledge, skills, and abilities. Staff specialization improves successful competitive integrated employment outcomes for these VR customers.

The VR state plan, submitted to and approved by the federal government and effective in all political subdivisions of the state, identifies goals to improve services to the following populations:

* individuals who are blind or significantly visually impaired;
* individuals with neurodevelopmental disorders, including:
  + autism;
  + attention deficit /hyperactivity disorder;
  + intellectual developmental disabilities; and
  + specific learning disabilities;
* individuals with mental health disorders;
* individuals from minority backgrounds; and
* veterans with disabilities.

Additional populations identified in the plan include:

* Social Security recipients and beneficiaries; and
* subminimum wage recipients.

While specialized caseloads are not available in every field office, specialized supports are available statewide. The information in this chapter provides a brief overview of each of these specific customer populations.

Note: All policies and procedures throughout this manual are applied uniformly to all customers, regardless of whether they are also identified as part of a "specialized population."

## A-301: Visual Impairments

### A-301-1: Visual Impairment Terminology

The following terminology is used throughout this manual when referring to individuals who may be eligible for VR services due to a visual impairment.

This is a global term "visual Impairment" includes the following:

* Blindness – Visual acuity with best correction of 20/200 or less in the better eye, a visual field of 20 degrees or less, or a combination of both.
* Low vision – Visual acuity with best correction of 20/70 or less in the better eye, a visual field of 30 degrees or less in the better eye, or a combination of both.
* Significant visual impairment – A disease or condition of the eye that does not meet the definitions of blind or low vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

Note: The visual acuity to be used is the best corrected distance acuity. Best correction is the best visual acuity obtained with a simple refraction (glasses or contact lenses), not with a low vision aid, such as a telescopic aid. An ophthalmologist or optometrist must

* measure the visual acuity using the distance Snellen chart, or
* measure and then convert the measurement to the distance Snellen equivalent in writing.

### A-301-2: Specialty Caseloads

Individuals who are eligible for VR services and have a visual impairment as their primary disability are seen by a VR counselor who specializes in working with individuals with visual impairments.

## A-302: Neurodevelopmental Disorders

A neurodevelopmental disorder is defined as autism, attention deficit/hyperactivity disorder, intellectual disabilities, or specific learning disabilities. Improvement is achieved using services specific to these disabilities, such as Employment Specialists with the Autism Endorsement, Autism Spectrum Disorder Support, and the Environmental Work Assessment. Additionally, statewide training on neurodevelopmental disorders is available for all staff from the State Office Program Specialist for Autism and Intellectual and Developmental Disabilities.

For more information, see VRSM C-800: Neurodevelopmental and Psychological Services.

## A-303: Psychological Disorders

The comprehensive statewide needs assessment (CSNA) identified other underserved populations such as youth transitioning from high school and individuals with mental illness. These results are consistent with the priority areas identified in early 2014 during the legacy Texas Department of Assistive and Rehabilitative Services' (DARS) strategic planning process for Fiscal Years 2015–2019 (FY'15–19).

For more information, see VRSM C-800: Neurodevelopmental and Psychological Services.

## A-304: Veterans with Disabilities

### A-304-1: Legal Authorization

Regardless of their eligibility for services from the US Department of Veterans Affairs (VA), veteran customers with disabilities may benefit from VR services. The type of discharge from military, naval, or air service does not affect eligibility for VR services. Providing services to veterans with disabilities is a priority for VR. More veterans can benefit from VR services if they are aware of the services and how to access them.

If a veteran receives services from the VA's Vocational Rehabilitation and Employment (VR&E), the VR counselor refers to the memorandum of agreement (MOA) between VR and the VA (or reviews the accessible version of the MOA). The MOA provides guidance about referral and service delivery processes between the VA and VR.

For questions about the MOA or assistance in developing a relationship with the VA, contact the Texas Workforce Commission's VR State Office Program Specialist for Veterans and Behavioral Health.

### A-304-2: Key Terms Related to Veterans

When communicating with veterans, it is important to know key terms used by the VA. For a former service member to receive certain benefits from the VA, the individual must be a veteran as defined in this section.

#### DD Form 214, Certificate of Release or Discharge from Active Duty

Generally referred to as a "DD 214," this certificate is a US Department of Defense document, issued upon a military service member's retirement, separation, or discharge from active duty. A veteran may get a replacement DD Form 214 through:

* the Texas Veterans Commission at 512-463-5538;
* his or her online account with the VA; or
* the National Archives, National Personnel Records Center, by submitting a Standard Form 180, Request Pertaining to Military Records, by fax or mail to:

Fax number: 314-801-9195

Mailing address:  
National Personnel Records Center  
Military Personnel Records  
1 Archives Drive  
St. Louis, Missouri 63138

#### Service-Connected Disability

A disability incurred or aggravated in the line of duty in active military, naval, or air service.

#### Service-Disabled Veteran

A veteran with a disability that is service-connected.

#### Veteran

An individual who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable. This includes a member of the National Guard or reserve components who is activated for federal military service and serves the full period of activation.

#### Vocational Rehabilitation and Employment

Sometimes referred to as the Chapter 31 program, VR&E is a program administered by the VA that provides services to eligible service members and veterans with service-connected disabilities to help them prepare for, secure, and maintain employment or achieve independence in daily living.

The basic period of eligibility in which VR&E benefits may be used is 12 years from the later of:

* a veteran's date of separation from active military service; or
* the date the VA first notified a veteran that he or she has a compensable service-connected disability.

### A 304-3: Procedures

Veterans have unique VR needs. Disabilities incurred or aggravated in the line of duty in active military, naval, or air service can hinder readjustment to civilian life. As the veteran population grows, the number of veterans who are blind, visually impaired, or hard of hearing is expected to increase.

Benefits through the VA are not universally available to veterans with disabilities due to geographic barriers or extensive waiting lists. Additionally, veterans with a non-service–connected disability might not be eligible for the VA's VR&E services.

It is the applicant's choice to disclose his or her veteran's status. It is recommended that staff members, when interviewing applicants, ask whether the applicant has ever served in the active military, naval, or air service and whether they were discharged or released under conditions other than dishonorable, because some applicants may not know that they are considered veterans.

Depending on the length of program needed, veterans may be provided up to 48 months of full-time services or the part-time equivalent. Rehabilitation plans that provide services to improve independence in daily living only are limited to 30 months. These limitations may be extended in certain circumstances.

## A-305: Students and Youth with Disabilities

Under final §361.28(a)(2), which remains unchanged from previous regulations, VR services provided under a third-party cooperative arrangement are only available to applicants for, or recipients of, services from the VR program. Given amendments made by the Workforce Innovation and Opportunity Act (WIOA), particularly new provisions in §103(b)(7), regarding transition services to groups of students and youth with disabilities, and §113, regarding the provision of pre-employment transition services (Pre-ETS) to students with disabilities, it is possible that some of these services will be provided to youth or students with disabilities who have not yet applied or been determined eligible for VR services. This means that these students and youth with disabilities would be considered "recipients" of VR services for purposes of final §361.28. As such, designated state units can enter third-party cooperative arrangements for the provision of these group transition services or Pre-ETS as long as all requirements of final §361.28 are satisfied.

Under WIOA, TWC is charged with expanding and improving VR services, including Pre-ETS, for students with disabilities who are transitioning from high school to postsecondary education and/or employment, and improve coordination with state and local secondary and postsecondary educational entities.

WIOA also charges TWC with providing supported employment services to youth and other individuals with the most significant disabilities who require extended support to achieve and maintain an employment outcome.

Additionally, the Memorandum of Agreement (MOA) with the Texas Education Agency enables data sharing to more accurately assess the number of students with disabilities who may be eligible or potentially eligible to receive Pre-ETS. VR continues to conduct active outreach and recruitment to ensure that Supported Employment Assessment personnel, local education agencies, community partners, and students are aware of the availability of Pre-ETS and the ways in which VR can partner with schools to provide Pre-ETS services that complement services available under the Individuals with Disabilities Education Act.

For more information, see VRSM C-1300: Transition Services for Students and Youth with Disabilities.

## A-306: Social Security Recipients and Beneficiaries

### A-306-1: Legal Authorization

A customer receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) or another Title II disability benefit based on disability must be given unique considerations during the VR process as stated in 34 CFR §361.42.

#### 34 CFR §361.42(3)(A)(B)(ii) and 34 CFR §361.42(4)

"(3) Presumption of eligibility for Social Security recipients and beneficiaries. (i) Any applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act is—

(A) Presumed eligible for vocational rehabilitation services under paragraphs (a)(1) and (2) of this section; and

(B) Considered an individual with a significant disability as defined in §361.5(c)(29).

(ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under paragraph (a)(3)(i)(A) of this section), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the State unit must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2).

(4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."

#### 34 CFR §361.42(5)(b), (2)(i)(ii)(iii), and (3)

"(b) Interim determination of eligibility. (1) The designated State unit may initiate the provision of vocational rehabilitation services for an applicant on the basis of an interim determination of eligibility prior to the 60-day period described in §361.41(b)(2).

(2) If a State chooses to make interim determinations of eligibility, the designated State unit must—

(i) Establish criteria and conditions for making those determinations;

(ii) Develop and implement procedures for making the determinations; and

(iii) Determine the scope of services that may be provided pending the final determination of eligibility.

(3) If a State elects to use an interim eligibility determination, the designated State unit must make a final determination of eligibility within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2)."

#### 34 CFR §361.42(B)(ii) and (4)

"(B) Considered an individual with a significant disability as defined in §361.5(c)(29).

(ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under paragraph (a)(3)(i)(A) of this section), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the State unit must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2).

(4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."

#### 34 CFR §361.45(3)

"(3) Individuals entitled to benefits under title II or XVI of the Social Security Act. For individuals entitled to benefits under title II or XVI of the Social Security Act on the basis of a disability or blindness, the State unit must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning."

### A-306-2: Presumptive Eligibility

If there is a need to further evaluate a customer's ability to achieve an employment outcome due to the severity of his or her disability, a Pre-eligibility Trial Work Plan must be completed on the day that benefits are verified. If benefits are verified and the customer is not present to complete the Pre-eligibility Trial Work Plan, the VR counselor contacts the customer and schedule to complete this as soon as possible.

For more information, see VRSM B-310: Trial Work Services.

### A-306-3: Verification of Social Security Benefits

When a customer asserts eligibility for SSDI, SSI, or another Title II disability benefit based on disability, but cannot provide evidence, such as an award letter, verification must be obtained.

To verify eligibility for SSDI, SSI, or another Title II disability benefit based on disability, customers may do one of the following:

* Go to the [Social Security Administration (SSA) website](https://www.ssa.gov/myaccount/), create an account (only the customer can create an account), and print out a benefits verification letter. The following are necessary to create an account:
  + Email address
  + Current phone number
  + Current mailing address
* Call SSA by phone at 1-800-772-1213 and request a mailed copy of the award letter.
* Go to a local SSA field office and request a "Completed SSA Form 2459," also known as a Benefits Planning Query (BPQY), which verifies eligibility and provides other information about SSA cash benefits, health insurance, and past earnings.

If the customer is unable to obtain verification through the options above, the counselor may contact Social Security Administration Vocational Rehabilitation (SSAVR) for verification. However, information obtained through SSAVR may not provide enough evidence for presumptive eligibility because the information provided might not specify if disability is the basis for SSI eligibility.

SSAVR verifies benefits as a courtesy to VR counselors when there is no other way to verify that an applicant is eligible for SSDI, SSI, or another Title II disability benefit based on disability.

* To request SSDI, SSI, or another Title II disability benefit eligibility verification by SSAVR, VR counselors must [email SSAVR](mailto:ssavr@twc.texas.gov) an encrypted request for verification of benefits and must include the following customer information in the body of the email request:
  + Social Security number (SSN)
  + First and last name
  + Date of birth
* SSAVR will make every effort to respond within three working days with the following information:
  + Verification of benefit
  + Type of benefits being received
  + Amount of benefit being received
  + Customer's current address, if requested

For assistance with this process, contact a benefits subject matter resource staff member. You can find the list on the SSA/SSI/SDDI intranet site.

**A-306-4: Participation in the Cost of Services Based on Financial Need**

Customers eligible for SSDI or SSI based on disability cannot be required to participate in the cost of VR services based on liquid income or resources exceeding the basic living requirements in VRSM D-203-4: Customer Contribution to the Cost of Services; this is the case regardless of the customer's financial situation.

However, the best value purchasing approach in VRSM D-203-2: Best Value Purchasing and the comparable benefits analysis under VRSM D-203-3: Use of Comparable Benefits do apply to customers eligible for SSDI, SSI, or another Title II disability benefit based on disability.

Based on 34 CFR Section §361.54(b)(3)(ii)

**A-306-5: Releasing Records to DDS and Obtaining Records from the SSA**

With appropriate consent forms, state VR agencies and the SSA or Disability Determination Services (DDS) may exchange records about specific individuals.

DDS may request records for certain customers as part of the disability determination process. The customer's records can be released to DDS only after VR receives:

* a signed [SSA-827, Authorization to Disclose Information to SSA](https://www.ssa.gov/forms/ssa-827.pdf); or
* another valid release as described in VRSM A-209: Valid Release Authorized by the Customer or a Representative.

For additional information on releasing customer records and information, see VRSM A-207: Confidentiality and Use of Customer Records and Information.

### A-306-6: Obtaining Records from the Social Security Administration (SSA)

To obtain records from the SSA office or from DDS, follow the procedure in A-306-5: Releasing Records to DDS and Obtaining Records from the SSA.

SSA should not charge for these records, as stated in the [SSA Program Operations Manual Section DI 13510.030](https://secure.ssa.gov/poms.nsf/lnx/0413510030), Instructions for Providing Medical Information to State Vocational Rehabilitation (VR) Agencies for VR Cost Reimbursement or Ticket to Work (TTW) Program.

For medical records from DDS, VR staff completes [SSA Form 3288, Social Security Administration Consent for Release of Information](https://www.ssa.gov/forms/ssa-3288.pdf).

For records from an SSA local field office, VR staff completes VR3310, DDS Request for Records and, for questions, review the SSA's description of records available to request.

### A-306-7: SSA Benefits and Work Incentives Supports and Services Planning Process

Customers can use federal work incentive programs to reach employment goals, earn a living wage, and achieve self-sufficiency. However, customers need accurate information about how their earnings will impact cash and health care benefits.

VR staff provides customers with accurate information about SSDI, SSI, or other Title II disability benefits and work incentives at the start of and throughout the VR process. Providing customers with accurate information about SSI, SSDI, or other Title II disability benefits aids in coordinating and providing services as outlined in the customer's IPE.

VR staff completes the steps below to incorporate benefits, work incentives, and planned support and services into the VR process:

1. Verify receipt of benefits.
2. Place verification of benefits in a paper case file and make a case note in ReHabWorks (RHW) referencing what kind of verification was obtained. If the BPQY was obtained to verify benefits, skip to Step 5.
3. Get a copy of the customer's BPQY, SSA Form 2459, at no charge from SSA (see [SSA Program Operations Manual System (POMS) GN 03311.005 Privacy Act and FOIA fees: B(3)(c)](https://secure.ssa.gov/apps10/poms.nsf/lnx/0203301005)):
   * The customer can obtain the BPQY by requesting a Completed SSA Form 2459 from the local SSA field office either in person or over the phone.
   * The VR counselor may also request a BPQY at no charge from SSA. Refer to the SSA/SSI/SSDI intranet site for more information on requesting the BPQY.
4. Place the BPQY in the paper case file and make a case note in RHW referencing the BPQY.
5. Provide general information to the customer about how working affects benefits; this can be done by the VR counselor or a:
   * VR subject matter expert (SME) benefits subject matter resource staff member;
   * Disability Rights Texas Protection and Advocacy for Beneficiaries of Social Security (PABSS) staff member; and/or
   * community work incentive coordinator (CWIC) at a work incentives planning and assistance program (WIPA).
6. If the customer receives general information in writing, place a copy in the paper file and make a case note in RHW indicating that the customer has received general benefits information and list any benefits issues that the customer will need more information about once employment is obtained.
7. After the IPE is signed, determine whether the customer needs in-depth benefits planning services, also known as a benefits summary and analysis/work incentive plan (BSA/WIP), through a CWIC at a WIPA program:
   * If the customer's goal is to be self-employed, determine whether a BSA/WIP is needed in accordance with VRSM C-1102-3: Suitability Considerations; the BSA/WIP must be completed before an IPE or formal business plan are developed.
   * For assistance determining whether a BSA/WIP is needed, have a benefits subject matter resource staff member help determine whether the customer needs a BSA/WIP and/or at what point a referral for a BSA/WIP is most appropriate.
   * If a BSA/WIP is needed, provide a proposed job type, estimated rate of pay, and estimated number of hours of work each week to the CWIC for the completion of the BSA/WIP.
   * If the BSA/WIP is purchased for the customer, place a copy in the paper file and make a case note in RHW. Be sure the BSA/WIP is still accurate when the customer receives a job offer with specific pay rate and hours.
8. Before case closure, review the information in the BSA/WIP with the customer, paying particular attention to income reporting requirements; for assistance providing this information to a customer, consult a benefits subject matter resource staff member.

### A-306-8: How to Purchase Benefits Planning Services

WIPA programs, which are funded through SSA grant, employ individuals who are certified by SSA to provide customers with accurate and thorough benefits and work incentives information.

Certain WIPA programs accept a fee for service from VR. WIPA programs accepting fees for service can serve customers statewide, have short wait times, and all documents are shared with the referring VR counselor.

Benefits planning services can be purchased only from the following SSA grant-funded WIPA programs:

* A Resource Center for Independent Living
* Easter Seals of North Texas
* Imagine Enterprises
* San Antonio Independent Living Services

Refer to the SSA/SSI/SSDI intranet site for the list of all WIPA programs.

To purchase WIPA benefits planning services, you must first determine if the customer is eligible for SSI, SSDI, or another Title II benefit based on disability. If the customer has not been determined eligible for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) based on disability. If the customer is not eligible for SSDI or another Title II disability benefit or SSI based on disability, you may purchase assistance with applying for Medicaid Buy-In (MBI). This is the only service you may purchase under benefits planning for a customer not receiving SSI and/or SSDI or another Title II disability benefit.

Once eligibility is established, VR purchases WIPA benefits services using the following process:

1. Refer the customer eligible for SSI, SSDI, or another Title II benefit based on disability to a benefits subject matter resource staff member or a Disability Rights Texas' Protection and Advocacy for Beneficiaries of Social Security (PABSS) staff member, who may be able to provide benefits information at no cost.
2. Refer the customer to CWIC personnel for information and referral only when you cannot access a benefits subject matter resource staff or Disability Rights Texas.
3. When the IPE is completed, determine whether the customer needs to be referred to a CWIC for a Benefits Summary and Analysis (BSA/WIP); (if the customer's goal it is to be self-employed, BSA/WIP is required).
4. After completion of BSA/WIP, refer customers, as necessary, to a CWIC for assistance with establishing eligibility for one or more work incentives, such as an Impairment Related Work Expense.

Use the MAPS code "WIPA" in RHW when issuing a service authorization for any of these services.

### A-306-9: Social Security Administration Vocational Rehabilitation Cost Reimbursement

If certain conditions are met, VR receives cost reimbursement from SSA. When SSA provides VR with reimbursement, it is paying for the cost of the services provided to customers who are recipients of SSI, SSDI, or another Title II disability benefit.

Cost reimbursement from SSA requires the customer to meet the following criteria:

* Received SSI or SSDI benefits (or both), or another Title II disability benefit, at the same time as he or she received VR services; and
* Worked:
  + a continuous nine months out of a 12-month period;
  + at or above the substantial gainful activity ([SGA](https://www.ssa.gov/OACT/COLA/sga.html)) guidelines; and
  + during or after receiving VR services.

For a complete explanation of SSA VR cost reimbursement, see the SSA VR Reimbursement Program webpage under the SSA/SSI/SSDI intranet page.

## A-307: Ticket to Work Program

### A-307-1: Legal Authorization

#### 34 CFR §361.24(h)(i)

"(i) Coordination with ticket to work and self-sufficiency program. The vocational rehabilitation services portion of the Unified or Combined State Plan must include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 USC 1320b-19)."

### A-307-2: Policy

The Ticket to Work Program (TTW) is a voluntary program developed and administered by SSA for customers ages 18 to 64 who receive SSA disability benefits.

The program offers expanded options for:

* access to employment services;
* VR services; and
* other support services.

TTW services are provided by employment networks (ENs) as defined by SSA. All state VR agencies have the option of providing VR services under the traditional SSA/VR cost reimbursement program or as an EN through TTW. VR provides services to TTW customers under the traditional SSA/VR cost reimbursement program.

There are many private providers and organizations that are ENs. See a complete [list of ENs](https://choosework.ssa.gov/findhelp/) in the United States.

The VR counselor informs each customer receiving SSA disability benefits that developing an IPE with VR initiates ticket assignment under TTW, and that the customer's ticket:

* assignment may protect him or her from SSA medical continuing disability reviews (MCDRs);
* is not assignable to an EN while his or her VR case is open;
* can be assigned to an EN within 90 days of VR case closure for long-term support services, job retention services, or other types of support services that help the customer maintain long-term employment; and
* may be assigned to an EN within 90 days of VR case closure to ensure that the customer has continued protection from SSA MCDRs.

If certain conditions are met, VR receives cost reimbursement from SSA. When SSA provides VR with reimbursement, it is paying for the cost of the services provided to customers who receive SSDI or SSI benefits based on disability.

Cost reimbursement from SSA requires the customer to meet the following criteria:

* Received SSI or SSDI benefits (or both) at the same time as he or she received TWC-VR services; and
* Worked:
  + a continuous nine months out of a 12-month period;
  + at or above the substantial gainful activity (SGA) guidelines; and
  + during or after receiving TWC-VR services.

For a complete explanation of SSA VR cost reimbursement, see the SSA VR Ticket to Work webpage on the SSA/SSI/SSDI intranet page.

### A-307-3: Procedures

It is extremely important to check a customer's ticket status at application. Use the following process to check customer ticket status:

1. At the time of the customer's application, determine whether the customer has assigned his or her ticket to an EN by asking the following:
   * Have you talked with a provider, center for independent living, or EN about your TTW?
   * If you have, do you know if you assigned your ticket?
2. If there is no indication from the customer that the ticket has been assigned, discontinue this process.
3. If the customer says that he or she is not sure if the ticket is assigned and indicates that it might be assigned, you will need to contact the State Office Program Specialist for Federal Planning, SSA, and Ticket to Work for verification.
4. If the customer has assigned his or her ticket to an EN and is determined eligible for VR services, request that he or she submit the [Ticket Unassignment Form](https://choosework.ssa.gov/library/ticket-un-assignment-form) to the TTW program manager to request that the ticket be unassigned.
5. If a customer chooses not to unassign the ticket from an EN:
   * request a copy of the individual work plan (IWP) entered by the customer and the EN;
   * consider any services listed on the IWP as comparable benefits; and
   * advise the customer that TWC-VR will not provide any of the services listed on the IWP if the ticket is still assigned to the other EN.

In some situations, the State Office Program Specialist for Federal Planning, SSA, and Ticket to Work may identify customers with tickets assigned to ENs. The VR counselors assigned to those customers' cases will be notified by email that the customers' tickets are already assigned to an EN. When VR staff receives this email, notify the customer that the ticket is assigned and follow the procedures previously outlined.

### A-307-4: SSAVR Ticket to Work Partnership Plus Program

SSA's [Ticket to Work Partnership Plus Program](https://yourtickettowork.ssa.gov/program-operations/partnership-plus.html) allows TWC-VR and ENs to partner to provide long-term job support services to ticket customers after VR case closure. The VR/EN partnership also gives ticket customers an opportunity to receive continued exemption from SSA's medical continuing disability reviews (MCDRs). The TTW Partnership Plus Program should be considered at case closure when a customer is:

* employed below substantial gainful activity ([SGA](https://www.ssa.gov/OACT/COLA/sga.html)) guidelines but has the potential and willingness to earn above [SGA](https://www.ssa.gov/OACT/COLA/sga.html) with EN support or services; or
* employed at or above SGA, and EN supports and services would assist in maintaining employment.

To activate the TTW Partnership Plus Program, the customer assigns his or her ticket to the new EN after VR case closure.

Employment advancement payments for Community Rehabilitation Programs (CRPs) that are also ENs and partner with VR under the Ticket to Work Partnership Plus program are eligible for two EN employment advancement payments from VR in addition to ticket payments the EN receives from SSA under the TTW program.

The payments are only made after a customer's VR case is closed and assigned to the CRP-EN that provided CRP services to the customer during the provision of VR services. To issue a service authorization for these services, the VR case must be in post-employment status.

### A-307-5: Employment Network Employment Advancement Payment: One

The CRP-EN provides services necessary for the customer to retain and advance in employment to the point that the customer achieves one month of gross monthly pay that meets or exceeds substantial gainful activity (SGA) guidelines for the year in which the income was earned.

This payment is available only during the first 12 months after VR case closure. For Supported Employment (SE) only, the CRP must be identified as a primary provider on VR1616B, Supported Employment Service Closure Summary, and the necessary long-term support to be provided by the CRP must be outlined on the form.

The CRP-EN must notify the VR counselor in writing at least 30 days before the CRP-EN anticipates that the customer will achieve the required income level so that appropriate service authorizations may be issued.

#### Required Documentation

The following documents are required as proof that the customer's ticket is currently assigned to the CRP-EN for which a service authorization is to be issued:

* VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment, must be completed and:
  + signed by the job placement or supported employment provider; and
  + attached with one of the following documents to provide evidence of customer gross earnings:
    - Copy of the customer's pay stub
    - Earnings statement prepared and signed by the customer's employer
    - Records from a third-party source that present earnings by month
* Written documentation that the ticket has been assigned to the CRP-EN, such as:
  + a ticket assignment confirmation letter from SSA; or
  + SSA Form 1370 or Employment Network Ticket Assignment Request Form, which must be completed and signed by the customer and CRP-EN within 30 days of the invoice date.

#### Outcome

The first EN advancement outcome is achieved when:

* the customer's VR case has been closed successfully following the provision of either job placement services or supported employment services from the CRP-EN;
* the customer has assigned the ticket to the CRP-EN; and
* the customer has earned one month of gross monthly pay that meets or exceeds [SGA](https://www.ssa.gov/OACT/COLA/sga.html) for the year in which the income was earned.

#### Payment

The first EN employment advancement payment must be made within 12 months after VR case closure.

Payment (see the VR Standards for Providers Chapter 13: Work Readiness Services, 13.18 Work Readiness Services Fee Schedule) is made when the VR counselor receives and approves:

* the VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment;
* evidence of customer earnings;
* documentation that the customer's ticket is currently assigned to the CRP-EN; and
* an invoice.

### A-307-6: Employment Network Employment Advancement Payment: Two

#### Service Description

The CRP-EN provides services necessary for the customer to retain and advance in employment to the point that the customer achieves eight of 12 consecutive months of gross monthly pay that meets or exceeds 105 percent of [SGA](https://www.ssa.gov/OACT/COLA/sga.html) for the year in which the income was earned. This payment is available only during the first 18 months after the first EN employment advancement payment.

The CRP-EN must notify the VR counselor in writing at least 30 days before the CRP-EN anticipates that the customer will achieve the required income level for appropriate service authorizations to be issued.

#### Required Documentation

The following documents are required as proof that the customer's ticket is currently assigned to the CRP-EN for which a service authorization is to be issued:

* VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment, must be completed and:
  + signed by the job placement or supported employment provider; and
  + attached with one of the following documents to provide evidence of customer gross earnings for 8 of 12 consecutive months:
    - Copy of the customer's pay stubs;
    - Earning statement prepared and signed by the customer's employer; and
    - Records from a third-party source that present earnings by month.
* Written documentation that the ticket has been assigned to the CRP-EN, such as:
  + a ticket assignment confirmation letter from SSA/MAXIMUS; or
  + SSA Form 1370 or Employment Network Ticket Assignment Request Form, which must be completed and signed by the customer and CRP-EN within 30 days of the invoice date.

#### Outcome

The second EN employment advancement outcome is achieved when:

* all criteria for the first EN employment advancement payment are met; and
* the customer has achieved eight of 12 consecutive months of gross monthly pay that meets or exceeds 105 percent of SGA for the year in which the income was earned.

#### Payment

The second EN employment advancement payment must be made within 18 months after the first payment.

Payment for the second EN employment advancement (see the VR Standards for Providers Chapter 13: Work Readiness Services, 13.18 Work Readiness Services Fee Schedule) is made when the VR counselor receives and approves:

* the VR1050, Ticket to Work Partnership Plus, Employment Advancement Payment;
* evidence of customer earnings;
* documentation that the customer's ticket is currently assigned to the CRP-EN; and
* an invoice.

For assistance with this process, contact the State Office Program Specialist for Federal Planning, SSA, and Ticket to Work.

### A-307-7: Social Security Medical Continuing Disability Review

SSA conducts MCDRs to determine whether SSI and SSDI recipients' disabilities continue. MCDRs are usually conducted based on an established diary date set by SSA. The BPQY lists the next diary date set by SSA.

If an unfavorable decision is issued by SSA because of an MCDR, the individual is terminated from SSA benefits. SSA exempts certain individuals from MCDRs if they are participating in TTW or VR services.

Once an IPE is signed, TWC-VR operations staff from the central office notifies SSA that the customer has an open case with TWC-VR; SSA then sends a letter to the customer to verify that he or she is receiving services from TWC-VR. While a customer has an open case with TWC-VR, SSA assigns one of two ticket statuses: "In Use SVR" or "Not in Use SVR-FTPR."

Customer with status "In Use SVR":

* are provided protection against MCDR;
* have an open VR case; and
* are meeting SSA's [timely progress benchmarks](https://secure.ssa.gov/apps10/poms.nsf/lnx/0455025025).

Customer with status “Not in Use SVR-FTPR”:

* are not provided protection against MCDR;
* have an open VR case; and
* are not meeting SSA's [timely progress benchmarks](https://secure.ssa.gov/apps10/poms.nsf/lnx/0455025025).

SSA sends a letter to the customer if MCDR is going to be initiated. If a customer with an open VR case receives this notification, the VR counselor contacts the VR benefits subject matter resource staff member. The benefits subject matter resource staff member works with the State Office Program Specialist for Benefits and Liaison to Long-Term Support Services (LTSS) and/or State Office Program Specialist for Benefits and Work Incentives to determine if the initiation of MCDR was appropriate. If it was not, these state office VR program specialists assist in requesting that SSA stop the MCDR.

### A-307-8: Section 301 Continuation of Payments and Health Care

Section 301 payments are the continuation of SSI/SSDI benefit payments and Medicaid/Medicare after MCDR is conducted and an unfavorable decision has been issued. SSA has processes in place to identify potential Section 301 cases and to make Section 301 determinations on those cases.

Section 301 payments are authorized when a customer:

* participates in VR services;
* began participating in the program before the month his or her disability ceased;
* continues participating in the program through the two-month grace period after cessation; and
* is determined by SSA to have an increased likelihood of no longer requiring disability benefits if he or she completes or continues the program for a specified period.

Section 301 payments continue until one of the following occurs:

* VR services are completed
* Customer stops participating in VR services
* SSA determines that continued participation in VR services will no longer increase the likelihood that the customer will be able to discontinue SSI/SSDI disability benefits

If a customer has received an unfavorable decision as the result of MCDR, the customer might be eligible for continued cash payments and health care under Section 301. Advise the customer to contact SSA to verify participation in VR services and request a determination of eligibility for continuation of benefits under Section 301.

## A-308: Minority Backgrounds

VR counselors are expected to participate in opportunities to educate the community at large, and help to create and sustain local partnerships to provide employment services and supports for individuals with disabilities of all minority backgrounds.

TWC-VR engages in numerous programs and activities designed to inform and make available VR and supported employment services to individuals with minority backgrounds and individuals who have the most significant disabilities.

Examples of these activities include:

* required training in language services for individuals with limited English proficiency (LEP) for all VR staff (this training provides guidance on best practices and specific resources for effectively communicating with VR's unique population of LEP customers; it also includes web-based instruction and desk references for quick access to information);
* ongoing outreach initiatives with colleges and universities that have historically served African American student collaboration with the Alabama-Coushatta Tribe of East Texas to make services available to Native Americans with disabilities;
* customer access to the Language Line as a resource for those who are not fluent in English, also referred to as limited English proficiency (LEP)individuals;
* VR staff attendance at community job fairs held for the Hispanic population and meeting with groups, such as the Hispanic Chamber of Commerce, Casa de Amigos, the League of United Latin American Citizens, and Catholic Charities (for example, VR has targeted outreach activities with Catholic Charities of Lubbock and the Guadalupe–Parkway Neighborhood Centers);
* outreach activities with African American groups such as the local Sickle Cell Anemia Association, Minority Business Alliance, African American Family Conference, and NAACP (for example, the Abilene office has an ongoing relationship with the International Rescue Committee, which works with a high percentage of African refugees);
* collaboration with the American G.I. Forum that targets the needs of Hispanic veterans and has assigned bilingual counselors who have completed the Social Security work incentive training to work with veterans with significant disabilities receiving SSDI benefits and wanting to work;
* VR counselor participation in training to learn to speak other languages and to learn sign language;
* specialized caseloads for certain disabilities to help develop the expertise needed to most benefit the customers served;
* active recruitment of Spanish-speaking VR counselors;
* development of relationships with local referral sources that serve individuals who are minorities with the most significant disabilities;
* knowledge of issues impacting minorities is encouraged, including trainings and health summits conducted by the Center for the Elimination of Disproportionality and Disparities, which many staff members have attended; and
* engagement with the faith-based community to educate and inform minority and other allied congregations about VR services (for example, VR staff participates in the Texas Annual Conference of the United Methodist Church).

As local opportunities to reach out to minority groups arise, or there are questions about outreach methods and best practices, VR counselors are encouraged to communicate about these opportunities with and seek guidance from their VR Supervisor, VR Manager, and regional or state office subject matter experts as needed.

## A-309: Subminimum Wage Recipients

Section 511 of the Rehabilitation Act of the Workforce Innovation and Opportunity Act (WIOA), requires that employers holding special wage certificates under the Fair Labor Standards Act (FLSA) comply with certain requirements before hiring individuals at subminimum wage (SMW), or to continue paying SMW to participants. Regardless of age, individuals with disabilities referred to VR who are, or are expected to be, employed at SMW must receive career counseling and information and referral services designed to promote opportunities for competitive integrated employment.

### A-309-1: Subminimum Wage Recipient Terminology

The following terminology is specific to the policies and procedures throughout A-309: Subminimum Wage Recipients:

**Career counseling**

A discrete set of activities, different from counseling and guidance, that are mandated by Workforce Innovation and Opportunity Act (WIOA) that must be completed by VR staff for all individuals earning SMW in Texas, regardless of their state of residence or severity of disability.

**14c Certificate holder**

A 14c certificate holder (14c) is any employer that receives a certificate from DOL Employment Standards Administration's Wage and Hour Division to pay workers with disabilities SMW (wages less than the federal minimum wage).

**Piece rate**

Piece rate is a type of Sub minimum wage.

**Point of contact**

VR staff assigned to provide career counseling sessions to individuals who are working for SMW for a 14c.

**Subminimum wage**

SMW is always less than the minimum wage established by Fair Labor Standards Act (FLSA) or, where applicable, less than the prevailing wage required by a McNamara-O'Hara Service Contract Act wage determination. SMW must be a commensurate wage, based on the productivity of the worker with a disability (no matter how limited), in proportion to the productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same work in the same vicinity.

**Twenty-one years of age**

An individual who has not yet reached their 22nd birthday.

**Twenty-four years of age**

An individual who has not yet reached their 25th birthday.

### A-309-2: Individuals Earning Subminimum Wage

There are three groups of individuals who earn subminimum wage that require career counseling and information and referral services. The specific requirements apply to each of the following groups:

#### Group One

All individuals earning SMW or piece rate hired by a 14c before July 22, 2016, regardless of age, must have received, no later than July 22, 2017, and annually thereafter, career counseling services, which include information on and referral to other employment assistance available in the individual's community.

#### Group Two

Any individual older than 24 who is hired by a 14c after July 22, 2016, and who earns SMW or piece rate must receive career counseling and information and referral services once within the first six months of employment, once within the second six months of employment, and annually thereafter if he or she continues to earn SMW.

#### Group Three

Group Three is made up of two subgroups—individuals not older than 24 and individuals not older than 21.

The following requirements apply to all individuals in Group Three who want to work at SMW or piece rate, and these individuals cannot earn SMW or piece rate until all requirements are satisfied:

1. All individuals in Group Three must apply for VR services.
2. If the individual or legal guardian states no interest in competitive integrated employment or VR services after application is completed, VR staff must do the following:
   1. Close the case in ReHabWorks (RHW).
   2. Use RHW to auto-generate a letter to the individual saying the case was closed due to no interest in services.
   3. Provide the first session of career counseling.
   4. Open a new case and complete the initial contact and 14c page in RHW, leaving the case open without assignment.
   5. Provide the individual with the closure letter, completed VR5113, Career Counseling and Information and Referral sheet, and completed VR5118, Section 511 Cover Sheet for Group Three.
   6. If the individual is under 21 years of age, in addition to A–D above:
      * Contact the high school that the individual attends or attended and request written proof of transition services; or
      * If no transition services were provided, issue written proof of Texas Workforce Commission (TWC) VR pre-employment transition services (Pre-ETS); or
      * If neither transition services through school or Pre-ETS through TWC VR were provided, mark the applicable box on the VR5118, Section 511 cover sheet for Group Three, and provide the individual with the closure letter, completed VR5113 and VR5118, and proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14c. Per WIOA, the only individual authorized to receive completed Section 511 documents is this individual.

1. If a Group Three individual is interested in competitive integrated employment, but the VR counselor is uncertain whether the individual will be able to benefit from VR services, in terms of an employment outcome, because of the severity of that individual's disability or if the individual is ineligible for VR services, VR staff must refer to VRSM B-300: Determining Eligibility, and B-310: Trial Work Services.

If the individual is found ineligible for VR services, VR staff must do the following:

* 1. Close the case in RHW.
  2. Use RHW to auto-generate a letter to the individual saying the case was closed as ineligible due to severity of disability.
  3. Provide the first session of career counseling.
  4. Open a new case and complete the initial contact and 14c page, leaving the case open without assignment.
  5. Provide the individual with the closure letter, completed VR5113, Career Counseling and Information and Referral sheet, and completed VR5118, Section 511 Cover Sheet for Group Three.
  6. If the individual is under 21 years of age, in addition to A–D above:
     + contact the high school that the individual attends or attended and request written proof of transition services; or
     + if no transition services were provided, issue written proof of TWC-VR Pre-ETS; or
     + if neither transition services through school or Pre-ETS through TWC-VR were provided, mark the applicable box on the VR5118, Section 511 cover sheet for Group Three; and
     + provide the individual with the closure letter, completed VR5113 and VR5118, and proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14c. Per WIOA, the only individual authorized to receive completed Section 511 documents is this individual.

1. If a Group Three individual is interested in competitive integrated employment and is eligible for services, VR staff must do the following:
   1. Follow all regular procedures for development of the Individualized Plan for Employment (IPE) and provision of active services.
   2. If, at any time during the VR process, the individual decides he or she is no longer interested in competitive integrated employment, close the case and follow the procedures in 2.
   3. The only variation from a regular VR case for Group Three is that to close a case unsuccessfully, individuals in Group Three must have been working toward the IPE employment outcome for a reasonable period (up to 24 months), with appropriate supports, without success.
   4. Group Three individuals who obtain competitive integrated employment may still want to earn SMW in addition to competitive employment. For these individuals, VR staff must do the following:
      * Close the case in RHW.
      * Generate closure letter.
      * Provide the first session of career counseling.
      * Open a new case and complete the initial contact and 14c page, leaving the case open without assignment.
      * Provide the individual with the closure letter, completed VR5113, Career Counseling and Information and Referral sheet, and completed VR5118, Section 511 Cover Sheet for Group Three.
      * If the individual is under 21 years of age, in addition to A–D:
        + contact the high school the individual attends or attended and request written proof of transition services; or
        + if no transition services were provided, issue written proof of TWC VR Pre-ETS; or
        + if neither transition services through school or Pre-ETS through TWC VR were provided, mark the applicable box on the VR5118, Section 511 cover sheet for Group Three, and provide the individual with the closure letter, completed VR5113 and VR5118, and the proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14c. Per WIOA, the only individual authorized to receive the completed Section 511 documents is the individual.

1. If a Group Three individual obtains competitive integrated employment and does not wish to earn SMW in addition to competitive employment, follow normal procedures for case closure. No Section 511 activities (for example, career counseling) are required.

Note: During the time that a Group Three individual has an open case with VR, the individual cannot earn SMW.

(Authority: Sections 7(5), 7(39), 12(c), 102(a) and (b), 103(a), 113, and 511(a) and (d) of the Rehabilitation Act of 1973, as amended; 29 USC §§705(5), 705(39), 709(c), 722(a) and (b), 723(a), 733, and 794g(a) and (d); Workforce Innovation Technical Assistance Center)

### A-309-3: Process for Complying with Section 511

The point of contact (POC) must do the following:

* Schedule a premeeting at the 14c site with the SMW employer and review the process, VR responsibilities, and career counseling and guardian packets.
* When scheduling the premeeting with the 14c, record the answers to the following questions:
  + How many individuals earn SMW or piece rate?
  + How many have legal guardians? If the 14c is unsure, explain that the 14c will need to find this out and provide the number to the POC in advance of the premeeting.
  + How many individuals of any age were hired before July 22, 2016?
  + How many individuals not older than 24 were hired after July 22, 2016? Advise the 14c that this group must be immediately referred to VR services.

#### Preparation for a Premeeting

To prepare for a premeeting, VR staff must determine the approximate number of individuals earning SMW at the facility and do the following:

* Send the appropriate number of VR1517-2, Authorization for Release of Confidential Customer Records and Information (the approximate number of individuals earning SMW at the facility).
* Send the appropriate number of VR5060, Permission to Collect Information.
* Send the appropriate number of Career Counseling Data Sheets to be completed by the 14c before the premeeting for each individual earning SMW.
* Print the appropriate number of complete guardian packets to take to the premeeting for the 14c.
* Print the appropriate number of complete career counseling packets to take to the premeeting for the individuals who are their own guardians.
* Print one career counseling packet and one guardian packet for the 14c to review at the premeeting.

#### During the Premeeting

During the premeeting, VR staff must do the following:

* Review the three groups with the 14c, including the timelines for completion of VR activities, and review when individuals not older than 24 can start or continue to earn SMW.
* Review the career counseling process and each document with the 14c, emphasizing what happens if an individual or guardian signs VR5110, Refusal to Participate in TWS-VRS WIOA Section 511 Required Activities.
* Collect completed Career Counseling Data Sheets for each individual earning SMW.
* Provide the 14c with the appropriate number of the following documents:
  + Two copies (per individual) of the Subminimum Wage Career Counseling and Information and Referral sheet (formal documentation of career counseling and information and referral services, and documentation of whether the individual wants to work in the community);
  + Career Counseling workbook;
  + Refusal to Participate form;
  + Guardian cover letter;
  + Thank-you card;
  + Career Counseling Data Sheet that the 14c should have completed before the premeeting, or, if not, have copies available; and
  + Resource for Guardians document for individuals to give to their guardians.

Note: For additional guidance on documents to be sent to all parties involved, see the WIOA Section 511 Chart, Who Receives Documents and When. VR staff must do the following:

* Provide the 14c with enough packets for all individuals who have guardians.
* Request that the 14c send any documents requiring the guardian's signature to the guardian before the career counseling sessions.
* Inform the 14c that it is the 14c's responsibility to get guardian signatures and that VR cannot provide career counseling to individuals with guardians without signed documents.
* Request that the 14c staff invite guardians to the meeting.
* Inform 14c staff members that they must have ample personnel to assist VR staff.
* Schedule career counseling sessions.

#### Career Counseling Sessions

POC must do the following:

* Start with the Subminimum Wage Career Counseling and Information and Referral sheet and follow the general instructions. The Career Counseling workbook is used in conjunction with the form.
* Ensure that all forms are completed.
* Request that the 14c make a copy of all forms.
* Provide one copy to each individual.
* If an individual refuses to sign any form, including page seven of the workbook, then note the refusal on the form and sign the form.
* Provide individuals with the thank-you card.

If an individual is interested in applying for VR services, VR staff must do the following:

* Identify the assigned VR counselor in the unit where the individual will be served by contacting the unit manager.
  + Explain to the assigned VR counselor that if the individual is not older than 24, the VR counselor must take an application regardless of the severity of the disability, and determine eligibility for VR services, including purchasing a Career Planning Assessment and scheduling Trial Work Experience, if necessary.
  + If the individual's ability to complete multiple trial work experiences is in question, contact the Section 511 state office program specialists for instructions.
* Enter initial contact in RHW.
* Assign it to the appropriate caseload.
* Provide the assigned VR counselor a copy of the workbook.
* Scan and email the following forms to [vr.WIOASection511@twc.texas.gov](mailto:vr.WIOASection511@twc.texas.gov):
  + VR5113, Career Counseling and Information and Referral sheet
  + VR5118, Section 511 Cover Sheet for Group Three (if applicable)
  + VR1517-2, Authorization for Release of Confidential Consumer Records and Information
  + VR5060, Permission to Collect Information

State-level staff will hold all copies of completed career counseling documents. The VR counselor may destroy the hard copies of these forms after the scanned forms have been sent to state office.

### A-309-4: Refusal to Participate

If a participant or guardian refuses participation, VR staff must provide documentation to the individual within 10 calendar days of the refusal to participate. VR staff must use the VR5110, Refusal to Participate in TWS-VRS WIOA Section 511 Required Activities form.

Refusal to participate means that the individual cannot accept SMW. The individual can attend the workshop or go to the facility, but he or she cannot earn less than minimum wage.

### A-309-5: Additional Guidance Requests for Information about WIOA

If an individual or guardian wants clarification or more information about Section 511 requirements, he or she can contact [DOL's Wage and Hour Division](https://www.dol.gov/agencies/whd/special-employment) through the agency's website (<https://www.dol.gov/whd/specialemployment/>).

If a 14c wants more information on WIOA or needs clarification of responsibilities under the Act, the 14c can contact DOL's Wage and Hour Division Regional Office in Dallas:

Southwest Regional Office  
525 S. Griffin Street, Suite 800  
Dallas, Texas 75202

Phone: 972-850-2550

**Vocational Rehabilitation Services Manual A-400: Business Services**

**Introduction**

The employment of individuals with disabilities is directly related to the level of awareness that the business community has of the skills and abilities that individuals with disabilities possess, their ability to function in a specific job, and the possible accommodations that may be needed so they can perform essential job functions.

TWC continues to work toward full implementation of the integrated system envisioned by the Workforce Innovation and Opportunity Act (WIOA) and Senate Bill 208, 84th Texas Legislature, Regular Session (2015) by seeking opportunities to develop strategies to partner with Local Workforce Development Boards (Boards) and their contractors to serve employers.

**A-401: Business Relations Team**

The VR Business Relations Team is responsible for the delivery of all VR business services, including outreach, consultation, technical assistance, and training to support job placement and job retention for individuals with disabilities. Members of the VR Business Relations Team include state office program specialists, regional business relations coordinators, employment assistance specialists, and outreach service and coordination (OSC) teams.

For more information on the Business Relations Team and other employment related resources visit the Business Relations intranet page.

**A-401-1: Legal Authorization**

The designated state unit may expend payments received under this part to educate and provide services to employers that have hired or are interested in hiring individuals with disabilities under the VR program, including:

(a) Providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (42 USC §12101 et seq.) and other employment-related laws;

(b) Working with employers to—

(1) Provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships);

(2) Provide opportunities for pre-employment transition services, in accordance with the requirements under §361.48(a);

(3) Recruit qualified applicants who are individuals with disabilities;

(4) Train employees who are individuals with disabilities; and

(5) Promote awareness of disability-related obstacles to continued employment.

(c) Providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers, across states and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of vocational rehabilitation services under this part, or who are applicants for such services; and

(d) Assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities.

CFR 34 §361.32, Provision of Training and Services for Employers

**A-401-2: Vocational Rehabilitation State Office Program Specialists**

TWC-VR state office program specialists coordinate VR Business Relations team activities and serve unique roles in the division.

**Program Specialist for Business Relations**

The program specialist for business relations:

* serves as the point of contact for TWC-VR leadership, VR Business Relations team members, the [WeHireAbility](mailto:wehireability@twc.texas.gov) mailbox, and employers seeking information about VR services through the [VR Business Relations](mailto:VR%20Business%20Relations) mailbox;
* provides information, training, and technical assistance to support full implementation of functions as outlined throughout this chapter;
* plans and facilitates VR Business Relations team meetings and training sessions;
* researches and identifies opportunities to improve services to businesses;
* conducts statewide outreach, consultation, technical assistance, and training to businesses to support competitive integrated employment for individuals with disabilities; and
* represents VR on the National Employment Team of the Council of State Administrators of Vocational Rehabilitation.

**Program Specialist for Employment Assistance and Assistive Technology Support**

The program specialist for employment assistance and assistive technology support provides advanced technical support services necessary for TWC-VR customers who are blind or visually impaired to obtain and maintain competitive integrated employment. These support services may be provided directly to TWC-VR customers and/or in cooperation with a business’s human resources (HR) and information technology (IT) staff.

The program specialist for employment assistance and assistive technology support:

* evaluates the compatibility and effectiveness of assistive technologies in employment environments;
* performs hardware and software installations;
* performs advanced hardware/software troubleshooting and resolves system performance issues;
* makes recommendations to resolve hardware/software problems; and
* provides presentations and demonstrations regarding assistive technology and its impact on employment outcomes.

**A-401-3: Business Relations Coordinators**

VR business relations coordinators (BRCs) work through VR regional management to connect with local business communities to better understand their hiring needs and share general information about VR services and customers.

BRCs work in collaboration with Workforce Solutions Business Services Units. Their combined knowledge of labor market trends and a workforce area's talent pool enhance the services provided to customers and the business community.

BRCs are responsible for:

* recruiting and screening qualified applicants with disabilities for employment opportunities;
* conducting worksite assessments or job analysis worksheets for job candidates;
* assisting with job retention services to help employers retain an employee with a disability;
* providing information and referral about tax incentives;
* conducting disability awareness and sensitivity presentations;
* referring businesses to other Workforce Solutions services;
* consulting with employers about customized training programs, such as on-the-job training (OJT) opportunities;
* partnering to develop work-based learning trainings for VR customers;
* coordinating, facilitating, and participating in career, job fairs and other networking events;
* referring VR customers and employers to appropriate partners regarding workplace compliance issues;
* providing training and support to VR field staff around business engagement; and
* consulting with businesses on diversity strategy planning to promote workplace inclusion.

**A-401-4: Employment Assistance Specialist**

The Employment Assistance Specialist (EAS) provides consultation and assessment services for VR customers who are blind and visually impaired related to employability, assistive technology needs, and potential accommodations. The EAS provides direct consultation to the VR customer, the business, and the VR caseload carrying staff.

EAS services may include:

* consultation with a VR customer related to accommodations and assistive technology needs for academic and employment success;
* completion of the customer’s Initial Consultation Report required for participation in an assistive technology evaluation;
* assisting VR caseload carrying staff with review and understanding of an assistive technology evaluation report and recommendations regarding necessary assistive technology for the customer; and
* partnering with the Assistive Technology Support Specialists and staff in the Assistive Technology Unit to maintain current knowledge of trends in technology and assistive technologies.

Each activity provided to a business by the above mentioned staff must be recorded in [WorkInTexas](https://www.workintexas.com/vosnet/default.aspx) to allow for joint reporting of services to employers, per [WIOA](https://www.dol.gov/agencies/eta/performance/performance-indicators) requirements.

**A-401-5: Regional Outreach Services and Coordination Teams**

The regional OSC teams are the primary points of contact in developing business partnerships at the local and regional levels. OSC teams are established at regional levels by the BRCs and regional leadership. These teams include managers, employment assistance specialists, counselors, teachers, support staff, and other VR staff members who work directly with businesses in their communities to enhance employment opportunities for customers. OSC teams identify, implement, and monitor the progress of business outreach activities across VR regions, and disseminate this information to the BRCs to develop a comprehensive statewide network for business relations.

Regional OSC teams also work in partnership with businesses to:

* establish local resources to assist in developing a referral base and providing support services to sustain customers after they are employed;
* work with management to conduct outreach events;
* promote and coordinate VR Business Services deliverables to businesses;
* identify businesses to target jobs in the workforce area served; and
* provide business name, contact information, and service provided to BRC for reporting into WorkInTexas.

**A-401-6: Regional and Field Vocational Rehabilitation Staff**

All VR staff members have a role in cultivating relationships with businesses.

Regional management and program specialists:

* coordinate with VR Managers to identify members of the regional outreach service and coordination (OSC) teams;
* provide additional resources and support when requested by OSC teams for business development;
* help to replicate successful business relationships to encourage stronger business development among OSC teams; and
* support the overall importance of engaged and active OSC teams.

VR Managers:

* develop and monitor staff member responsibilities for outreach and services to businesses;
* ensure that staff provides the business name, contact information, and service to BRC for reporting into WorkInTexas; and
* report to regional management about collaborative efforts within VR and with other community partners for business development and field initiatives.

Field staff:

* works with OSC teams to contact and cultivate relationships with federal contractors, businesses, and community partnerships that support customer employment outcomes;
* works with OSC teams on outreach events, business development activities, and Business Services deliverables to business customers;
* requests OSC teams' assistance, when necessary, to enhance business or community relationships; and
* provides accurate and timely information to OSC teams about qualified candidates looking for employment.

**A-402: Training and Tools for Working with Businesses**

**A-402-1: Training**

Training opportunities are available through the TWC Training and Development Dual Customer Training for VR staff to increase their knowledge, awareness, and understanding of serving the business community as another VR customer. The training helps staff learn how to develop effective business relations, conduct outreach and marketing activities, and recommend appropriate accommodations for customers. VR staff may also work alongside their Regional BRC to build their awareness and confidence in this area.

**A-402-2: Labor Market and Business Needs**

For VR customers to gain competitive, integrated employment, VR counselors must understand the labor market and the needs and expectations of business. This understanding is critical to the vocational planning process; it helps VR and its customers build solid plans to achieve high-quality employment outcomes.

Before contacting a business, staff must:

* match businesses to the needs and interests of job seekers;
* know basic information about the business, including:
  + the business's location and whether transportation is available;
  + the type of business and the products it makes and/or sells;
  + the business's prospects and stability; and
  + whether the business is hiring.

When working with a business, staff must remember that:

* the business is a VR customer;
* VR has a responsibility to understand the business's needs;
* VR must adjust its services when possible to meet the business needs;
* businesses are not:
  + rehabilitation facilities (avoid the use of rehabilitation language, use business terminology);
  + a funding source for special initiatives; or
  + obligated to hire from any one system or organization; and
* businesses need qualified candidates—they do not hire based on disability or out of charity.

To better understand the local labor market, available employment outcomes, and the population of potential VR customers, staff will conduct labor market analyses using community resources and [Labor Market and Career Information department tools](http://intra.twc.state.tx.us/intranet/lmci/html/index.html).

The analysis includes:

* labor market analysis of job trends and other factors to promote strategic employment outcomes and business development; and
* caseload statistical analysis of specific caseloads or offices to identify job-ready customers, vocational goals, and historical placement trends.

For VR caseload carrying staff, please visit the Business Services intranet page to take the mandatory Labor Market Intelligence (LMI) training.

**A-403: Employment Resources**

VR provides key services to businesses and uses other partners to streamline and enhance those services.

**A-403-1: Local Workforce Development Boards and Workforce Solutions Offices**

The 28 Workforce [Boards](https://twc.texas.gov/partners/workforce-development-boards) across the state and over 170 Workforce Solutions Offices in Texas offer a single point of contact for both the business community and those seeking employment. Services provided by Boards and Workforce Solutions Offices include:

* employer services;
* WIOA youth and adult services;
* veteran services;
* job seeker resources and training; and
* labor market information.

VR and Workforce Solutions Office staff are strongly encouraged to partner to expand training and opportunities for job seekers and employers. By leveraging services and programs together, the customer, the VR program, and the workforce system wins.

**A-403-2: Referrals to Workforce Solutions Offices**

A service record must be created for all referrals to Workforce Solutions Offices. When creating a service record in ReHabWorks, staff must use "Arranged" as the payment method.

Staff then selects the following specifications to create a service record for referrals:

* Level 1—Support Services for VR customers
* Level 2—Arranged Services at Workforce Solutions Offices
* Level 3—Referrals to and services from Workforce Solutions Offices
* Level 4—Appropriate service from drop-down list

**A-403-3: The National Employment Team**

In addition to the VR Business Relations team, the Council of State Administrators of Vocational Rehabilitation (CSAVR) works with businesses and state VR agencies to develop a national VR business network, the NET (National Employment Team). The purpose allows for a coordinated approach to serving business customers through a national VR network that specializes in employer development, business consulting, and corporate relations. The TWC-VR program specialist is the point of contact for CSAVR's NET. They pass along job leads and information to the business relations team.

For additional information, see the [CSAVR Business Relations](https://www.csavr.org/the-net) page.

**A-403-4: Job Readiness**

Throughout the vocational rehabilitation (VR) process, VR services are uniquely designed to help the customer become "job ready."

VR customers are job ready when they have the necessary knowledge, skills, and abilities needed, with or without supports, to begin seeking employment that is consistent with the employment goal on the customer's individualized plan for employment (IPE) or IPE amendment.

**Job Ready Procedures**

The Job Ready Worksheet is available for VR counselors as a guide in determining whether the customer is job ready. The Job Ready Worksheet is not a required form; however, if this worksheet is used in the decision-making process, a copy is filed in the customer's case file. The Job Ready Worksheet is located on the VR Business Relations intranet page.

When the VR counselor determines that the customer is job ready, the VR counselor:

1. updates the job ready status in ReHabWorks (RHW) (The Job Ready button is in the Personal Information section of the RHW case and is available only after the customer has a signed IPE in RHW.);
2. documents the job ready decision in a case note in RHW; and
3. identifies next steps for pursuing employment.

When the VR counselor determines that the customer is no longer ready for employment, the VR counselor repeats the previous steps and selects NO for Job Ready.

For more information on documenting Job Ready in RHW, refer to VRSM E-300: Case Note Requirements.

When a case is identified as job ready, VR staff may pull a query that includes all job ready customers by region, management unit, or caseload. The results of this query may be used to assist VR staff with direct placement activities, service record to the BRT, and/or job leads shared through the Outreach Service Coordination Team.

**A-404: Business Relations Coordinator Services to Customer**

The BRC provides valuable assistance to the field related to the job search process for customers. Not all customers need BRC assistance. Some customers connect to employment opportunities in their chosen vocation on their own and others are working with Employment Service Providers (ESPs). Counselors should staff cases with the Regional BRC before a service record is created to ensure the BRC’s assistance is best suited for that customer’s needs.

Examples of services to customers include:

* resume development;
* preparing applicants for interviews;
* job club;
* screening applicants for job postings;
* referral for employment opportunities;
* assistance with job fair preparation;
* assistance with work-based learning opportunities; and
* assistance with customized trainings and OJT development

Once the counselor and BRC have staffed the case, a service record must be created by the VR staff or BRC. If the IPE is being amended, the service can be added to the amendment. If not, a service justification case note is entered in RHW by the VRC.

**A-404-1: Creating a Service Record**

Service Records (SRs) in a case are an essential part of the customer’s service delivery process for purchasing, providing, and arranging goods and services. Each case should document the full array of services which may then be captured at case closure.

Staff use the following specifications for BRC assistance:

* Level 1—In House Services
* Level 2—Business Relations Services
* Level 3—Business Relations Coordinator Services
* Level 4—Job Consultation and Referral to Employers or Other Services

The VR counselor stays engaged with the customer and BRC during the employment preparation and search.

**A-404-2: Confidentiality and Job Search**

TWC-VR strictly prohibits sharing a customer's personal identifiable information (PII) without a valid release. When sharing information such as a customer's name, résumé, or any other PII with a potential employer, a signed VR1517-2, Authorization for Release of Confidential Customer Records and Information, must be in the customer's case file. VR staff can view a sample VR1517-2 on the VR Business Relations intranet page. VR staff can also consult with the regional business relations coordinator or employment assistance specialist.

**Vocational Rehabilitation Services Manual A-500: Measurable Skill Gains**

**Introduction**

Measurable Skill Gains (MSGs) are a measure of the documented progress (academic, technical, occupational, or other) that a customer makes in a training or education program toward obtaining a recognized postsecondary credential or reaching employment-related performance outcome. This progress is captured in ReHabWorks and reported throughout the life of the case.

**A-501: Legal Authority and References**

20 CFR Part 677 (and reprinted in 34 CFR Parts 361 and 463)

US Department of Labor Employment and Training Administration, Training and Employment Guidance Letter No. 10-16, issued December 19, 2016, and entitled "Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs"

Workforce Innovation and Opportunity Act of 2014, §116, Performance Accountability System establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of states and local workforce development areas in achieving positive outcomes for individuals served by the workforce development system's six core programs. Measurable Skill Gains (MSGs) measure the outcomes of WIOA program participants in education or training programs that lead to a recognized postsecondary credential or employment.

Requirements related to the implementation and operation of the performance accountability system are described under WIOA §116, including implementing joint regulations in 20 CFR Part 677 (and reprinted in 34 CFR Parts 361 and 463).

**A-502: What Can Be Reported as MSG?**

The following are accepted as MSGs for federal reporting:

* educational functioning level progress;
* secondary diploma or recognized credential;
* secondary or postsecondary transcript/report card showing achievement of academic standards;
* satisfactory or better progress report toward established milestones; and
* passage of an exam required for a specific occupation.

Refer to VRSM A-504: Types of Documented Progress for Measurable Skills Gains for additional information on documentation requirements.

**A-503: What Cannot be Reported as MSG?**

The following are not considered MSG's for federal reporting:

* yearly progression in special education courses working toward a Special Education Certificate of Attendance;
* transportation skills attainment;
* soft skills training;
* pretests and posttests demonstrating mastery of orientation and mobility training; and
* documentation of attainment of Microsoft Office skills in JAWS.

In addition to the above list, pre-employment transition services (Pre-ETS) will not generally be associated with MSGs. For more information about Pre-ETS, refer to VRSM C-1305-6: Providing Pre-Employment Transition Services.

**18+ Programs**

Traditional 18+ high school programs, in which students who have completed their academic requirements participate in a variety of work based learning and other job readiness activities that do not qualify as a MSG because the students do not earn credits or meet training milestones. For more information about 18+ programs, refer to VRSM C-1302-4: Local Education Agency.

**A-504: Types of Documented Progress for Measurable Skill Gains**

The Workforce Innovation and Opportunity Act identifies the following five types of documented progress for Measurable Skill Gains (MSGs):

1. Achievement of at least one educational functioning level (EFL) by a participant who is receiving instruction below the postsecondary education level.

An EFL gain is advancement of an educational level by making measurable improvement in educational attainment as measured by:

* + a pretest and posttest;
  + awarding credits or units; or
  + enrollment in a postsecondary education or training program after completion of a secondary school program.

An example of an EFL would be moving from a 9th grade reading level to a 10th grade reading level. The tests typically used for this include the Test of Adult Basic Education (TABE) and the Basic English Skills Test (BEST).

Examples of documentation that confirm an EFL MSG include:

* + pretest and posttest results measuring an EFL gain (for example, TABE, BEST Plus);
  + an adult high school transcript showing the EFL gain through awarding credits or units; or
  + enrollment in postsecondary education or training determined through data match, survey documentation, or program notes.

1. Attainment of a secondary school diploma or its recognized equivalent.

An example of attainment of a secondary diploma would be graduating from high school or obtaining a GED. Examples of documentation to confirm this MSG would include a:

* + high school transcript;
  + secondary school diploma or its recognized equivalent; or
  + report card.

1. Secondary or postsecondary progress toward a recognized credential.

An example of secondary or postsecondary progress towards a recognized credential would be successfully completing a semester of academic training. Examples of documentation to confirm this MSG include a:

* + transcript; or
  + report card.

Note: There must be a sufficient number of credit hours documented to show that the customer is meeting standards identified in the customer's Individualized Plan for Employment.

1. Satisfactory or better progress toward established milestones.

An example of satisfactory progress towards established milestones would be completion of On-the-Job-Training (OJT) or completion of one year of an apprenticeship program or similar milestones. Examples of documentation to confirm this MSG include:

* + progress reports or evaluations from an employer or training provider documenting satisfactory or better progress toward established milestones; or
  + satisfactory completion of a training period.

1. Successfully passing an exam that is required for an occupation or progress in attaining technical or occupational skills.

An example of successfully passing an exam that is required for an occupation or progress in attaining technical or occupational skills would be attaining a plumbing apprentice license or other occupational license or certification. Examples of documentation to confirm this MSG include:

* + results of a knowledge-based exam or certification of completion;
  + documentation from the employer or training provider;
  + documentation demonstrating progress in attaining technical or occupational skills; or
  + a copy of a credential that is required for a particular occupation and is only earned after the passage of an exam (for example, an occupational license or certification).

**A-505: Documenting Measurable Skill Gains**

Measurable Skill Gains (MSGs) must be clearly documented in ReHabWorks (RHW) and in the case file.

MSGs are captured in RHW from the Education History page, the Training Information page, and the Semester/Grading Period page. These pages must be updated after the customer completes each semester or grading period to ensure accurate reporting to the Rehabilitation Services Administration and other stakeholders. Additionally, all information entered in these pages, including “date registered”, must have verifying source documentation.

For date registered, if the customer was already enrolled in a training or education program at the time of VR application, use the application date. If the customer enrolls in a training or education program after completing the application but before IPE, use the IPE date for “date registered”. For customers who enroll in a training or education program any time after the IPE date, the date registered field should reflect the actual date of program enrollment. The following examples of source documentation are acceptable for verifying enrollment date:

* a copy of the enrollment record;
* file documentation with notes from training program staff;
* school records;
* a transcript or report card; or
* data match with postsecondary data system

An MSG is captured in RHW when VR staff enters an end date for the semester or grading period in the RHW Semester/Grading Period page. The end date in RHW must match the end date on the supporting documentation. If there is no end date on supporting documentation (for example, the screenshot of final grades has no end date), then the final day of the semester/grading period noted on the training institution’s academic calendar is used as the end date in RHW. A copy of the calendar must be included with the supporting documentation in the case file. For more information, refer to ReHabWorks Users Guide B-300: Education History.

VR staff must also document MSGs in RHW case notes to provide specific details about the customers progress and the reason for the update to the Education History page. This may be captured in the system-generated case note from the comments entered by VR staff when the pages are updated.

VR counselors explain the customer’s responsibilities when developing an individualized plan for employment (IPE). Customers who participate in secondary and post-secondary training programs that support their IPE educational and employment goals are responsible for providing supporting documentation at the end of the semester or grading period. Counselors are encouraged to schedule check-in meetings with customers shortly after each semester or grading period. These meetings are used to ensure that the required supporting documentation is included in the case file and in RHW; they may also serve as an opportunity for counseling and guidance.

Copies of supporting documentation, such as grade reports, transcripts, certificates, and diplomas, must be obtained from the customer as soon as the documentation becomes available at the end of the semester or grading period. Staff must attempt to contact the customer to obtain the required documents for the type of MSG within eight weeks of the end of the semester or grading period, but no later than the start of the next semester or grading period. Electronic documents are acceptable and must be maintained in the customer's case file. Multiple documents to show proof of the MSG are preferred but not required.

**A-506: Calculating Measurable Skill Gains**

All VR customers enrolled in education programs that lead to secondary, recognized postsecondary credentials, or employment identified by their Individualized Plan for Employment (IPE) are counted in the denominator for that program year. This includes customers whose cases are closed during a program year as well as those who continue to receive services.

MSGs are captured and reported throughout the life of the case and at case closure. Customers who continue to receive services as well as those whose cases are closed during the reporting period are included in the measure.

**Vocational Rehabilitation Services Manual A-600: Credential Attainment**

**Introduction to Credential Attainment**

Credential Attainment (CA) is a measure by which the successful completion of a recognized postsecondary credential or a secondary school diploma (or its recognized equivalent) is documented for VR customers who are enrolled in an education or training program.  Achievement of the CA must occur during the customer's participation in or within one year after the customer's VR case is closed.

A VR customer who has attained a secondary school diploma or its recognized equivalent is counted as a CA only if the customer is currently employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after the customer's VR case is closed.

**A-601: Legal Authority and References**

US Department of Labor Employment and Training Administration, Training and Employment Guidance Letter No. 10-16, issued December 19, 2016, and entitled "Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III and Title IV Core Programs"

Workforce Innovation and Opportunity Act of 2014, §116, Performance Accountability System establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of states and local workforce development areas in achieving positive outcomes that lead to a recognized postsecondary credential or employment.

Requirements related to the implementation and operation of the performance accountability system are described under WIOA §116 and 34 CFR Part 361 subpart E.

**A-602: What Is Reported as Credential Attainment?**

The following are recorded as CAs for federal reporting:

* secondary school diploma or equivalent;
* associate degree;
* bachelor's degree;
* graduate degree;
* industry recognized occupational licensure or certificate;
* industry recognized occupational certification; and
* other industry recognized industrial or occupational credential.

**A-603: What Is Not Reported as Credential Attainment?**

The following are not considered CAs for federal reporting:

* yearly progression in special education courses working toward a Special Education Certificate;
* transportation skills attainment;
* soft skills training;
* pretests and posttests demonstrating mastery of orientation and mobility training;
* completion of On-the-Job Training and/or customized training;
* completion of participation in most Project SEARCH training sites (Consult is required with the Program Specialist for Transition before entering a CA record in ReHabWorks for a Project SEARCH training.);
* comprehensive transition programs offered at colleges or universities that may not lead to a recognized post-secondary credential;
* industry-specific safety certification; and
* general computer and security certificates.

**A-604: Documenting Credential Attainment**

Credential Attainment (CA) must be clearly documented in ReHabWorks (RHW) and in the paper case file for all VR customers who are enrolled in a training or education program that leads to a secondary school diploma or a recognized postsecondary credential.

This requirement applies to both current VR customers and VR customers whose cases were closed during the program year.

Once the customer successfully completes the training or education program and receives documentation of that achievement VR staff:

* enters a CA in RHW; and
* files supporting documentation in the paper case file.

Examples of documentation to confirm CA may include:

* a copy of the credential such as:
  + a high school diploma;
  + an associate's or bachelor's degree;
  + an industry-recognized certificate or certification;
  + a certificate of completion of a Registered Apprenticeship; or
  + a license recognized by the state or federal government.
* a copy of school records such as grade reports or transcripts; or
* case notes documenting that the VR staff obtained verification of the CA from the education or training provider.

Note: Staff must make at least three attempts to obtain documents that substantiate the credential attainment from third-party education and training providers before using case notes as the primary source documents. When filing documentation with notes from program staff, or case notes, staff must refer to either paper or electronic statements that identify, at a minimum, the following:

* a participant's status for a specific credential;
* the date on which the information was obtained; and
* the staff member who obtained the information.

Copies of supporting documentation should be obtained from the customer as soon as the credential is achieved but no later than the Joint Annual Review, when RHW is updated. Electronic documents are acceptable but must be printed and maintained in the customer's paper case file.

CA is captured in RHW through the Education History page on the Training Information page within the Semester/Grading Period sections on that page. These fields must be updated throughout the life of the case and at case closure to ensure accurate reporting to Rehabilitation Services Administration and other stakeholders. For more information, refer to the ReHabWorks Users Guide B-300: Education History.

# Vocational Rehabilitation Services Manual B-100: Vocational Rehabilitation Process, Roles, and Responsibilities

## B-100: Vocational Rehabilitation Process, Roles, and Responsibilities

The chapters in this section of the VRSM present the vocational rehabilitation (VR) process in linear order, beginning with initial contact and proceeding to closure and/or post-employment services. However, it is important to keep in mind that the VR process is not always linear, and various steps in the VR process may need to be revisited when circumstances change for the customer. For example, once the individualized plan for employment (IPE) is completed and services have been initiated, a change in the customer's circumstances might require additional assessments, an updated employment goal, an interruption of services, or a change to the services originally included in the IPE, which would require an IPE amendment.

This section addresses the specific roles and responsibilities of the VR team, which is made up of a group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer as the customer makes informed decisions to reach their employment goal.

The members of the VR team will change as the customer's needs and services evolve; however, the team will always include the customer and the VR counselor.

Other VR staff that may be part of the VR team at various points in the VR process include the following:

* Courtesy counselors
* Rehabilitation assistants
* VR Managers
* VR Supervisors
* Unit specialists
* Unit management team members
* Consultants

Community rehabilitation providers include providers of contracted employment services and all individuals or programs that directly provide or facilitate services to support the VR customer's attainment of the employment goal, all of which are integral to the VR customer's success.

Family members, representatives, and other natural supports in the community can also be included as part of a VR team to help a customer reach the employment goal.

## B-101: Roles and Responsibilities of the Rehabilitation Team

### B-101-1: Customer

Texas Workforce Commission (TWC) VR customers are expected to actively engage in all stages of the VR process by:

* assuming ownership of the program of services;
* demonstrating motivation through active participation;
* engaging in the process of informed choice and decision making; and
* committing to following through with activities that lead to a competitive integrated employment outcome.

For more information about VR customers' rights and legal issues, refer to VRSM A-200: Customer Rights and Legal Issues.

For more information about informed choice and decision making, refer to VRSM B-102: Informed Choice.

### B-101-2: Vocational Rehabilitation Counselor

TWC's VR counselors have a unique skill set and specialized training to serve individuals with disabilities. This includes extensive knowledge of various aspects of disability and an understanding of the disability-related supports necessary to help VR customers reach their employment goals. This knowledge is combined with an understanding of the local labor market, business trends, and employment law.

For more information, refer to VRSM B-104: Qualified Vocational Rehabilitation Counselors.

#### Partnerships

The VR counselor partners with the customer, providers, employers, and community resources to help VR customers reach their employment goals. This includes the following:

* Providing VR counseling and guidance
* Developing and maintaining relations with community referral sources, businesses, employers, and schools, as applicable
* Collecting and analyzing all information necessary to make an accurate eligibility decision (for example, medical, psychological, school records, and employment records)
* Assisting the customer in choosing an appropriate employment goal by analyzing information to determine the customer's strengths, resources, priorities, concerns, abilities, capabilities, and interests, and matching that information to the current job market, as appropriate
* Working collaboratively with the customer to develop an IPE designed to achieve the customer's employment goal
* Ensuring timely, cost-effective provision of services and customer progress toward achievement of the employment goal
* Developing and implementing a process that leads to a successful job placement or other planned employment outcome

#### Purchasing

The VR counselor must apply best value purchasing practices and use available comparable benefits and services to ensure effective use of public funds throughout the VR process. For more information about purchasing responsibilities, refer to VRSM D-200: Purchasing Goods and Services.

#### Caseloads

VR counselors have caseloads that are either general (all conditions and disabilities) or specialized (only specific disabilities or conditions, such as visual impairment, hearing loss, or transition). For more information about specialized caseloads, refer to VRSM A-300: Specific Customer Populations.

### B-101-3: Courtesy Counselors

A courtesy counselor provides rehabilitation services to a customer who is receiving services outside the customer's home area. When deciding whether there is a need for a courtesy counselor to be assigned to support the customer, the courtesy counselor considers the customer's needs and circumstances and what is needed to maintain continuity of services for the customer.

When a courtesy counselor is assigned to provide additional support for a customer, the courtesy counselor:

* must have access to pertinent electronic and paper documents in the case file (for example, IPE and medical reports);
* may contact the customer and provide counseling and guidance;
* may purchase all services from a school, facility, or organization, such as tuition and fees, books, and supplies;
* usually handles billing procedures;
* communicates with the home counselor (the counselor to whom the case is assigned in RHW) as needed to maintain continuity of customer progress;
* ensures that funds are available and that the encumbrance complies with current policy;
* communicates with the home counselor about who issues individual service authorizations, and if the two counselors cannot agree, the courtesy counselor issues the service authorizations; and
* confers, in accordance with policy, with the home counselor to decide which counselor will implement a change in IPE services—if the home counselor is not available, contacts the home counselor's VR Supervisor for approval.

### B-101-4: Rehabilitation Assistants

The rehabilitation assistant (RA) has several critical roles that support both the VR counselor and the customer throughout the VR process. The RA:

* coordinates the approved purchase of goods and services for customers;
* collects information for the intake/profile process;
* provides basic caseload support services, such as creating, maintaining, and reviewing technical case management forms and files for accuracy using ReHabWorks (RHW);
* provides basic information regarding rehabilitation programs, services, and referrals to customers and vendors, consistent with TWC's employment lifestyle philosophy;
* serves as a contact for the customer and is often the point of contact when a provider has questions about issued service authorizations and invoicing; and
* keeps the VR counselor apprised of issues or concerns that are brought to his or her attention when communicating with customers, providers, and community resources.

### B-101-5: Vocational Rehabilitation Managers and Supervisors

The VR Manager and VR Supervisor work together to provide support, direction, and oversight of direct customer services for their assigned unit. This includes, but is not limited to:

* providing leadership and implementing business development in the community;
* facilitating communication and problem resolution for issues involving customers, providers, advocacy organizations, and/or other staff;
* identifying staff training and support needs;
* developing, coordinating, and/or providing training to continually improve staff performance and compliance; and
* providing review, consultation, and approvals for VR services.

Note: Reviews, consultations, and approvals that are assigned to a specific job title may only be delegated to a staff member with equal or higher level of authority (unless otherwise stated on the approvals table). For example, a VR Manager can delegate approvals to another VR Manager or to a regional office manager in the VR Manager's absence. However, a VR Manager must not delegate approval authority to a VR Supervisor. For more information, refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

### B-101-6: Unit and Regional Management, Specialists, and Support Staff

Unit and regional management, specialists, and support staff also serve a vital role in the VR process, even though they may not work directly with VR customers on a regular basis.

Unit support specialists and unit support staff include the following:

* Administrative Supervisor
* Assistive Technology Specialist
* Customer Case Coordinator
* Process Improvement Specialist
* Purchasing Specialist
* Unit Support Assistant
* Unit Support Coordinator

Regional management, specialists, and support staff include the following:

* Regional director
* Deputy regional director
* Assistant to the director
* Business relations coordinator
* College and university coordinator
* Employment assistance specialist
* Human resources liaison
* Medical services coordinator
* Program support assistant
* Program support manager
* Regional blind services specialist
* Regional program improvement specialist
* Regional program specialist
* Regional program support specialist
* Regional quality assurance specialist
* Regional transition specialist
* VR teacher

### B-101-7: Consultants

Vocational Rehabilitation (VR) staff has access to both internal and external consultants for specialized support in decision making throughout the VR process. Consultants with specifically defined responsibilities for VR services include the following:

* Local Medical Consultant (LMC);
* Regional Psychological Consultant (RPC);
* Regional Dental Consultant (RDC);
* State Medical Director;
* State Ophthalmological Consultant;
* State Optometric Consultant;
* State Orthotic and Prosthetic Review Committee (OPRC);
* VR regional program specialists
* VR state office program specialists

For additional information about required consultations, refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

For more information on how the role of medical consultants applies to specific medical services, refer to VRSM C-701-2: Medical Services Required Review and Approvals Policy.

In addition to their roles in the review of and consultation on services for specific customers, regional and state office consultants also provide technical assistance to support best business practices in their areas of specialty as related to:

* the VR process and outcomes;
* quality service delivery and documentation;
* use of comparable services, benefits, and other resources;
* quality job development and placement; and
* other areas as applicable.

#### Consultant Training Services

Unit or regional management may invite consultants to provide specialized training to staff on all aspects of the VR process in their area of specialty.

#### Review and Evaluation Services

When the clarity or completeness of reports is called into question, VR staff may request a consultant to review reports and provide a professional opinion or guidance on the:

* prognosis of selected disabilities;
* clarification of functional limitations;
* review of records, test results, and other data;
* appropriateness of recommendation for additional assessments or services; and
* application of VR policies and procedures.

#### Consultant Relationship with the Medical Community and Other Professions Outside of Vocational Rehabilitation

A consultant may:

* identify community resources for approved (nonexperimental) medical diagnostic and/or restorative services;
* help orient new physicians to the types of information and services requested by VR; and
* develop and maintain an effective working relationship with physicians, medical societies, public and private health agencies, local disability support groups, workers compensation programs, and other facilities and programs.

#### Limitations on Consultant Services for Vocational Rehabilitation Customers

A consultant does not examine or treat VR customers, except when:

* the customer is, or has been, the consultant's patient before becoming a VR customer;
* the consultant is asked to provide ancillary services, such as assisting the principal surgeon or giving emergency treatment; or
* the consultant is the only, or one of few, specialists in the immediate area.

Other cases may be referred to a consultant for treatment only when:

* there is no apparent conflict of interest, and
* the consultation with the State Office Program Specialist for Physical Disabilities is obtained first.

If a consultant is currently treating a customer, the consultant may not provide a formal VR consultation for that customer's VR case. The case must be sent to another VR consultant, who may be located in another region, for consultation.

## B-102: Informed Choice

Informed choice (also referred to as informed customer choice) begins with the first customer contact and continues throughout the VR process. Informed choice means that the customer chooses from options based on accurate information and knowledge. The options are developed in partnership between the customer and the VR counselor, and when applied correctly, result in a competitive integrated employment outcome.

It is important for all individuals involved in the rehabilitation process to consistently apply the principles of "informed customer choice."

### B-102-1: Legal Authorization for Informed Choice

#### CFR §361.52 Informed choice.

(a) General provision. The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that applicants and recipients of services or, as appropriate, their representatives are provided information and support services to assist applicants and recipients of services in exercising informed choice throughout the rehabilitation process consistent with the provisions of section 102(d) of the Act and the requirements of this section.

(b) Written policies and procedures.

The designated State unit, in consultation with its State Rehabilitation Council, if it has a Council, must develop and implement written policies and procedures that enable an applicant or recipient of services to exercise informed choice throughout the vocational rehabilitation process. These policies and procedures must provide for—

(1) Informing each applicant and recipient of services (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit and including youth with disabilities), through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process;

(2) Assisting applicants and recipients of services in exercising informed choice in decisions related to the provision of assessment services;

(3) Developing and implementing flexible procurement policies and methods that facilitate the provision of vocational rehabilitation services and that afford recipients of services meaningful choices among the methods used to procure vocational rehabilitation services;

(4) Assisting eligible individuals or, as appropriate, the individuals' representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plans for employment with respect to the selection of the—

(i) Employment outcome;

(ii) Specific vocational rehabilitation services needed to achieve the employment outcome;

(iii) Entity that will provide the services;

(iv) Employment setting and the settings in which the services will be provided; and

(v) Methods available for procuring the services; and

(5) Ensuring that the availability and scope of informed choice is consistent with the obligations of the designated State agency under this part.

(c) Information and assistance in the selection of vocational rehabilitation services and service providers.

In assisting an applicant and eligible individual in exercising informed choice during the assessment for determining eligibility and vocational rehabilitation needs and during development of the individualized plan for employment, the designated State unit must provide the individual or the individual's representative, or assist the individual or the individual's representative in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services, including the providers of those services, that are needed to achieve the individual's employment outcome. This information must include, at a minimum, information relating to the—

(1) Cost, accessibility, and duration of potential services;

(2) Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;

(3) Qualifications of potential service providers;

(4) Types of services offered by the potential providers;

(5) Degree to which services are provided in integrated settings; and

(6) Outcomes achieved by individuals working with service providers, to the extent that such information is available.

(d) Methods or sources of information.

In providing or assisting the individual or the individual's representative in acquiring the information required under paragraph (c) of this section, the State unit may use, but is not limited to, the following methods or sources of information:

(1) Lists of services and service providers.

(2) Periodic consumer satisfaction surveys and reports.

(3) Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers.

(4) Relevant accreditation, certification, or other information relating to the qualifications of service providers.

(5) Opportunities for individuals to visit or experience various work and service provider settings.

### B-102-2: Applying Principles of Informed Choice to the VR Process

The principles of informed customer choice are set forth in regulations that implement the Rehabilitation Act of 1973, as amended, and require that the customer must be informed about and involved in choosing among alternative:

* goals;
* objectives;
* services;
* entities providing such services; and
* methods used to provide or procure the services.

To achieve positive employment outcomes, the customer must be involved in decision making to the greatest extent to which the customer is capable of participating.

During the first meeting with the customer, the VR counselor explains the concepts of:

* informed choice;
* effective partnerships between the VR counselor and the customer; and
* the VR process, including the specific purposes of the VR program.

The customer and the VR counselor jointly choose providers for assessments and other information necessary to determine eligibility. During IPE development, the VR counselor and the customer jointly:

* consider a variety of competitive integrated employment goals that will help the customer overcome impediments to employment; and
* assess which choice is most consistent with the customer's knowledge, skills, abilities, and other key attributes.

After the customer's specific rehabilitation needs have been identified, the VR counselor provides information on available services that meet the customer's needs within the scope of state and federal laws, agency policies and procedures, and the highest ethical standards. In some cases, there may be only one appropriate alternative that meets the customer's needs and can be supported by VR. If alternatives developed by VR are not acceptable to the customer, or if preferences expressed by the customer are not among the alternatives presented, the VR counselor discusses options until the VR counselor and the customer reach a mutually acceptable decision. If the VR counselor and the customer cannot reach an agreement, the VR counselor informs the customer of his or her right to appeal. For more information, refer to VRSM A-200: Customer Rights and Legal Issues.

## B-103: Understanding the VR Process

At the first meeting with a customer and throughout the case, the most important message to convey is that employment is the purpose of the VR process and that VR services must demonstrate a link to this purpose. The VR counselor clearly explains that the expectation for partnership between the VR counselor and the customer is to achieve the goal of employment.

At each step of the process, the VR counselor takes the customer through a series of decisions about goals, services, and providers to achieve outcomes that the VR counselor and the customer have agreed upon.

### Steps in the VR Process

Steps in the VR process include the following:

* VRSM B-200: Processing Initial Contacts and Applications
* VRSM B-300: Determining Eligibility
* VRSM B-400: Completing the Comprehensive Assessment
* VRSM B-500: Developing the Individualized Plan for Employment and Post-Employment
* VRSM B-600: Closure
* VRSM Part C - Vocational Rehabilitation Services

For more information about each of these steps, refer to the appropriate section.

## B-104: Qualified Vocational Rehabilitation Counselors

VR is a dynamic process with a measurable outcome of competitive integrated employment (CIE). It uses a flexible model that comprises global concepts and parameters within which the VR counselor operates. Successful VR relies on qualified VR counselors with the specialized skills and training to make decisions that support competitive integrated employment (CIE) outcomes for VR customers. VR counselors are required to meet the Comprehensive System of Personnel Development (CSPD) standard under the Qualified Vocational Rehabilitation Counselor (QVRC) Program.

TWC rules governing the QVRC Program are found in 40 TAC §850.11.

### B-104-1: Comprehensive System of Personnel Development Compliance

As part of the QVRC Program, VR requires a counselor to meet the CSPD standard by holding:

* a master's degree in rehabilitation counseling or clinical rehabilitation counseling;
* a master's degree in counseling or counseling-related field with specific coursework as noted later in this section;
* a master's, specialist, or doctoral degree in specific majors with specific coursework as noted later in this section;
* a current certified rehabilitation counselor (CRC) certificate from the Commission on Rehabilitation Counselor Certification (CRCC); or
* current licensure for licensed professional counselor (LPC).

A VR counselor is expected to meet the QVRC CSPD standard within seven years of completing the initial training year. A newly hired counselor must complete VR1362, Qualified Vocational Rehabilitation Counselor (QVRC) Acknowledgment, within the first 30 days of employment. By signing VR1362, the counselor acknowledges that VR requires that VR counselors meet the QVRC CSPD standard. State office VR staff must conduct transcript reviews and/or confirm certifications to determine compliance with the standard or to outline coursework to be completed by the counselor.

If the VR counselor does not meet QVRC CSPD requirement, the QVRC CSPD timeline is calculated to determine the date by which the VR counselor must meet the standard. A VR counselor who does not meet the QVRC CSPD standard by the assigned timeline date will be separated from employment.

VR may hire counselors at the bachelor's degree level when there is not a qualified applicant with a master's degree. Acceptable bachelor's degrees include not only VR counseling but also:

* social work;
* psychology;
* disability studies;
* business administration;
* human resources;
* special education;
* supported employment;
* customized employment;
* economics; and
* other fields that reasonably prepare individuals to work with customers with disabilities and with employers.

VR counselors hired at the bachelor's level must have at least one year of paid or unpaid experience related to direct work with individuals with disabilities. When hired at the bachelor's degree level, a VR counselor is required to meet the QVRC CSPD standard within seven years of completing the initial training year.

### B-104-2: Required Coursework Areas

A VR counselor with a master's degree in counseling or a counseling-related field must, at a minimum, complete the graduate course Theories and Techniques of Counseling and six graduate courses with a primary focus on each of the following areas:

* Assessment and standardized testing
* Occupational information or job placement
* Case management and rehabilitation services
* Medical aspects of disabilities
* Psychosocial aspects of disabilities
* Multicultural issues

A VR counselor with a master's, specialist, or doctoral degree in fields of specific study, as listed below, must provide transcript verification of completing a graduate course on the Theories and Techniques of Counseling and successfully complete six graduate courses, each with a primary focus on the areas listed above, and additionally complete one course on the foundations of rehabilitation counseling.

Applicants with master's, specialist, or doctoral degrees not listed below would need a full master's degree in rehabilitation counseling or clinical rehabilitation counseling.

* Behavioral health
* Behavioral science
* Disability studies
* Human relations
* Human services
* Marriage and family therapy
* Occupational therapy
* Psychology
* Psychometrics
* Rehabilitation administration/services
* Social work
* Special education
* Vocational assessment/evaluation
* Another field that reasonably provides competence in the employment sector in a disability field or rehabilitation-related fields

Applicants for employment with VR who meet the QVRC CSPD standard for counselor positions are given preference. If a candidate is hired who does not meet the QVRC CSPD standard, the chosen candidate must be informed through the job offer letter that he or she is required to meet the standard by participating in the QVRC program and completing the required coursework within seven years after completing the initial training year.

Refer to the Program Operations Intranet page under the HR Personnel Processes section for more information about QVRC CSPD standards and requirements.

# Vocational Rehabilitation Services Manual B-200: Processing Initial Contacts and Applications

## Introduction

This chapter explains how to gather the information that is necessary to develop a case and support the eligibility determination.

This portion of the VR process includes:

making initial contact with the customer and their representative, as appropriate;

* collecting identifying information;
* determining whether Vocational Rehabilitation (VR) is the right resource to meet the customer's identified needs;
* scheduling an appointment to complete an application for VR services;
* completing the application with the customer;
* explaining to the customer:
  + the services that VR provides;
  + VR expectations of the customer; and
  + the customer's rights;
* obtaining all required signatures on the application and release forms; and
* conducting a diagnostic interview.

## B-201: Legal Authorization

Section B-201: Legal Authority consists of excerpts from 34 Code of Federal Regulations (CFR) 361 that address the legal authority and responsibility of the designated state unit with respect to vocational rehabilitation services.

**34 CFR §361.1**

"Under the State Vocational Rehabilitation Services Program, the Secretary provides grants to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation programs, each of which is:

(a) An integral part of a statewide workforce development system; and

(b) Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency."

**34 CFR §361.5(c)(3)**

"(3) Applicant means an individual who submits an application for vocational rehabilitation services in accordance with §361.41(b)(2).

**34 CFR §361.41 Processing referrals and applications.**

"(a) Referrals. The designated State unit must establish and implement standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the one-stop service delivery systems under section 121 of the Workforce Innovation and Opportunity Act. The standards must include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

(b) Applications. (1) Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act, an eligibility determination must be made within 60 days, unless—

(i) Exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

(ii) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with §361.42(e).

(2) An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate—

(i)(A) Has completed and signed an agency application form;

(B) Has completed a common intake application form in a one-stop center requesting vocational rehabilitation services; or

(C) Has otherwise requested services from the designated State unit;

(ii) Has provided to the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and

(iii) Is available to complete the assessment process.

(3) The designated State unit must ensure that its application forms are widely available throughout the State, particularly in the one-stop centers under section 121 of the Workforce Innovation and Opportunity Act."

**34 CFR §361.38(a) Protection, use, and release of personal information.**

"(a) General provisions. (1) The State agency and the State unit must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must ensure that—

(i) Specific safeguards are established to protect current and stored personal information, including a requirement that data only be released when governed by a written agreement between the designated State unit and receiving entity under paragraphs (d) and (e)(1) of this section, which addresses the requirements in this section;

(ii) All applicants and recipients of services and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information;

(iii) All applicants and recipients of services or their representatives are informed about the State unit's need to collect personal information and the policies governing its use, including—

(A) Identification of the authority under which information is collected;

(B) Explanation of the principal purposes for which the State unit intends to use or release the information;

(C) Explanation of whether providing requested information to the State unit is mandatory or voluntary and the effects of not providing requested information;

(D) Identification of those situations in which the State unit requires or does not require informed written consent of the individual before information may be released; and

(E) Identification of other agencies to which information is routinely released;

(iv) An explanation of State policies and procedures affecting personal information will be provided to each individual in that individual's native language or through the appropriate mode of communication; and

(v) These policies and procedures provide no fewer protections for individuals than State laws and regulations."

## B-202: Source of Referrals

Numerous community sources such as organizations, schools, clinics, employers, Local Workforce Development Boards (LWDB), and doctors refer persons to VR for services. Referrals can come from local, regional, statewide, or national sources, as well. VR staff must record the referral source in ReHabWorks (RHW) accurately.

Outreach efforts are made by VR staff to inform potential referral sources and the LWDBs about VR programs and services and help the sources make appropriate referrals.

### B-202-1: Worker's Compensation Referrals

Information about workers' compensation and how to manage referrals is on the following forms found on the Forms catalogue, and program web pages, and in guidance documents:

* VR3414, Vocational Rehabilitation Checklist for Customers with Workers' Compensation Cases, which may be used to obtain and discuss important information with the customer
* VR3415, Workers' Compensation Contact Verification Letter, which is completed by VR staff and provided to the customer, when needed, to document the customer's participation in the VR program
* Workers' Compensation page found on the VR Division Intranet page.

## B-203: Initial Contact

The first contact with a customer is a critical point in the VR process. The customer not only exchanges information with a VR staff but also forms an impression about the sincerity, concern, and professionalism of VR staff.

Initial contact is the first contact with a customer and may be made in person, by phone, in writing, or by email. If the customer has a legal guardian at the time of the initial contact, the legal guardian may make the initial contact on behalf of the customer, but the customer must be present and involved in the completion of the application for services. For information about working with legal guardians or representatives, see VRSM A-200: Customer Rights and Legal Issues.

At initial contact, a case must be assigned to a VR counselor as a point of contact when the case has the population indicator “Recipient of Subminimum Wages form a 14c.” Entering a point of contact counselor does not assign the case to a caseload but does associate the case with the counselor who will be following up with them on their 14c services.

Note: TWC-VR only serves individuals who are 14 years of age or older. For specific information about working with students and youth, see VRSM C-1300: Transition Services for Students and Youth with Disabilities. For specific information about working with potentially eligible students, see VRSM C-1305-6: Providing Pre-Employment Transition Services, Working with Potentially Eligible Students.

### B-203-1: VR Staff Responsibilities

Typically, it is the VR counselor that speaks to a customer or their representative at the time of the initial contact. However, in some instances, it is appropriate for other VR staff to assume this responsibility.

The VR staff member should communicate with the customer in a way that best accommodates the customer's limitations.

During the initial contact, the VR staff member develops an understanding of the customer's needs and explains the purpose of the program to the customer.

VR staff who complete initial contacts should be familiar with the following programs and services provided by Texas Workforce Commission and other agencies:

* Local Workforce Development Boards (LWDB),
* Independent Living Services for Older Individuals who are Blind (ILS-OIB)
* Comprehensive Rehabilitation Services (HHSC)
* Blindness Education, Screening, and Treatment (HHSC)
* Office for Deaf and Hard of Hearing Services (HHSC)
* Business Enterprises of Texas

### B-203-2: Initial Contact Procedures

After making initial contact with a customer the VR staff member:

1. completes the Initial Contact page in ReHabWorks (RHW);
2. assigns the case to the appropriate caseload;
3. completes or schedules the appointment to complete an application for services; and
4. provides the customer with contact information for the assigned office.

VR does not discriminate based on race, color, sex, national origin, age, disability, or religion. Refer to VRSM A-202-1: Nondiscrimination Policy for more information.

Each customer who requests an appointment to apply for VR services must receive an appointment. If the customer is homeless, VR staff completes the RHW Initial Contact page with the information that the customer provides. If the customer does not have contact information, an appointment date and time must be given to the customer at initial contact.

For additional instructions on completing the Initial Contact page, see the ReHabWorks User's Guide B-200: Initial Contact.

### B-203-3: Closing an Initial Contact in RHW

An initial contact can be closed after VR staff have made a good faith effort to contact the customer. A good faith effort is defined as three or more attempts to contact the customer or contact listed in RHW. All attempts must be documented in RHW using the case note topic “Attempted to Contact.” Refer to VRSM E-300: Case Note Requirements for additional detail.

Any VR staff may contact, or attempt to contact the customer. However, only a VR counselor can close a case after the initial contact has been entered in RHW. For more information see VRSM B-602-1: Reasons for Closures.

When the case is closed, the customer must be informed that he or she can reapply for VR services at any time in the future and provided with or offered a copy of the "Can We Talk" appeals procedure brochure. See VRSM B-605: Customer Notification for notification requirements when closing a case.

For information about closing a case after an application is completed refer to VRSM B-605: Customer Notification.

## B-204: Application

If VR staff cannot meet with the customer to complete the application for services at the time of the initial contact, the customer is scheduled for an appointment for the earliest possible date. The application appointment date will be no later than 30 days after the date of the initial contact, or a good faith effort shown to meet this requirement.

The Diagnostic Interview is typically scheduled with the VR counselor at the same time the application for services is completed. For information on the Diagnostic Interview, refer to VRSM B-205: Diagnostic Interview.

A customer is not required to be physically present in the VR office at the time of application for services, but the individual must be present in Texas to apply for VR services. The customer or their representative can participate by phone or complete the application at an off-site location, such as in a school or at their home. However, an application is not complete until a signature is obtained from the customer or the customer's authorized representative on the application for services.

When scheduling an appointment to complete an application for services with a customer, the VR staff determines the customer's:

* language preference; and/or
* need for:
  + a translator;
  + sign-language interpreter services;
  + reasonable accommodations;
  + assignment to a specialty caseload; and
  + other support services to facilitate the application and eligibility process.

### B-204-1: Application Process

Any individual who wants to apply for VR services must be allowed to do so. VR staff may not deny an application to an individual for any reason.

When appropriate, the VR staff uses the Application Appointment Letter in RHW to schedule the appointment. This ensures that a record of this appointment is captured in RHW. If RHW is not available, VR staff schedules the appointment and completes the Application Appointment Letter in RHW as soon as it is available.

If the customer does not have all the information listed below, VR staff must not delay scheduling or completing the application for services. The customer is encouraged but not required to bring the following information, which will assist in completing the application and moving the case through the VR process:

* photo identification (for example, a driver's license, state-issued ID, school ID, passport, or military ID) and Social Security card;
* names and addresses of doctors seen recently;
* names and addresses of schools attended;
* information about medical insurance, including Medicaid and Medicare;
* a list of the customer's places of employment, including the type of job, dates of employment, reason for leaving, and salary;
* if currently employed, documentation showing employment start date (for example, pay stub identifying start date, self-employment worksheets indicating start date, or verification from the employer via email, fax, or letter verification);
* proof of income information for the customer and proof of income for the customer's spouse or parents, if the spouse or parents claim the customer as a dependent on their federal income tax (for example, a copy of the most recent pay statement, an award letter for Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) or another Title II disability benefit or Veterans Affairs (VA) benefit, or a Notice of Payment for workers' compensation);
* proof of expenses related to the customer's monthly mortgage or rental payments, prescribed diets and medicines, debts imposed by court order, medical costs, and disability related expenses;
* names, addresses, and phone numbers of two individuals who can contact the customer;
* reports of recent medical exams, school records, or other information that may help VR understand the customer's disability; and
* the customer's Ticket to Work, if the customer is receiving SSDI benefits and has been issued one.

Note: A customer who is eligible for Social Security disability benefits (SSI or SSDI) provides only proof of Social Security eligibility. The law exempts recipients of Social Security disability benefits from the requirement to participate in the cost of VR services regardless of income, so no additional proof of income or expenses is required. For more information, refer to VRSM D-203-4: Customer Participation in the Cost of Services.

An option called "fast track" is available to complete the RHW application for returning customers when:

* it is within a year from when their previous case was closed; and
* the customer has the same disability as in their previous closed case.

Fast track will copy some of the customer's application information from the previous case to the new case. VR staff must verify all information including any wages and monthly financial information to ensure that the copied information is still accurate.

The VR staff member who is taking the application for services provides copies of the following:

* VR5057, VR Program Application Statement with the customer's signature from the RHW Application page,
* "Can We Talk? Appeal Procedures for Applicants and Customers," which explains VR's appeal and mediation procedures
* "A Guide for Applicants," which explains:
  + services and outcomes;
  + options for developing the IPE;
  + components of the IPE;
  + the customer's right to appeal; and
  + services available from the Client Assistance Program.

VR staff explains the basic content of each of the documents and their purpose to the customer. A case note is entered in RHW documenting the date and method the information was provided to the customer.

The application must be completed in a location that is private enough to maintain the confidentiality of the information provided by the customer.

During the meeting, VR staff:

* explains to the customer:
  + the purpose and expected outcomes of vocational rehabilitation;
  + VR expectations of the customer;
  + the roles of the VR counselor and customer; and
  + the customer's rights;
* explains to the customer the circumstances under which the customer's personal information is released;
* obtains the signatures required on the application and all other required forms, including the following forms found on the VR forms catalogue to allow VR to collect and disclose information:
  + VR5061, Notice and Consent for Disclosure of Personal Information;
  + VR5060, Permission to Collect Information (if needed);
  + VR1517-2, Authorization for Release of Confidential Customer Records and Information (if needed); and
  + One SSA-3288, Consent for Release of Information to obtain a Benefits Planning Query (BPQY) for SSI/SSDI recipients (if needed);
* offers the customer the opportunity to register to vote following the procedures in VRSM A-212-1: Voter Registration Procedures;
* explains in detail the expected outcomes and services related to the VR; and
* gathers, reviews, and documents the information necessary to determine whether the customer is eligible for services.

Note: For more information on completing the SSA-3288, refer to the Supplemental Security Income (SSI) / Social Security Disability Insurance (SSDI) Benefits Planning intranet page.

Refer to VRSM A-210: PIN and Signature Procedures for more information on signatures.

The information for the application may be entered into RHW by any VR staff.

When RHW is not available, VR staff:

* prints (when a printer is available) a paper copy of the form VR5056, Application for Vocational Rehabilitation Services, and records the information by hand or completes the form electronically;
* obtains signatures on the completed form VR5056 per VRSM A-210-5: Signature Procedures;
* transfers the information from the form VR5056 into RHW as soon as RHW is available (Note: The signature dates that are entered in RHW must match the signature dates that are on the VR5056.);
* keeps a copy of the paper application in the case file after the data has been entered in RHW;
* files the signed forms according to procedures in VRSM D-303: Case File Organization;
* mails or emails the customer a copy of the VR5057, VR Program Application Statement with the customer’s signature from the RHW Application page; and
* check the ‘this is a paper application’ box on the Application statement RHW page when entering the paper application information in RHW.

#### Identification in ReHabWorks

ReHabWorks (RHW) contains a Preferred Name field after the middle name on the Initial Contact page. This field is open to all customers who have a nickname they wish to be called. If a customer has not legally changed his or her name but prefers to be identified by another name, it should be documented in this field.

RHW includes the current Rehabilitation Services Administration value descriptions for gender with the following values:

* Individual indicates that he is a male.
* Individual indicates that she is a female.
* Individual did not self-identify with a particular sex.

### B-204-2: Customer Identification and Authorization for Employment

At the time that the customer is applying for services, VR staff asks the customer to provide original unexpired documents that prove his or her identity and show that the customer can work legally in the United States.

Customers may provide identification and employment authorization documents:

* in-person;
* by mail; or
* remotely by using videoconference, fax, encrypted email or other secure electronic means acceptable to the customer and VR staff.

Customers who do not have verification that he or she is able to legally work in the United States are not eligible for VR services.

If a customer says that he or she is legally authorized to work in the United States, but the customer does not have the required unexpired documentation when completing the application for VR services, VR staff:

* allows the customer to complete an application for services;
* explains that the customer must provide documents verifying the customer's identification and authorization for employment before VR can determine the customer's eligibility for VR services; and
* refers the customer to the Department of Homeland Security or other local organizations that can assist the individual in obtaining the required documentation.

State driver's licenses, federal identification and other valid documents verifying the customer's identification must be current at the time of eligibility. These documents will be considered valid throughout the life of a customer's case, even if the document expires. However, if a case is closed and re-opened, the customer must provide unexpired verification of their identity.

#### SSI/SSDI Recipients

If the customer has been determined eligible for SSI/SSDI benefits because of his or her disability, he or she must provide proof of identity and current, unexpired authorization for employment documents prior to determination of eligibility for VR services. Once this documentation is received, the customer will be presumed eligible for VR services. Staff completes the Social Security Income Benefits page in RHW. For more information about presumption of eligibility requirements for customers who are eligible for SSI or SSDI due to a disability, see VRSM B-300: Determining Eligibility.

#### Maintaining Authorization for Employment Documents

VR customers are responsible for providing and maintaining current employment authorization documents throughout the life of their case in order to maintain eligibility for VR services. The VR counselor must remind the customer of this requirement prior to the expiration of their documents and document this as a counseling and guidance session in a case note in RHW.

DHS maintains lists of documents a customer can use to verify their identity and/or employment authorization. The [DHS Form I-9 Acceptable Documents](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) webpage shows examples of the various documents:

#### List A – Documents that Establish Both Identity and Employment Authorization

Customers presenting an acceptable [List A document](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) should not be asked to present any other document.

#### List B – Documents that Establish Identity

The documents on [List B](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) establish only identity. Customers who present a List B document must also present a document from [List C](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents).

[List B](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) includes acceptable documents for individuals under the age of 18.

#### List C – Documents that establish employment authorization.

The documents on [List C](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) establish only employment authorization. Customers who present a List C document must also present a document from [List B](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents).

#### State Office Consultation Required

If a customer presents documents not listed on [DHS Form I-9 Acceptable Documents](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) to prove their identity and/or employment authorization, email the following to the state office policy team at [vrsm.support@twc.texas.gov](mailto:vrsm.support@twc.texas.gov):

* customer name and case ID; and
* copies of the documents presented.

If the state office policy team is not able to determine the validity of the documents, state office staff will contact TWC Office of General Counsel for review and consultation. This must be completed before the customer can be determined eligible for VR services.

After the customer's documents are determined by staff or TWC Office of General Counsel to be valid, the type and expiration of the customer's identity and employment authorization must be documented in a case note.

#### Purchasing

After the customer provides an acceptable list C document to confirm the customer’s employment authorization and otherwise meets the eligibility requirements as outlined in VRSM B-303: Eligibility Criteria for VR Services, the VR counselor may authorize the purchase of a state-issued driver's license or ID card for the customer, if needed to help make an eligibility determination or for the customer to participate in VR services.

For information on renewing and/or obtaining a Texas driver's license or ID card from the Texas Department of Public Safety (DPS), see the [Driver License and IDs section](https://www.dps.texas.gov/section/driver-license) of the DPS website.

#### Expired Employment Authorization Documents

Expired employment authorization documents cannot be used to determine customer eligibility for VR services and unexpired employment authorization documents must be maintained throughout the life of the case to maintain eligibility for VR services.

If employment authorization documents are not expired, but will expire prior to completion of IPE services, VR staff:

* tells the customer that unexpired documents are required by an employer and
* monitors status of documents to ensure that the documents do not expire.

If the customer's employment authorization documents expire while the customer is participating in VR services, the customer is no longer eligible for VR services and the case must be closed, unless the case is in employment status.

For customers who have completed all VR services and are in employment status, pending case closure, the case should remain open until it is able to be closed successfully; no additional service authorizations should be issued. However, if additional services are needed while in employment status, the employment authorization documents must be updated in RHW prior to the purchase.

Note: In the event that Texas Department of Public Safety (DPS) or federal offices are closed or operating at a reduced capacity due to a public health or other safety concern, VR staff should refer to the VRD state office guidance, [DPS website](https://www.dps.texas.gov/) and [DHS Form I-9 Acceptable Documents](https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents) for information on accepting expired identification and work authorization documents.

#### Expired Identity Documents

Expired identity verification documents, such as a driver’s license or identification card issued by federal, state or local government agencies or entities, cannot be used to determine customer eligibility for VR services.

After eligibility for VR services has been determined, if the customer is a U.S. citizen or is authorized to work in the United States and the customer’s identity verification documents expire, these documents do not need to be updated to continue participation in VR services. However, if the customer’s case is closed for any reason, the customer will be required to provide unexpired identify verification documents to reapply for VR services. The customer should be advised that employers require unexpired documents and should be encouraged to update these documents in a timely manner. This communication can be documented as a counseling and guidance session.

#### Data Corrections

If a customer’s identity or employment authorization documents have expired or the information was entered incorrectly in RHW, a VR Supervisor or VR Manager can update the record in RHW through the data correction request process.

The VR5158, RHW Data Correction Request form is used to request and document all RHW data corrections. A copy of this form is filed in the customer’s paper case file.

Refer to ReHabWorks Frequently Asked Questions found on RHW intranet page for additional instructions on updating the ID and employment authorization record in RHW.

#### Copies of Documents

A copy of the customer's documents is placed in the customer's paper case file.

If the customer is reluctant to allow the documents to be copied, or if a copier is not immediately available, enter the following information in a case note for each document:

* Document title
* Issuing authority
* Document number
* Expiration date (if any)

If the customer is unable or unwilling to provide identity and employment authorization documents before the customer's eligibility determination is due, or before the customer's IPE is due for SSI or SSDI recipients, the case should be closed. The customer may reapply when he or she has the required documentation. See VRSM B-604: Unsuccessful Closures and VRSM B-606: Reopening a Closed Case for more information.

#### Mismatched Identification Documentation

Some individuals may have mismatched identification documentation, for example, "old" identification—with a previous name and/or gender marker—and "new" identification—with corrected name and/or gender marker. This situation is not uncommon. Such discrepancies must not prevent an individual from getting a job, participating in a program, or receiving services. For more information on documentation refer to VRSM B-502: IPE Process.

### B-204-3: Social Security Number

VR staff asks for the applicant's Social Security number (SSN), but if the customer refuses to provide a SSN, the VR counselor does not deny services solely because of the refusal. Section 7(a) of the Privacy Act of 1974 prohibits any federal, state or local government agency from denying any "right, benefit, or privilege provided by law" on the basis of an individual refusing to disclose his or her SSN.

If the customer cannot or refuses to provide an SSN, VR staff:

* completes the application for services;
* obtains a temporary SSN (see VRSM B-204-4: Obtaining a Temporary Social Security Number), and
* informs the customer that VR cannot determine eligibility until the customer provides documentation that the he or she can work legally in the United States. For required documentation, see VRSM B-300: Determining Eligibility.

### B-204-4: Obtaining a Temporary Social Security Number

If the customer does not have an SSN or prefers not to provide it, ReHabWorks (RHW) assigns a temporary SSN. VR staff must not use or create any type of random number for the customer's SSN when entering data into RHW.

If the SSN that the customer provides is already assigned to another customer in RHW:

* verify the customer's SSN by viewing the customer's SSN card or other documentation; and
* email [VR.RHWSupport@twc.texas.gov](mailto:VR.RHWSupport@twc.texas.gov).

If the customer later presents a Social Security card, complete the VR5158, RHW Data Correction Request form and email the form to [VR.RHWSupport@twc.texas.gov](mailto:VR.RHWSupport@twc.texas.gov) to replace the temporary SSN generated by RHW with the verified SSN. A copy of this form is filed in the customer's case file.

### B-204-5: Completing the Case Navigation Menu

VR staff must ensure that all information in the application is accurate. If information is missing, it must be obtained as soon as possible. Many state and federal reports are compiled from the information in RHW, and their accuracy relies on the accuracy of reported data. For more information on the Case Navigation Menu, see the ReHabWorks User's Guide (RUG).

The VR counselor:

* completes the diagnostic interview; and
* reviews the application and other documents submitted.

The VR staff member completing the application gives a copy of the application statements to the customer.

### B-204-6: Application Signatures

This content has been relocated to VRSM A-210: PIN and Signature Procedures.

### B-204-7: PIN Procedures

This content has been relocated to VRSM A-210: PIN and Signature Procedures.

## B-205: Diagnostic Interview

The VR counselor must conduct a diagnostic interview with every customer. If the VR counselor completes the application, he or she should, in most circumstances, conduct the diagnostic interview at the same time. If another VR staff completes the application for services, the VR counselor should complete the Diagnostic Interview immediately after the application for services is completed. If the VR counselor is unable to complete the Diagnostic Interview at the time that the application for services is completed for any reason, it must be completed within no more than 2 weeks after the application is signed.

The primary purpose of the diagnostic interview is to obtain information that is relevant to determining eligibility. It is an opportunity to identify knowledge, skills, abilities, and key attributes from the customer's perspective.

The diagnostic interview includes:

* brief description of the customer's disabilities (relevant history and current treatment);
* a description of the functional limitations and their impact on employment, education, and independence;
* a record of the customer's perception of problems or issues related to his or her disabilities and need for services;
* the customer's educational and work history;
* the customer's knowledge, skills, and abilities;
* the customer's resources and comparable benefits (or the need to apply for benefits);
* information about the customer's SSI or SSDI status (including verification of benefits or a note about the need to verify benefits);
* the VR counselor's observations throughout interview; and
* a statement of the next actions needed to move the case through the VR process.

The VR counselor prepares for the diagnostic interview by

* reviewing existing information provided by the customer's family;
* identifying specific focus questions about the
  + disability's history and treatment, and
  + customer's perspective on its impact; and
* formulating specific questions to probe work history and identify work-related issues.

If available, review the Counselor's Desk Reference (CDR) for topics that are relevant to the disability, paying attention to the sample questions listed. For additional information about a customer's condition and treatment and the condition's possible impact on employment, consult the Medical Disability Guidelines.

The VR counselor encourages the customer to speak freely since only the customer can describe what he or she has been experiencing regarding perceptions of disability and vocational impact. However, to accomplish the purpose of the interview, the VR counselor must direct the course of the interview to gather the information needed to establish eligibility. In addition to the customer's perspective, the VR counselor records impressions of the customer's behavior that will

* impact the customer's ability to benefit from VR services, or
* help determine a competitive integrated employment goal.

By probing and exploration, the productive diagnostic interview establishes information that helps the VR counselor understand the customer's:

* adjustment to disability,
* support systems,
* resources,
* knowledge,
* skills,
* abilities, and
* key worker attributes.

Exploring the customer's work and disability history may reveal the need for further diagnostic review. The VR counselor orders records and/or purchase evaluations as necessary. For all reported disabling conditions, medical records must be obtained from the appropriate licensed professional and placed in the customer's case file before determining eligibility. The only exception to this requirement is for customers with an observable impairment or for customers with proof of Supplemental Security Income or Social Security Disability Income. For condition-specific required assessments and the policy refer to VRSM B-308-1: Required Assessments and Policy for Selected Conditions.

## B-206: Opening a Case

### B-206-1: Customer Has an Open VR Case

If the customer has an open VR case in a different supervisory unit, the VR counselor clarifies whether the customer is requesting a case transfer. If the customer wants to transfer the case, see VRSM B-100: Introduction to the VR Process.

If the customer wants to continue receiving services through the assigned supervisory unit, the VR counselor provides the customer with the contact information for:

* the assigned unit; and
* the assigned VR counselor.

The VR counselor documents the contact in RHW.

If the customer has a closed case, see VRSM B-206-2: Opening a New Case or Adjusting the Phase of a Previously Closed Case, below.

#### Phase Adjusting the Phase of an Open Case

Any phase adjustment of an open case after an application has been completed with the exception of moving a case from employment back to active services requires approval by the Deputy Division Director for Field Services.

### B-206-2: Opening a New Case or Adjusting the Phase of a Previously Closed Case

When a customer has a Vocational Rehabilitation (VR) case that was previously closed and is requesting services again, the VR counselor determines whether to:

* open a new case;
* adjust the phase of the case to provide post-employment services within the program year quarter a case was closed; or
* adjust the phase of the case in ReHabWorks (RHW) within the program year quarter the case was closed, only if the case was closed:
  + successfully or unsuccessfully after Individualized Plan for Employment (IPE); or
  + before case assignment.

For more information on program year, refer to the calendar on the VR RHW Support Resources SharePoint page.

The customer's request to apply for additional services must not be delayed or denied a on the basis that the customer has received services from VR in the past.

### B-206-3: Opening a New Case for a Previous Unsuccessful Closure

A new case may be opened for a customer who has received services from VR in the past. Follow the policies and procedures outlined in VRSM B-202: Initial Contact to process the case in the same way as for any other customer requesting services:

As a part of the diagnostic interview and the comprehensive assessment, the VR counselor:

* reviews the circumstances related to the previous unsuccessful closure by reading the documentation for that previous case,
* when necessary, obtains a copy of the previous case file; and
* documents in ReHabWorks the reasons for opening a new case.

### B-206-4: Opening a New Case for a Previous Successful Closure

When a customer requests additional services from VR after the customer's case has been closed successfully, consider first what level of services the customer requires.

If the customer requires only limited services to maintain, regain, or advance in employment phase adjust the case if it is within the program year quarter of the successful closure.

Open a new case if the:

* customer requires more complex and comprehensive services, or
* successful closure is outside of the program year quarter in which the case was closed.

See VRSM B-202: Initial Contact and VRSM B-203: Application to process the case in the same way as for any other customer for services.

As a part of the diagnostic interview and the comprehensive assessment process, the VR counselor:

* reviews the circumstances related to the previously successful closure by reading the documentation on the previous case; and
* documents in RHW the reasons for opening a new case.

### B-206-5: Adjusting the Phase of a Previously Closed Case

A phase adjustment is a RHW process that changes a closed case.

Phase adjustments must be used only when the:

* case was closed either successfully or unsuccessfully after IPE; or
* case was closed before application (potentially eligible cases only); and
* case was phase adjusted within the current program year.

#### Closure after IPE Is Returned to Active Status

To request and complete a phase adjustment from a closed status after IPE back to an active status, follow the procedure below.

The VR counselor takes the following steps:

1. Reviews the case and gathers information from the customer to ensure that a phase adjustment is appropriate
2. Selects the Phase Adjustment Request tab from the case in RHW
3. Selects the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW
4. Documents the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved

The VR Supervisor takes the following steps:

1. Reviews and approves or denies the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab from the case in RHW
2. Documents the approval or non-approval of the decision for the phase adjustment in a case note in RHW
3. Notifies the VR counselor that the phase adjustment was approved or denied

Note: This is available only if the adjustment is within the program year quarter the case was closed.

#### Unsuccessful Closure Changed to a Successful Closure after IPE

If a customer whose case was closed as an unsuccessful closure became employed during the same program year quarter in which the case was closed, the VR counselor must first complete the phase adjustment process outlined above.

To change an unsuccessful closure after IPE to a successful closure, follow the procedure below.

The VR counselor takes the following steps:

1. Reviews the case to ensure that all criteria for Successful Closure are met (Refer to VRSM B-600: Closure)
2. Updates the employment information in RHW (Refer to VRSM B-600: Closure)
3. Selects the Phase Adjustment Request tab from the case in RHW
4. Selects the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW
5. Documents the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved

The VR Supervisor takes the following steps:

1. Reviews and approves or denies the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab from the case in RHW
2. Documents the approval or non-approval of the decision for the phase adjustment in a case note in RHW
3. Notifies the VR counselor that the phase adjustment was approved or denied

Note: This is available only if the adjustment is within the program year quarter the case was closed.

If the phase adjustment is approved, the VR counselor closes the case as a successful closure in RHW.

#### Successful Closure Changed to Unsuccessful Closure after IPE

If a case was closed as a successful closure but did not meet the criteria for a successful closure, the VR counselor must first complete the phase adjustment process above.

To change a successful closure after IPE to an unsuccessful closure, follow the procedure below.

The VR counselor takes the following steps:

1. Reviews the case to ensure that all criteria for Unsuccessful Closure are met (Refer to VRSM B-600: Closure)
2. Selects the Phase Adjustment Request tab from the case in RHW
3. Selects the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW
4. Documents the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved

The VR Supervisor reviews and approves or denies the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab from the case in RHW.

Note: This is available only if the adjustment is within the program year quarter the case was closed.

If the change is approved, the VR counselor closes the case as an unsuccessful closure in RHW.

#### Closure Before Application Is Returned to Potentially Eligible with Case Assignment (for Pre-ETS only)

In order to request and complete a phase adjustment from a Closure before Application to Potentially Eligible with Case Assignment, follow the procedure below.

The VR counselor takes the following steps:

1. Reviews the case and gathers information from the customer to ensure that a phase adjustment is appropriate
2. Selects the Phase Adjustment Request tab from the case in RHW
3. Selects the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW
4. Documents the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved

The VR Supervisor takes the following steps:

1. Reviews and approves or denies the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab from the case in RHW
2. If the phase adjustment is approved, the VR Supervisor saves the Phase Adjustment Approval page as approved in the Management Unit Supervisor Approval drop-down
3. If the phase adjustment is denied, the VR Supervisor saves the Phase Adjustment Approval page with Denied in the Management Unit Supervisor Approval drop-down
4. Documents the approval or non-approval of the decision for the phase adjustment in a case note in RHW
5. Notifies the VR counselor that the phase adjustment was approved or denied

For the definition of Pre-ETS eligibility, refer to VRSM C-1300 Transition Services for Students and Youth with Disabilities.

If the case does not meet the criteria for Pre-ETS eligibility, the case will not be phase adjusted.

Note: This is available only if the adjustment is within the program year quarter (July 1- June 30). If the adjustment is outside the quarter, but within the program year, email [vr.rhwsupport@twc.texas.gov](mailto:vr.rhwsupport@twc.texas.gov) to phase adjust the case with VR Supervisor approval. If the phase adjustment request is outside of the program year, approval by the Deputy Division Director for Field Services is required.

## B-208: Social Security Recipients and Beneficiaries

Customers receiving SSDI or SSI based on their disability are presumed eligible during the VR process as stated in 34 CFR §361.42.

For more information, see VRSM A-306: Social Security Recipients and Beneficiaries.

## B-209: Ticket to Work Program

The Ticket to Work Program (TTW) is a voluntary program administered by the Social Security Administration (SSA) for customer customers ages 18 to 64 who receive SSA disability benefits. For more information, see VRSM A-307: Ticket to Work Program.

## B-210: Subminimum Wage Recipients

Section 511 of the Rehabilitation Act, as added by the Workforce Innovation and Opportunity Act (WIOA), requires employers that hold special wage certificates under the Fair Labor Standards Act (FLSA) to comply with certain requirements. WIOA mandates that these requirements be satisfied before the employers can hire youth with disabilities at subminimum wages, or continue to employ individuals with disabilities of any age at the subminimum wage level. Individuals with disabilities, regardless of age, must receive Career Counseling and Information and Referral services designed to promote opportunities for competitive integrated employment to individuals with disabilities referred to Texas Workforce Solutions–Vocational Rehabilitation (TWS-VR) to be employed at subminimum wage (wages less than the federal minimum wage). For more information, see VRSM A-309: Outreach to Subminimum Wage Recipients.

## B-211: Veterans

Veterans have unique vocational rehabilitation needs. Disabilities incurred or aggravated in the line of duty in the active military, naval, or air service can hinder readjustment to civilian life. As the veteran population grows, the number of veterans who are blind, visually impaired, hard of hearing, or who suffer from PTSD, is expected to increase.

For more information, see VRSM A-304: Veterans with Disabilities.

## B-212: Outreach to Individuals with Disabilities Who Are Minorities

VR engages in numerous programs and activities designed to inform and make available VR and supported employment services to minorities and those who have the most significant disabilities.

For more information, see VRSM A-308: Minority Backgrounds.

## B-213: When a Customer Requires Special Attention

When VR staff or other reliable source is aware of or observes behavior that could pose a threat to other employees or to providers, it is important to document the information as specifically and factually as possible by creating a case note in the customer's case file.

VR staff creates a case note:

* if at any time during the rehabilitation process, a customer verbally or physically threatens someone; or
* if the customer has a recent history of actual or threatened physical abuse.

The VR staff enters the case note in RHW under the topic Requires Special Attention.

A case note must include as much information as possible about the incident, including:

* the date;
* the location;
* the names and addresses of witnesses and the people involved;
* what was said and/or done; and
* the names of those willing to testify.

Report incidents affecting the security of VR staff or property to VR management and, if appropriate, to the local law enforcement authority. Place a copy of the police report in the paper file if police were involved.

When other VR staff refers to the customer's online case record, the case note alerts him or her to use caution when working with the customer. Additional case notes must be entered as needed to maintain an accurate record of potential risks or of changes in the circumstances.

Although it is important to alert others to potential risk, VR staff must exercise extreme care in using a case note titled Requires Special Attention to avoid labeling a customer unnecessarily.

Incidents affecting the security of VR staff or property must be reported to:

* VR management; and
* local law enforcement, if appropriate.

For more information on reporting an incident, see VRSM A-213: Incident Reporting and Documentation.

# Vocational Rehabilitation Services Manual B-300: Determining Eligibility

## Introduction

Determining eligibility for vocational rehabilitation services is a cornerstone of the VR process. Only the VR counselor may determine if an individual with a disability is eligible.

The VR counselor makes the determination of eligibility by reviewing information that is provided by:

* the customer;
* the customer's family;
* physicians who have examined or treated the customer; and
* other professionals or agencies that have knowledge of the customer.

Eligibility requirements are applied without regard to the customer's:

* Age,
* Sex,
* Race,
* Color,
* National origin,
* Type of expected employment outcome,
* Source of referral for VR services,
* Particular service needs or anticipated cost of services,
* Income level,
* Employment history or current employment status, and
* Educational status or current educational credential.

## B-301: Legal Authority

**34 CFR §361.5(c)(5)**

(5) Assessment for determining eligibility and vocational rehabilitation needs means, as appropriate in each case—

(i)(A) A review of existing data—

(1) To determine if an individual is eligible for vocational rehabilitation services; and

(2) To assign priority for an order of selection described in §361.36 in the States that use an order of selection; and

(B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment;

(ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment—

(A) Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;

(B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

(1) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in §361.36 for the individual; and

(2) Information that can be provided by the individual and, if appropriate, by the family of the individual;

(C) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;

(D) May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

(E) To the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community and in other integrated community settings;

(iii) Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

(iv) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during Trial Work Experiences, including experiences in which the individual is provided appropriate supports and training.

**34 CFR §361.5(c) (14)**

(14) Eligible individual means an applicant for vocational rehabilitation services who meets the eligibility requirements of §361.42(a).

**34 CFR §361.5(c) (15)**

 (15) Employment outcome means, with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, as defined in paragraph (c)(9) of this section (including customized employment, self-employment, telecommuting, or business ownership), or supported employment as defined in paragraph (c)(53) of this section, that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**34 CFR §361.5(c) (30)**

(30) Individual with a significant disability means an individual with a disability—

(i) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

**34 CFR §361.41(b)**

(b) Applications. (1) Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act, an eligibility determination must be made within 60 days, unless—

(i) Exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

(ii) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with §361.42(e).

(2) An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate—

(i)(A) Has completed and signed an agency application form;

(B) Has completed a common intake application form in a one-stop center requesting vocational rehabilitation services; or

(C) Has otherwise requested services from the designated State unit;

(ii) Has provided to the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and

(iii) Is available to complete the assessment process.

(3) The designated State unit must ensure that its application forms are widely available throughout the State, particularly in the one-stop centers under section 121 of the Workforce Innovation and Opportunity Act.

**34 CFR §361.42(a)**

Assessment for determining eligibility and priority for services.

In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the State is operating under an order of selection), the designated State unit must conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions:

(a) Eligibility requirements— (1) Basic requirements. The designated State unit's determination of an applicant's eligibility for vocational rehabilitation services must be based only on the following requirements:

(i) A determination by qualified personnel that the applicant has a physical or mental impairment;

(ii) A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and

(iii) A determination by a qualified vocational rehabilitation counselor employed by the designated State unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this part, an individual is presumed to have a goal of an employment outcome.

(2) Presumption of benefit. The designated State unit must presume that an applicant who meets the eligibility requirements in paragraphs (a)(1)(i) and (ii) of this section can benefit in terms of an employment outcome.

(3) Presumption of eligibility for Social Security recipients and beneficiaries. (i) Any applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act is—

(A) Presumed eligible for vocational rehabilitation services under paragraphs (a)(1) and (2) of this section; and

(B) Considered an individual with a significant disability as defined in §361.5(c) (29).

(ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under paragraph (a)(3)(i)(A) of this section), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the State unit must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with §361.41(b)(2).

(4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**34 CFR §361.42 (c) (d) and (e)**

(c) Prohibited factors. (1) The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that the State unit will not impose, as part of determining eligibility under this section, a duration of residence requirement that excludes from services any applicant who is present in the State. The designated State unit may not require the applicant to demonstrate a presence in the State through the production of any documentation that under State or local law, or practical circumstances, results in a de facto duration of residence requirement.

(2) In making a determination of eligibility under this section, the designated State unit also must ensure that—

(i) No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability; and

(ii) The eligibility requirements are applied without regard to the—

(A) Age, sex, race, color, or national origin of the applicant;

(B) Type of expected employment outcome;

(C) Source of referral for vocational rehabilitation services;

(D) Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;

(E) Applicants' employment history or current employment status; and

(F) Applicants' educational status or current educational credential.

(d) Review and assessment of data for eligibility determination. Except as provided in paragraph (e) of this section, the designated State unit—

(1) Must base its determination of each of the basic eligibility requirements in paragraph (a) of this section on—

(i) A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, particularly information used by education officials, and determinations made by officials of other agencies; and

(ii) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether an individual is eligible; and

(2) Must base its presumption under paragraph (a)(3)(i) of this section that an applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act satisfies each of the basic eligibility requirements in paragraph (a) of this section on determinations made by the Social Security Administration.

(e) Trial work experiences for individuals with significant disabilities. (1) Prior to any determination that an individual with a disability is unable to benefit from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability or that the individual is ineligible for vocational rehabilitation services, the designated State unit must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

(2)(i) The designated State unit must develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experiences, which must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

(ii) Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings.

(iii) Trial work experiences must be of sufficient variety and over a sufficient period of time for the designated State unit to determine that—

(A) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(B) There is clear and convincing evidence that due to the severity of the individual's disability, the individual is incapable of benefitting from the provision of vocational rehabilitation services in terms of an employment outcome; and

(iv) The designated State unit must provide appropriate supports, including, but not limited to, assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

 (f) Data for determination of priority for services under an order of selection. If the designated State unit is operating under an order of selection for services, as provided in §361.36, the State unit must base its priority assignments on—

(1) A review of the data that was developed under paragraphs (d) and (e) of this section to make the eligibility determination; and

(2) An assessment of additional data, to the extent necessary.

Note to §361.42: Clear and convincing evidence means that the designated State unit has a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of "clear and convincing evidence" must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings. (S. Rep. No. 357, 102d Cong., 2d. Sess. 37-38 (1992))

**34 CFR §361.43**

Procedures for ineligibility determination.

If the State unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, the State unit must—

(a) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(b) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section, and the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of State unit personnel determinations in accordance with §361.57;

(c) Provide the individual with a description of services available from a client assistance program established under 34 CFR part 370 and information on how to contact that program;

(d) Refer the individual—

(1) To other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment-related needs; or

(2) To Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome as defined in §361.5(c) (15).

(e) Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

**34 CFR §361.44**

Closure without eligibility determination.

The designated State unit may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

## B-302: Presumption of Eligibility for Social Security Recipients

Recipients of Social Security disability benefits (that is, Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI)) are:

* presumed eligible for VR services; and
* determined eligible immediately after receipt of benefits is verified unless there is a question about the customer's ability to achieve an employment outcome.

Recipients of SSI/SSDI benefits must also provide proof of identity and current, unexpired authorization for employment prior to determination of eligibility for VR services. See VRSM B-204-2: Customer Identification and Authorization for Employment for more information.

A copy of the documentation used to verify SSI or SSDI benefits, proof of identity, and authorization for employment must be filed in the customer's paper case file.

The VR counselor documents the determination of eligibility in a case note in RHW. See VRSM D-302-2: Required ReHabWorks Case Notes for more information.

### B-302-1: Presumptive Eligibility and Trial Work Plans

If there is a question about the customer's ability to achieve an employment outcome due to the severity of his or her disability, trial work services must be provided prior to closing the case. Multiple trial work experiences are required to demonstrate by clear and convincing evidence that the individual is not capable of benefiting in terms of a competitive and integrated employment outcome due to the severity of the individual's disability.

Completing a Trial Work Plan (TWP) meets the requirement of making an "immediate" eligibility decision, even though that decision is that trial work services are necessary. If the customer is not available to participate in services, an appointment must be scheduled with the customer to complete the trial work plan as soon as possible.

For more information about trial work services, see VRSM B-310: Trial Work Services.

## B-303: Eligibility Criteria for VR Services

To decide whether a customer is eligible for VR services, the VR counselor must:

1. determine that the customer has a physical or mental impairment (first criterion);
2. determine that the impairment constitutes or results in a substantial impediment to employment (second criterion);
3. determine that the customer requires VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. (third criterion); and
4. presume that the customer can have a goal of an employment outcome, unless Trial Work Experiences demonstrate by clear and convincing evidence that the customer cannot achieve a competitive and integrated employment outcome because of the severity of the customer's disability (fourth criterion).

VR customers must also provide and maintain authorization to work in the United States in order to be eligible for VR services. For more information, refer to VRSM B-204-2: Customer Identification and Authorization for Employment.

### B-303-1: Determining Eligibility by the 60th Day

The VR counselor must determine whether a customer is eligible for VR services as soon as possible, but not later than on or before the 60th day from the date that the application is signed, unless:

* the customer agrees to a need to extend the time to determine eligibility; or
* VR counselor cannot determine the customer's ability to achieve an employment outcome without the customer participating in Trial Work Experiences.

### B-303-2: Extension of Time for Determining Eligibility

If the VR counselor cannot determine eligibility by the 60th day after the date the customer signs the application for services, the VR counselor must:

1. inform the customer of the exceptional and unforeseen circumstances (beyond VR control) that are delaying eligibility determination;
2. obtain agreement from the customer that an extension of time (EOT) to determine eligibility is necessary;
3. document in the comments section of the EOT for Eligibility page in RHW
   * the reasons that an extension of time is required, and
   * that the customer is in agreement with the extension of time;
4. complete the EOT for Eligibility page in RHW.

If the customer does not agree to an EOT for determining eligibility for VR services, document the customer's decision in a case note and explain to the customer that eligibility for VR services cannot be determined at this time with the information available. Inform the customer that the case will be closed as ineligible, inform the customer of the right to appeal the decision and provide the "Can We Talk" brochure. Proceed to close the case. VR staff must document in RHW the date and method the information was provided to the customer.

If the VR counselor cannot contact the customer to obtain agreement to complete the EOT for eligibility by the 60th day, the VR counselor may consult with the VR Supervisor for guidance on how to proceed with the case. If it is determined that the case should be closed, refer to VRSM B-600: Closure and VRSM B-312: Closing a Case Ineligible or before Eligibility Determination for information about closing the case.

### B-303-3: Determining Ineligibility

The VR counselor may determine that the customer is ineligible for VR services if, after reviewing all records and considering all diagnostic data, the VR counselor concludes that the customer does not:

* have a physical or mental impairment;
* have a disability that creates a substantial impediment to employment;
* require VR services to obtain, retain, or advance in competitive and integrated employment; or
* after completing trial work services, can achieve a competitive and integrated employment outcome.

See VRSM B-312: Closing a Case Ineligible or before Eligibility Determination for additional information.

### B-303-4: Blind and Visual Impairment

Individuals with visual impairments that create a substantial impediment to employment may be eligible for VR services. TWC-VR recognizes the following three categories of visual impairments:

* Blindness - visual acuity with best correction of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both.
* Low Vision- visual acuity with best correction of 20/70 or less in the better eye; a visual field of 30 degrees or less in the better eye; or a combination of both.
* Significant Visual Impairment - A disease or condition of the eye that does not meet the definitions of Blind or Low Vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

The "visual acuity" to be used is the best corrected distance acuity.

"Best correction" is the best visual acuity obtained with a simple refraction (glasses or contact lenses), not with a low vision aid, such as a telescopic aid.

An ophthalmologist or optometrist must

* measure the visual acuity using the distance Snellen chart, or
* measure and then convert the measurement to the distance Snellen equivalent in writing.

The VR2006E, Interagency Eye Examination Report may be used for assessment and evaluative purposes.

## B-304: First Eligibility Criterion: Presence of an Impairment

The first eligibility criterion is that the customer must have a physical or mental impairment.

### B-304-1: Establishing the Presence of an Impairment

For impairments that the customer reports are unchanged for several years, use available medical and other reports (even if they are several years old) to determine the presence of an impairment and completion of the comprehensive assessment.

If the existing records are insufficient or there are no available medical records or other documentation to substantiate the presence of an impairment, the VR counselor can authorize the purchase of additional examinations or evaluations to determine if the customer is eligible for VR services. See VRSM D-200: Purchasing Goods and Services for purchasing requirements.

#### Requesting Records

When existing records are needed to determine the presence of an impairment, the records must be requested by VR within five business days of the completion of the customer's application for services.

#### Scheduling Additional Assessments

If it is determined that additional assessments are required to determine eligibility, either at the time of application or when existing records are reviewed, the VR counselor documents the need for these assessments in a case note. VR staff then contact the provider within five business days to coordinate the appointment for the assessment. The date of the assessment should be as soon as possible to ensure timely movement of the case through the VR process, but it can occur after this five-day period.

#### Determining Whether Records Are Current

Evaluate records based on a thorough understanding of

* the customer's medical and/or psychological treatment, if any; and
* significant life events that have occurred since the date of the records.

If the records sufficiently and accurately reflect the customer's current functioning and impediments to employment, the VR counselor may consider them current.

#### VR3106, Work Restriction Checklist

In most cases, when an individual has a physical impairment, a formal functional capacity assessment (FCA) is not required to determine the presence of an impairment. The VR counselor may use the VR3106, Work Restriction Checklist to gather information about a customer's physical limitations from a treating physician or evaluating specialist to determine eligibility and or for completing the comprehensive assessment, if needed.

See Tips on Using the VR3106, Work Restriction Checklist, located on the intranet.

#### Observable Impairments

If a VR counselor observes a customer's impairment and can determine that he or she has an impairment-related impediment to employment, the first two eligibility criteria have been satisfied; medical reports are not required. However, existing medical records and or assessments may be necessary to complete a comprehensive assessment and to develop the customer's individualized plan for employment.

Examples of impairments that can be observed and documented in a case note by the VR counselor include amputation, required use of a wheelchair, deafness, or observable blindness. Additional documentation may be required to assess the level of impairment.

#### Unstable or Acute Conditions

A "physical or mental impairment" is an injury, disease, or other condition that results in persistent functional limitations. See VRSM B-309-5: Table of Functional Capacities for additional information.

For conditions that appear to be unstable or acute, and may not result in persistent functional limitations, the VR counselor may consult with their VR Supervisor, local medical consultant (LMC), state optometric consultant (SOC), regional program specialist, or state office program specialist, as needed.

As a part of these consultations, the LMC or SOC will provide information on the completeness of the medical records, the medical necessity of a procedure, and can assist with interpreting information on the proposed treatment and prognosis.

The consultants will not make the decision on whether or not the customer is eligible for VR services; The VR counselor is responsible for deciding if the customer is eligible for VR services and whether or not the requested or recommended services are within the scope of VR.

### B-304-2: Determining There Is No Impairment

The VR counselor must not purchase evaluations if:

* neither the customer nor the referral source alleges a current impairment; and
* following a thorough diagnostic interview, there is still no evidence of an impairment.

The VR counselor determines that the customer does not have an impairment, then the customer is:

* ineligible; and
* referred to services at the local workforce development board, as appropriate, and to other available community resources or programs to meet the customer's needs.

See VRSM B-312: Closing a Case Ineligible or Before Eligibility Determination for additional information.

## B-305: Second Eligibility Criterion: Substantial Impediment to Employment

The second eligibility criterion is that the physical or mental impairment must constitute or result in a substantial impediment to employment.

### B-305-1: Establishing a Substantial Impediment to Employment

Although a customer may have an impairment that limits certain functions, there may not be an associated substantial impediment to employment.

A substantial impediment to employment exists when the impairment and resultant functional limitations:

* prevent the customer from obtaining a job consistent with the customer's abilities;
* significantly interfere with preparing for employment consistent with the customer's abilities;
* cause the customer to need special help to perform job duties; or
* interfere with job retention or job advancement.

For additional information about the customer's condition and treatment and the condition's possible impact on employment, consult the [Medical Disability Guidelines](http://www.mdguidelines.com/).

If a customer's physical or mental impairment constitutes or results in a substantial impediment to employment, the customer has a disability for purposes of the VR services.

### B-305-2: Determining There Is No Impediment to Employment

The VR counselor determines that the customer does not have a substantial impediment to employment, then the customer is

* ineligible, and
* referred to services at the local workforce development board, as appropriate, and to other available community resources or programs to meet the customer's needs.

See VRSM B-312: Closing a Case Ineligible or Before Eligibility Determination for additional information.

## B-306: Third Eligibility Criterion: Requires VR Services

The third eligibility criterion is that the customer requires VR services to prepare for, enter, engage in, retain, or advance in a competitive integrated employment outcome consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

VR services are required when:

* one or more VR services are expected to:
  + have a substantial impact on the customer's disability and resultant functional limitations; or
  + reduce the impediment to employment, thus allowing the customer to prepare for, obtain, retain, regain, or advance in competitive employment consistent with the customer's capabilities and abilities; and
* the customer cannot access these services elsewhere without VR intervention.

### B-306-1: Determining the Customer Does Not Require VR Services

The VR counselor determines that the customer does not require VR services to prepare for, enter, engage in, retain, or advance in a competitive integrated employment outcome consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, then the customer is

* ineligible, and
* referred to services at the local workforce development board, as appropriate, and to other available community resources or programs to meet the customer's needs.

See VRSM B-312: Closing a Case Ineligible or Before Eligibility Determination for additional information.

## B-307: Fourth Eligibility Criterion: Presumed to Have a Goal

The fourth eligibility criterion is that a customer is presumed to have a goal of a competitive integrated employment outcome after receiving VR services. The customer meets this criterion when they sign their application for VR services unless it is determined that trial work services are required to further assess eligibility.

The VR counselor must presume the customer capable of achieving an employment goal, unless clear and convincing evidence obtained during trial work demonstrates that the customer cannot attain an employment goal after receiving VR services because of the severity of the customer's disability. See VRSM B-310: Trial Work Services for more information.

## B-308: Assessments

To the maximum extent possible, the VR counselor must:

* use existing records;
* rely on information from the individual's experiences in an integrated employment setting or in other integrated community settings; and
* consider the validity or correctness of the information based upon the source and the VR counselor's knowledge of the customer.

Only when existing records are unavailable or insufficient, the VR counselor can authorize the purchase of additional diagnostics to address basic eligibility questions. The VR counselor must document the justification for all assessments in a case note in RHW. For more information see VRSM B-304-1: Establishing the Presence of an Impairment.

An eligibility determination should not be delayed pending the receipt of the VR3110, Surgery and Treatment Recommendations, VR3109, Eye Surgery and Treatment Recommendations, or VR3101, Consultant Review if existing records are available.

If worksite assessments are necessary to determine whether a customer is eligible for VR services, they must be:

* conducted in the most integrated setting possible; and
* consistent with the customer's needs and informed choice.

The VR counselor may authorize the purchase of eyeglasses if these supports are required for the customer to participate in required assessments to determine eligibility for VR services. VR Supervisor approval is required before authorizing the purchase of any other assistive technology devices, such as hand controls for vehicles, while the customer is in application status. For more information, see VRSM C-204: Vehicle Modification Services, VRSM C-703-13: Eyeglasses and Contact Lenses, and VRSM D-200: Purchasing Goods and Services.

### B-308-1: Required Assessments and Policy for Selected Conditions

For all conditions, medical records must be obtained from the appropriate licensed professional and placed in the customer's case file before determining eligibility. The only exception to this requirement is for customers with an observable impairment or for customers with proof of Supplemental Security Income (SSI) or Social Security Disability Income (SSDI).

The Table of Required Assessments and Policy for Selected Conditions below includes only content related to eligibility determination. See VRSM C-700: Medical Services for information about services.

The following sections include information about obtaining and using assessments and a table of condition-specific assessments or related documentation required before the VR counselor can make an eligibility determination, and policy governing eligibility for customers with those conditions.

Eligibility determinations must comply with the condition-specific assessments and policy in the following table. Review this table before making an eligibility determination.

**Table of Required Assessments and Policy for Selected Conditions**

|  |  |  |
| --- | --- | --- |
| **Condition** | **Required Assessments** | **Policy** |
| AIDS/HIV  See Counselor Desk Reference A1: AIDS/HIV, located on the intranet. |  | VR does not provide HIV testing because it is available through the [Texas Department of State Health Services HIV and STD Program](http://dshs.texas.gov/hivstd/).  See also VRSM C-701-1: Professional Medical Services, Restrictions. |
| Asthma  See Counselor Desk Reference A24: Respiratory Disease. | * Evaluation by physician trained in allergic conditions, or * Exam by physician specializing in lung diseases   Use VR3102, Pulmonary Evaluation Report. |  |
| Back disorders  See Counselor Desk Reference A4: Back Disorders. | The VR counselor must have:   * treating physician's:   + radiographic evidence of an abnormality; or   + medical history of back surgery; or   + clear diagnosis and prognosis based on physical findings; and * medical documentation of functional limitations persisting for at least 90 days before eligibility. | See information about back surgery and steroid injections in VRSM C-703-2: Back or Neck Treatment. |
| Cancer  See Counselor Desk Reference A6: Cancer. | VR3112, Cancer Diabetes Disability Medical Report, completed by the:   * referring physician; * clinic; or * hospital. | Cancers include all carcinomas and sarcomas of the internal organs (muscles, bones, nerves, brain, or glands) and lymphomas and leukemia. The completed VR3112 must contain information about the general prospects for the customer's life expectancy and work capabilities.  If a poor prognosis prevents the case from being accepted, The VR counselor may decide with the attending physician how the "non-acceptance" will be conveyed to the patient.  Screening procedures for cancer (for example, mammograms or Pap smears) are not considered part of the VR diagnostic procedure.  Also, see VRSM C-701-1: Professional Medical Services and VRSM C-703-19: Mammograms, Pap Tests, and Colonoscopy. |
| Cardiac Disorders  See Counselor Desk Reference A7: Cardiac Disorders. | Use VR3103, Cardiac Evaluation Report or a comparable documentation. | See informational about cardiac catheterization or angiography in VRSM C-703-5: Cardiac Catheterization or Angiography and VRSM C-703-32: Specialized Physical Restoration Programs. |
| Dental  See Counselor Desk Reference A10: Dental. |  | Missing teeth are not considered an impairment for the purpose of determining eligibility.  See information about dental treatment, including maxillofacial services, in VRSM C-703-8: Dental Surgery and Treatment and VRSM C-701-2: Medical Services Required Review and Approvals Policy. |
| Deaf  See Counselor Desk Reference C1: Deaf and Hard of Hearing.  See also the Hard of Hearing section of this table, below. | Use VR3105A, Hearing Evaluation Report Customer Questionnaire. | See information about cochlear implant in VRSM C-703-7: Cochlear Implant and Bone Anchored Hearing Aid surgery. |
| Ear diseases and other conditions of the auditory system that result in a hearing loss  See Counselor Desk Reference C1: Deaf and Hard of Hearing. | Current evaluation by an otologist, otolaryngologist, or ENT/EENT specialist. Use VR3105B, Hearing Evaluation Report Otological Examination.  Current evaluation by licensed audiologist. Use VR3105C, Hearing Evaluation Report Audiometric Examination.  Documentation of social, educational, and/or psychological hearing loss implications from licensed audiologist or specialist in deafness rehabilitation. | Ear diseases and other conditions of the auditory system may cause substantial impediments to employment if the customer has a:   * "ski slope" audiogram; * profound unilateral hearing loss; * vocational objective requiring a high degree of hearing sensitivity; * poor adjustment to hearing loss; * multiple disabilities; or * other unusual conditions. |
| Epilepsy (seizure disorders)  See Counselor Desk Reference A13: Epilepsy and Seizure Disorders. | Medical records from a neurologist  If the customer is not currently being treated by a neurologist, obtain this evaluation before determining eligibility unless the customer is on SSI/ and/or SSDI. |  |
| Fractures  See Counselor Desk Reference A14: Fractures. | If the customer is wearing an external fixation device or an external fixation device has been recommended for the treatment of a fracture, medical records must be reviewed by the medical director before eligibility determination.  Nonunion or malunion fractures require medical records from a physician specializing in orthopedics. | A fracture that has healed abnormally (malunion) or failed to heal (nonunion) may constitute an impairment for eligibility purposes.  State Medical Director review is required before determining eligibility. Refer to VRSM C-703-33: Fractures for more information. |
| Gynecological condition |  | Screening procedures for cancer (for example, mammograms or Pap smears) are not allowable VR diagnostic procedure. |
| Hard of Hearing  See Counselor Desk Reference C1: Deaf and Hard of Hearing.  See also the Deaf section of this table, above. | Audiometric evaluation (including audiogram) that documents level and type of hearing loss. Documentation older than six months may be used to determine eligibility.  Use VR3105A, VR3105B, and VR3105C, Hearing Evaluation Report, or the equivalent. | See information about hearing aids in VRSM C-704-10: Hearing Aids. |
| Intellectual Developmental Disorders  See Counselor Desk Reference B9: Intellectual Disabilities. |  | A customer has an impairment in adaptive behavior when he or she cannot successfully accomplish two or more of the following:   * Communication * Self-care * Home living * Social and interpersonal skills * Use of community resources * Self-direction * Functional academic skills * Work * Leisure * Health and safety |
| Psychological Disorders  See the Psychological and Neurodevelopmental Disorders chapters in the Counselor Desk Reference. |  | Before eligibility is determined, customers with these disorders must be:   * currently receiving needed medication or therapeutic treatment; or * willing to participate in a recommended treatment plan.   See VRSM C-800: Neurodevelopmental and Psychological Services. |
| Psychological Disorders somatoform, dissociative, personality, disruptive, adjustment, cognitive, and other mental disorders  See the Psychological and Neurodevelopmental Disorders chapters in the Counselor Desk Reference. |  | To be determined eligible, customers with mental disorders in these categories must be participating, or willing to participate, in a structured program to modify their behavior and approach to employment.  See VRSM C-800: Neurodevelopmental and Psychological Services for information about mental health restoration service guidelines. |
| Obesity |  | Obesity is not considered an impairment for eligibility determination purposes if it does not meet the criteria of severe (morbid) obesity, that is, a body mass index (BMI) of 40 or greater.  Obesity may be an attendant factor that affects other established disabilities. |
| Pregnancy |  | Pregnancy is not considered an impairment for purposes of eligibility determination, but the condition does not prevent a customer with a disability from receiving disability-related vocational rehabilitation services. VR does not pay for assessments or medical services related to the pregnancy. |
| Severe (Morbid) Obesity  See Counselor Desk Reference A20: Morbid Obesity. |  | For severe obesity to be considered an impairment for eligibility purposes, the customer must have:   * a body mass index (BMI) of 40 or greater; and * physical limitations in work capacity measured by a functional capacity assessment (FCA) performed by a physical or occupational therapist.   If the customer is:   * employed, an occupational or physical therapist must perform a job analysis to determine the functional requirements of the customer's job; or * unemployed, the customer must be unable to meet the physical demands of the proposed employment goal.   See VRSM C-703-27: Surgery for Morbid Obesity for specific requirements for determining whether severe obesity results in an impediment to employment. |
| Substance Use Disorder  See Counselor Desk Reference B14: Substance-Related and Addictive Disorders. |  | To be determined eligible, customers with substance use disorders must be participating, willing to participate, or have completed a structured program to modify their behavior and approach to employment.  See VRSM C-806: Substance Use Disorders Services for guidance about how the customer's responsibilities are reflected in the IPE.  Exception: A customer with a coexisting brain injury who is unable to benefit from other types of therapeutic programs may use a VR-sponsored post-acute brain injury rehabilitation program to establish involvement in a therapeutic program. |
| Traumatic Brain Injury (TBI)  See Counselor Desk Reference A5: Brain Injury. | Neuropsychological evaluation | When the VR counselor cannot presume that the customer is capable of an employment outcome, refer to VRSM B-310: Trial Work Services. |
| Tuberculosis (TB)  See Counselor Desk Reference A24: Respiratory Disease. |  | Eligibility for VR services requires that the customer has recovered sufficiently so that he or she is no longer considered infectious to VR employees, potential employers, and others.  The customer must:   * use effective medications, and cooperate in taking them as prescribed; and * show definite improvement as ascertained by the physician in charge.   The treating physician must state in writing that the person is ready for employment or training.  See VRSM C-701-1: Professional Medical Services, Restrictions. |
| Tumors (masses or growths) |  | Non-painful lumps are not considered impairments for the purposes of eligibility determination.  Screening procedures for cancer (for example, mammograms or Pap smears) are not an allowable part of the VR diagnostic assessment. |

### B-308-2: Diagnostic and Statistical Manual of Mental Disorders (DSM) Tool

Mental health professionals use codes in the Diagnostic and Statistical Manual of Mental Disorders (DSM) to refer to various mental disorders in their reports. The DSM states conditions that can be diagnosed but that, as a primary disability, are not likely to meet the criteria for eligibility for VR services. Refer to the Diagnostic and Statistical Manual Reference Chart on the TWC intranet to determine whether a DSM code diagnosis may be considered a primary disability for purposes of determining eligibility for services. For additional guidance, contact the VR state office program specialist for behavioral health.

### B-308-3: Selecting a Disability Classification

Disabling conditions are classified according to a structure that combines an impairment with a specific cause or source. Using prescribed categories, select the impairment and then the cause or source that best describes the customer's primary disability that results in a substantial impediment to employment in Vocational Rehabilitation (VR).

Complete the following steps to select the disability code on the ReHabWorks (RHW) Disability Information page:

1. Select the impairment category that best identifies the disability from the following:
   * Blind Sensory
   * Sensory-communicative
   * Physical
   * Mental
2. Select the impairment subcategory within the table, such as:
   * deafness, primary communication visual;
   * respiratory; or
   * cognitive.
3. Select the specific cause or source of the disabling condition, such as:
   * cause unknown;
   * amputation;
   * congenital conditions or birth injury; or
   * digestive.

Using the same sequence of actions, select the secondary impairment that contributes to, but is not the primary basis, of the impediment to employment in VR or to the rehabilitation goals in comprehensive rehabilitation services and independent living services. If there is a tertiary disability, follow the same steps to add the third impairment. For more information see ReHabWorks (RHW) Users Guide, Chapter 10: Application, 10.2 Disability Information, located on the TWC intranet.

For information about eligibility requirements for specific conditions, see VRSM B-308-1: Required Assessments and Policies for Selected Conditions.

**Primary and Secondary Disability Categories**

Use the following in selecting primary and secondary disability categories.

**Sensory and/or Communicative Impairments**

**Blindness**

* An impairment that results in the customer being legally blind, which is defined as central visual acuity 20/200 or less in the better eye with best correction, or visual fields restriction of 20 degrees or less (both eyes).

**Other Visual Impairments**

* Other visual impairments that do not result in legal blindness.

**Deafness, Primary Communication Visual**

* A hearing impairment causing dependence primarily upon visual communication (for example, writing, manual communication, gestures) or when combined with blindness, tactile communication (for example, finger spelling).

**Deafness, Primary Communication Auditory**

* The customer uses spoken language primarily for expressive communication and has been identified in the past as being oral deaf or late-deafened adult. This category might include customers who use cochlear implants. These customers might depend primarily on receptive visual communication, such as:
  + speech-to-text translation;
  + lip reading; and/or
  + English-based sign language.

**Hearing Loss, Primary Communication Visual**

The customer's primary receptive mode of communication is visual (for example, writing, lip reading, manual communication, gestures). The customer's primary expressive mode of communication is spoken language (when the customer voices or speaks).

The customer has some access to sound, with or without amplification, which results in an impediment to employment. This may include customers with hearing loss less than 30 dB if the VR counselor justifies the need for VR services and how the hearing loss can or will cause a substantial impediment to employment.

**Hearing Loss, Primary Communication Auditory**

The customer's primary receptive mode of communication is auditory with or without the assistance of amplification (for example, hearing aids). The customer's primary expressive mode of communication is spoken language (when the customer voices or speaks).

The customer has some access to sound, with or without amplification, which results in an impediment to employment. Included in this group are people who may use similar modalities similar those in the Deafness, Primary Communication Auditory; however, the individuals may have more residual hearing. This may include customers with hearing loss less than 30 dB if the VR counselor justifies the need for VR services and how the hearing loss can or will cause a substantial impediment to employment.

**Other Hearing Impairments**

Diseases and conditions of the ear or auditory systems that do not cause a hearing loss in the conversational range in both ears but that do cause an impediment to employment (for example, tinnitus, Meniere's disease, hyperacusis, etc.). This may include customers with hearing loss less than 30 dB if the VR counselor justifies the need for VR services and how the hearing impairment can or will cause a substantial impediment to employment.

**DeafBlind**

* A customer who is DeafBlind is someone:
* who has:
  + a central visual acuity of 20/200 or less in the better eye with corrective lenses;
  + a field defect in which the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees (tunnel vision), or a progressive visual loss having a prognosis leading to one or both conditions;
  + a chronic hearing impairment so significant that most speech cannot be understood with optimum amplification (speech discrimination of less than 50 percent); or
  + a progressive hearing loss having a prognosis leading to this condition; and
* for whom the combination of impairments described above cause significant difficulty in attaining an employment outcome; or
* who, despite the inability to be measured accurately for hearing and vision loss because of cognitive and/or behavioral constraints, can be determined through a functional and performance assessment to have significant hearing and visual disabilities that cause extreme difficulty in attaining an employment outcome.

**Communicative Disorder (Expressive or Receptive)**

* A disorder that affects a customer's ability to communicate or understand communication.refer

**Physical Impairments**

**Mobility Impairment—Orthopedic or Neurological**

* Mobility that is affected by either an orthopedic or neurological condition.

**Manipulation or Dexterity Impairment—Orthopedic or Neurological**

* Orthopedic or neurological conditions that affect manipulation or dexterity.

**Both Mobility and Manipulation-Dexterity Impairment—Orthopedic or Neurological**

* Orthopedic or neurological conditions that affect both mobility and manipulation and/or dexterity.

**Other Orthopedic Impairments**

For example, seriously limited range of motion requiring accommodations beyond that of an average similarly-situated person

* Limitations caused by other orthopedic impairment

**Respiratory Impairments**

* Impairment resulting in reduced breathing capacity.

**General Physical Debilitation**

* A physical condition that results in a reduced capacity to work (For example, fatigue, weakness, pain).

**Other Physical Impairments (not listed above)**

**Mental Impairments**

**Cognitive Impairments**

* Involves learning, thinking, processing information, and concentration.

**Psychosocial Impairments**

* Interpersonal and behavioral impairment, difficulty coping
* A mental condition that affects both psychological and social functioning.

**Other Mental Impairments (not listed above)**

**Long COVID**

Long COVID (Post-COVID) conditions are a wide range of new, returning, or ongoing health problems that people experience after being infected with the virus that causes COVID-19.

If a customer has a documented diagnosis of Long COVID, VR staff indicates the diagnosis in the Long Covid Impact field on the RHW Disability page.

### B-308-4: Acute Medical Services Related to Assessments

If circumstances directly related to an assessment result in or contribute to, the need for acute medical services and comparable benefits are not readily available, the VR counselor may approve the use of VR funds for such care after

* documenting the circumstances,
* confirming the unavailability of comparable benefits, and
* obtaining VR Supervisor approval.

## B-309: Establishing the Level of Significance

The level of significance refers to the combination of the functional capacity threshold of the individual combined with the level of Vocational Rehabilitation (VR) services needed to help a customer reach a competitive integrated employment outcome.

To be considered as having a significant disability, a VR customer must have serious limitations in one or more functional areas and require multiple VR services over an extended period. Having a most significant disability means that the VR customer must:

* have serious limitations in three or more functional areas (for example, mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills); and
* require multiple VR services over an extended period.

If an individual is an SSI or SSDI recipient, then he or she is presumed eligible and is considered significant or most significant.

The VR counselor must document the reason for the decision in a case note. The VR counselor may document the level of significance as a stand-alone case note or as part of the eligibility case note.

### B-309-1: Level of Significance Table

Use the table below to determine the level of significance of each case:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Scenario** | **SSI/SSDI** | **Limited Functional Capacities if Threshold = 3** | **Anticipated Need for Multiple Services over Extended Period** | **Level of Significance** |
| 1 | No | 0 | Yes | No Significant Disability |
| 2 | No | 1 or 2 | Yes | Significant Disability |
| 3 | Yes | 0, 1, or 2 | Yes or No | Significant Disability |
| 4 | No | 0, 1, or 2 | No | No Significant Disability |
| 5 | Yes | 3, 4, 5, 6, or 7 | Yes or No | Most Significant Disability |
| 6 | No | 3, 4, 5, 6, or 7 | No | No Significant Disability |
| 7 | No | 3, 4, 5, 6, or 7 | Yes | Most Significant Disability |

Text version of table above:

Note: The situations described below are based on a threshold of three.

Situation 1. If the:

* SSI/SSDI is "No";
* Limited Functional Capacities is "0"; and
* Anticipated need for multiple services over Extended Period is "Yes";
* then the Level of Significance must be "No Significant Disability."

Situation 2. If the:

* SSI/SSDI is "No";
* Limited Functional Capacities is "1" or "2"; and
* Anticipated need for multiple services over Extended Period is "Yes";
* then the Level of Significance must be "Significant Disability."

Situation 3. If the:

* SSI/SSDI is "Yes";
* Limited Functional Capacities is "0," "1," or "2"; and
* Anticipated need for multiple services over Extended Period is "Yes" or "No";
* then the Level of Significance must be "Significant Disability."

Situation 4. If the:

* SSI/SSDI is "No";
* Limited Functional Capacities is "0," "1," or "2"; and
* Anticipated need for multiple services over Extended Period is "No";
* then the Level of Significance must be "No Significant Disability."

Situation 5. If the:

* SSI/SSDI is "Yes";
* Limited Functional Capacities is "3," "4," "5," "6," or "7"; and
* Anticipated need for multiple services over Extended Period is "Yes" or "No";
* then the Level of Significance must be "Most Significant Disability."

Situation 6. If the:

* SSI/SSDI is "No";
* Limited Functional Capacities is "3," "4," "5," "6," or "7"; and
* Anticipated need for multiple services over Extended Period is "No";
* then Level of Significance must be "No Significant Disability."

Situation 7. If the:

* SSI/SSDI is "No";
* Limited Functional Capacities is "3," "4," "5," "6," or "7"; and
* Anticipated need for multiple services over Extended Period is "Yes;"
* then the Level of Significance must be "Most Significant Disability."

### B-309-2: Updating Level of Significance

After the initial level of significance is set in ReHabWorks (RHW), the level of significance of a case may be changed if the change is based on additional information that is gathered during the comprehensive assessment.

When the change to the customer’s level of function (not level of significance) is a direct result of VR services, such as physical restoration, rehabilitation technology, or medical devices, the level of significance of the case should not be changed from the level of significance that was designated before the provision of VR services.

For more information about selecting and updating the level of significance in RHW, refer to the ReHabWorks (RHW) Users Guide C-100: Eligibility, C-102: Level of Significance.

### B-309-3: Required Level of Significance for Certain Cases

The following types of cases must be designated in RHW as having either a significant disability or a most significant disability for the life of the case:

* Customers who require trial work services
* SSI/SSDI recipients who are presumed eligible for VR services

#### Level of Significance and Trial Work Services

The level of significance for customers who require trial work services must be:

* assigned before completing the Individualized Plan for Employment (IPE) for Extended Evaluation in ReHabWorks (RHW) (the IPE for Extended Evaluation in RHW is the same as a Trial Work Plan in policy references); and
* updated anytime when information is available to support the changes to the designated level of significance.

#### Level of Significance and Supported Employment Services

All customers who require supported employment services must have their cases designated in RHW as "most significant" disability for the life of the case.

#### Extended Services

All customers who require extended services must have their cases designated in RHW as "most significant" disability for the life of the case. For more information on extended services, see VRSM C-1202-3: Extended Services.

### B-309-4: Designating the Level of Significance in RHW

The level of significance is designated at the time of eligibility on the "Disabilities" page in RHW. It must be entered prior to selecting "yes" or "no" for eligibility in RHW. This ensures that the snapshot of data that is taken at the time that eligibility is determined in RHW, which is reported to Rehabilitation Services Administration (RSA), includes the designated level of significance.

To determine the level of significance of the case, the VR counselor

1. decides on the significance of the disability per the criteria for significance as defined above and supports the designation with information from
   * the customer; and
   * a review of available records and reports.
2. determines that the customer meets all criteria for the selected level of significance and selects the corresponding response in the drop-down menu in RHW;
3. selects one or more capacities in the Limited Functional Capacities page in RHW if "significant" or "most significant " was selected;
4. ensures that the case file reflects evidence of the serious limitations in the limited functional capacity categories selected;
5. documents the rationale for the level of significance selected
   * in a standalone RHW case note;
   * as part of a case note for eligibility; or
   * by completing and filing in the paper file VR1390, Checklist for Determining Significance of Disability (When using the VR1390, a RHW case note must also be entered that states that the form was completed and is in the paper file.)
6. indicates, when completing the IPE with the customer, the need for an extended time to deliver more substantial services beyond the date that the IPE is signed;
7. includes in the IPE any needed interventions for each functional capacity area identified as seriously limited;
8. changes the designation of level of significance of the case if he or she determines that the effect of the disability does not require the extent of services originally planned, or if it is determined that the designation was made in error. Otherwise, the designated level of significance remains throughout the life of the case, even though the customer's functional capacities may improve over the course of the case.

### B-309-5: Table of Functional Capacities and Examples

The following table lists specific functional capacities and examples of the nature and extent of limits to capacities.

|  |  |
| --- | --- |
| **Capacity** | **Definition and Examples of Limitations** |
| Mobility | Because of the disability, a customer's ability to move from place to place and move the body into certain positions is limited, and the customer requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in mobility that requires intervention include when the customer needs:   * help to get to and from work, such as   + special training to learn to get to and from work, or   + a vehicle modification; * modifications, adaptive technology, or accommodations not typically made for other workers to move around the workplace; for example, a customer needs   + modifications to a workstation or work environment, such as ramps or elevators;   + a scooter, wheelchair, or other mobility aid; or   + a service dogs. |
| Self-care | Because of the disability, a customer's ability to perform activities related to health and hygiene are limited in a way that requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in self-care that requires intervention include when the customer   * needs help to manage self-care activities such as eating, dressing, grooming, or taking medication; or * uses assistive or adaptive devices for self-care, such as braces, upper-limb orthotics, or grab bars.   Seriously limited capacity in self-care might occur because of physical, cognitive, or emotional impairments and might apply to all tasks of self-care or only to specific tasks. |
| Self-direction | Because of the disability, a customer's ability to control and regulate his or her personal, social, and work life is limited in a way that requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in self-direction that requires intervention include when the customer   * becomes confused or disoriented in performing routine job tasks and needs the help of a job skills trainer or other supports; * needs ongoing help or intervention (such as a job skills trainer or constant monitoring and redirection on the job) to begin activities related to task completion, socialization, or behavior management; or * requires supervision or assistance with managing money or time, or maintaining a schedule. |
| Work Skills | Because of the disability, a customer's capacity to acquire and maintain needed job skills is limited, and the customer requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in work skills that requires intervention include when the customer needs   * modifications, adaptive technology, or accommodations (such as a note taker, interpreter, or personal assistant to get to and from training or to plan, problem solve, or organize work functions) not typically needed by workers without a disability to acquire necessary work skills or training or to get or keep gainful employment; or * specialized supports not typically needed by workers without disabilities to get or keep a job; for example, a job skills trainer or natural supports, job duty modification, or job restructuring.   The lack of work skills alone does not meet the criteria for seriously limited capacity in work skills. |
| Work Tolerance | Because of the disability, a customer's ability to consistently and adequately perform a job based on the physical, emotional, environmental, and psychological demands of the position is limited, and the customer requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in work tolerance that require intervention include when the customer   * needs modified job duties or assistive devices to perform job duties, or needs an altered work schedule or work hours, or needs frequent rest or breaks not typically needed by other workers in the workplace; or * lacks the capacity to perform effectively and efficiently job duties that require various levels of psychological demands (such as works poorly under stressful conditions or deadlines) and requires prescribed medication or specialized supports to sustain required levels of work function. |
| Interpersonal Skills | Because of the disability, a customer's ability to establish and maintain appropriate relationships with other individuals in the workplace is limited, and the customer requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in interpersonal skills that requires intervention include when the customer requires   * specialized services, modifications, or supports to establish appropriate relationships with co-workers, employers, and others in the workplace (for example, history of job loss because of conflicts with employers or co-workers); * medication or specialized services to interact with others in a socially appropriate manner; or * specialized services or supports to reduce inappropriate behaviors that interfere with getting or keeping a job (for example, the customer has difficulty relating to co-workers, talks excessively, or behaves inappropriately in the job or training setting). |
| Communication | Because of the disability, a customer's ability to convey and receive information efficiently and effectively is limited, and the customer requires services or accommodations not typically needed by workers without disabilities.  Examples of seriously limited capacity in communication that requires intervention include the following:  The customer requires modifications, adaptive technology, or accommodations (not typically required for other individuals) to effectively and efficiently communicate orally or in writing with individuals without disabilities (for example, the need for an interpreter for training, use of a TTY or TDD to perform job duties, use of a hearing aid (or aids) to understand speech on the job, or use of specialized communication equipment to produce speech). |

## B-310: Trial Work Services

If the VR counselor is unable to determine if a customer can benefit from VR services because of the severity of his or her disability, the customer must be provided with trial work services. The decision to proceed with trial work services should be made before determining that a customer is eligible for services. While providing trial work services, the VR counselor and the customer explore the customer's abilities, capabilities, and capacity to perform in realistic work situations until there is enough information to decide about whether the customer is eligible for VR services.

### B-310-1: Trial Work Timelines

If trial work is necessary, develop the Trial Work Plan (TWP) as soon as possible, but no later than the 60th day after the application has been signed.

If the customer is receiving Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSI/SSDI), the VR counselor must make an eligibility decision on the same business day that verification is received. Completing a TWP and moving the case into trial work services meets the requirement of making an eligibility decision, even though that decision is that trial work experiences are necessary. If the customer is not available, an appointment must be scheduled with the customer to complete the Trial Work Plan as soon as possible. For more information on presumptive eligibility, see VRSM B-302: Presumption of Eligibility for Social Security Recipients.

### B-310-2: Trial Work Plan

If the VR counselor cannot determine whether the customer is eligible because of the customer's questionable ability to benefit from services in terms of an employment outcome because of the severity of his or her disability, the VR counselor develops a TWP with the customer.

The VR counselor uses Trial Work Plan in ReHabWorks to complete the Trial Work Plan. If RHW is not available, use VR5161, Individualized Plan for Employment (IPE) for Trial Work Experience, available from the intranet VR Forms list.

When developing the TWP, consider the need for interpreter, translator, reader, or personal assistant services; rehabilitation technology, and/or other support services needed to determine eligibility.

A signed TWP is required before any services, including trial work experiences, can be purchased, provided, or arranged for the customer.

#### TWP Objective

The objective for a TWP is to assess the customer's ability to benefit from vocational rehabilitation (VR) services when there is a specific concern about the severity of the customer's disability. The customer's knowledge, skills, abilities, or other key attributes must be thoroughly assessed using multiple trial work experiences to determine if the customer can participate in VR services and achieving an employment outcome.

As soon as there is enough information to decide that the customer is eligible for services, trial work services can be terminated so that an individualized plan for employment can be developed.

### B-310-3: Trial Work Experience

All policies throughout the VRSM that are related to purchasing, arranging, or providing specific goods or services for VR customers apply to customers that are receiving trial work services. If a good or service has special requirements or restrictions for eligible customers, those same requirements and restrictions apply to customers receiving services through a trial work plan.

Trial work experiences can include:

* Supported employment refer to VRSM C-1200: Supported Employment Services and SFP Chapter 18: Supported Employment Services,
* On-the-job training refer to VRSM C-1007-4: On-the-Job Training,
* Work Experience Services (excluding Paid Work Experience purchased from the Local Workforce Development Boards) refer to VRSM C-421: Work Experience Services and SFP Chapter 14: Work Experience Services,
* Wage Services for Work Experience through WorkQuest refer to VRSM C-1408: Wage Services for Work Experience through WorkQuest,
* Work Adjustment Training refer to SFP 13.6 Work Adjustment Training, and
* Other experiences using real work settings.

Pre-ETS funds cannot be used for Trial Work.

#### Supported Employment as Trial Work Experience

If at any time while the customer is participating in Supported Employment Services it is determined the customer is eligible for services, an IPE must be implemented to continue supported employment service.

A TWP must include trial work experiences that are of sufficient variety and duration to provide:

* evidence that the customer can benefit from VR services; or
* clear and convincing evidence that the customer cannot benefit from VR services in terms of an employment outcome owing to the severity of his or her disability.

Trial Work experiences must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehab needs of the individual.

#### Additional Assessments

If existing records do not meet the assessment needs for determining eligibility for services, the VR counselor includes any additional diagnostics and or assessments that are required as planned services in the TWP. Refer to VRSM B-300: Determining Eligibility for additional information about requirement for use of existing records to determine eligibility.

#### Services that Require Approval as part of the Trial Work Plan

The following goods or services require VR Supervisor review and approval when provided as part of a trial work plan:

* Residential modifications
* Worksite modifications
* Durable medical good
* Orthotics and prosthetics
* Any services related to self-employment
* Modification of vehicles
* Academic or vocational training
* Medical services specified in VRSM C-700: Medical Services
* Services or goods to support any of these items

#### Paid Work Experience

Paid Work Experience purchased from the Local Workforce Development Boards cannot be used to meet the requirements for trial work experience.

For more information on Paid Work Experience, refer to the Requirements for Vocational Rehabilitation Services Provided by Local Workforce Development Boards, Chapter 2: Wage Services for VR Participants in Paid Work Experience.

### B-310-4: Frequency of Contact for Trial Work Services

It is important to maintain frequent contact with a customer who is participating in trial work services to ensure that timely progress is being made towards finalizing an eligibility decision. The frequency of contact is individualized to meet the customer's needs and is included as part of the TWP.

### B-310-5: Comparable Benefits

If comparable benefits are readily available, use these benefits during completion of   trial work services. However, if the use of these benefits would interrupt or delay the individual's eligibility assessment, document the reason that comparable benefits are not being used in a case note in RHW and move forward with coordinating necessary assessments. Refer to VRSM D-203-3: Use of Comparable Benefits for additional information about comparable benefits.

### B-310-6: Customer Participation in Cost of Services

Services identified on a TWP are considered assessments for the determination of eligibility. Customers are not required to participate in the cost assessments. Do not apply BLR to customers receiving trial work services. Refer to VRSM D 203-4: Customer Participation in Cost of Services for additional information about required customer participation in cost of services.

### B-310-7: Ending Trial Work Services

For reporting purposes, a case remains in "application status" while the customer is participating in trial work services. When there is sufficient evidence to make a determination of eligibility or when the case is closed for another reason, including ineligibility, the case will move into the next reportable status.

To move the customer's case out of application status when he or she has had a TWP, the VR counselor must:

1. enter the eligibility or ineligibility decision or close the case in RHW;
2. document the decision in a case note; and
3. notify the customer of the decision.

Refer to VRSM B-312: Closing a Case Ineligible or before Eligibility Determination for more information.

A customer cannot receive trial work services for more than 12 months without VR Supervisor approval. If there is an individualized need to extend the trial work services beyond 12 months, a full case review must be completed by the VR Supervisor in TxROCS before approving the extension of trial work.

### B-310-8: Trial Work for Disability Too Significant to Benefit from Services Closure

At any point after eligibility has been determined, the VR counselor must evaluate the customer in multiple realistic work settings using trial work before closing the case with the closure reason "Disability Too Significant to Benefit from Services." Refer to VRSM B-604-1: Disability Too Significant to Benefit from Services for specific closure processes and procedures.

#### Level of Significance

Trial Work services can be used only with customers whose disability is expected to meet the criteria of "significant" or "most significant." Refer to VRSM B-309: Establishing Level of Significance for more information about determining and updating the level of significance.

#### Twelve-Month Review of Ineligibility Determination Based on Severity of the Disability

When a customer is determined to be ineligible for VR services based on a finding that the customer is incapable of achieving an employment outcome due to the severity of the disability, the customer must be contacted within 12 months (and annually thereafter, if requested by the customer or, if appropriate, by the customer's representative) to discuss whether his or her circumstances have changed and a new application for services should be completed. Document the contact in a case note in RHW.

## B-311: Other Eligibility Considerations

The VR counselor must determine eligibility for VR services without regard to sex, age, race, religion, color, national origin, the type of employment outcome expected, the type of disability, the source of the referral, the services needed, income level, employment history, current employment status, education status, current educational credential, or the anticipated cost of the services required by a customer. The VR counselor cannot base a decision of ineligibility solely on the type of disability.

### B-311-1: Residency Requirement

It is not required that a customer reside in Texas to be considered eligible for VR services; he or she must only be present in Texas. The customer must be able to participate with assessments and services in Texas to be eligible for VR services.

If a customer presents an unexpired identification or authorization for employment document with an out-of-state address, staff should ask the customer if he or she is receiving VR services from another state. If the answer is yes, VR staff must coordinate with the out-of-state VR agency to ensure that services are not duplicated.

### B-311-2: Students

A student who is in special education, or who has received special education or Section 504 services, is not automatically eligible for VR services.

See VRSM C-1300: Transition Services for Students and Youth with Disabilities.

## B-312: Closing a Case Ineligible or before Eligibility Determination

See also VRSM B-602: Reasons for Closures.

### B-312-1: Closing a Case without Determining Eligibility

A variety of reasons exist for closing a case before determining eligibility.

The VR counselor must apply the following general closure procedure in all cases closed before determining eligibility:

1. Notifies the customer in writing (if the address is known) of the case closure and of the right of appeal;
2. Ensures that the case file contains the justification for closing the case; and
3. Uses an appropriate reason for closure.

#### Reasons for Closing a Case without Determining Eligibility

After the closure has been processed in RHW, a closure letter is available to complete, print, and mail to the customer. Refer to the chart in VRSM B-308-2: Diagnostic and Statistical Manual of Mental Disorders (DSM) Tool.

Apply the following general closure procedure in all cases closed before determining eligibility.

The VR counselor:

1. notifies the customer in writing (if the address is known) of the case closure and of the right of appeal;
2. ensures that the case file contains the justification for closing the case; and
3. uses an appropriate reason for closure.

### B-312-2: Closing a Case after Determining the Customer Ineligible

There are four reasons a case may be closed as ineligible:

* No impediment to employment
* No disabling condition
* VR services not required
* Disability too significant to benefit from services

Before closing any case as ineligible:

* discuss with the customer and/or the customer's representative the reason for the closure; and
* ensure that the case reflects the justification for the decision.

#### Reasons and Procedure for Closing a Case Because of Ineligibility

If after the completion of Trial Work Experiences, the VR counselor determines the customer is unable to benefit from VR services to reach an employment outcome due to the severity of his or her disability, refer to VRSM B-604-1: Disability Too Significant to Benefit from Services for detailed processes and procedures for closing the case.

If the customer:

* has no disabling condition - the assessment for eligibility reveals that the customer does not have a disability;
* has no impediment to employment - the assessment for eligibility reveals no substantial impediment to employment; or
* does not require VR services - the customer does not require VR services to prepare for, obtain, retain, or regain employment; already is receiving the needed services; or already has available the needed services without VR services providing, paying for, arranging, or coordinating the services.

Take the following actions to close the case:

1. Before case closure, give the customer an opportunity to fully discuss the decision, including the right of appeal.
2. Refer the customer to:
   * another program; or
   * other programs that are part of workforce development (programs that can address the customer's training or employment needs); and
   * document the referral in a case note.
3. Notify the customer in writing of his or her ineligibility using ReHabWorks form VR5104, VR Ineligibility Notice, and include:
   * reason(s) for the determination of ineligibility;
   * right of appeal; and
   * availability of the Client Assistance Program (CAP).
4. Use the appropriate reason for closing the case.

### B-312-3: Required Review of Cases Closures as Disability Too Significant to Benefit from Services

Review within 12 months (and annually thereafter, if requested by the customer or, if appropriate, by the customer's representative) any ineligibility determination that is based on a finding that the customer is incapable of achieving an employment outcome due to the severity of the disability.

### B-312-4: Referral to Other Resources

When the VR counselor closes the case before eligibility, refer the customer to another agency or program for services if the

* customer is available and needs other services; and
* needed services are available from another agency or program.

Describe for the customer the services available from the other agency or program. If the customer provides a written release, the VR counselor may contact the agency or program, set up an appointment for the customer, and provide the agency or program with information requested about the customer, when appropriate.

When needed, use the [Texas Information and Referral Network (Finding Help in Texas)](https://www.211texas.org/) to assist in identifying available resources.

# Vocational Rehabilitation Services Manual B-400: Completing the Comprehensive Assessment

## Introduction

The purpose of the comprehensive assessment is to determine the employment outcome and the nature and scope of Vocational Rehabilitation (VR) services to be included in the individualized plan for employment (IPE). A comprehensive assessment of the rehabilitation needs of each eligible individual includes an evaluation of the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice—including the need for supported employment.

The VR counselor uses existing information and records to complete the comprehensive assessment, whenever possible. If additional assessments or records are necessary for completing the comprehensive assessment, the VR counselor makes the eligibility determination in accordance with the policies and procedures in VRSM B-300: Determining Eligibility and then proceeds with assessments needed to complete the comprehensive assessment.

## B-401: Legal Authorization

**34 CFR §361.5(c)(5)**

"Assessment for determining eligibility and vocational rehabilitation needs means, as appropriate in each case—

(i)(A) A review of existing data—

(1) To determine if an individual is eligible for vocational rehabilitation services; and

(2) To assign priority for an order of selection described in §361.36 in the States that use an order of selection; and

(B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment;

(ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment—

(A) Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;

(B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

(1) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in §361.36 for the individual; and

(2) Information that can be provided by the individual and, if appropriate, by the family of the individual;

(C) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;

(D) May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

(E) To the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community and in other integrated community settings;

(iii) Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

(iv) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training."

**34 CFR §361.45**

"(f) Data for preparing the individualized plan for employment.

(1) Preparation without comprehensive assessment. To the extent possible, the employment outcome and the nature and scope of rehabilitation services to be included in the individual's individualized plan for employment must be determined based on the data used for the assessment of eligibility and priority for services under §361.42.

(2) Preparation based on comprehensive assessment.

(i) If additional data are necessary to determine the employment outcome and the nature and scope of services to be included in the individualized plan for employment of an eligible individual, the State unit must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual in accordance with the provisions of §361.5(c)(5)(ii).

(ii) In preparing the comprehensive assessment, the State unit must use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment, including information—

(A) Available from other programs and providers, particularly information used by education officials and the Social Security Administration;

(B) Provided by the individual and the individual's family; and

(C) Obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs."

## B-402: Gathering Information for the Comprehensive Assessment

Completing the comprehensive assessment involves reviewing information about the customer to develop a written plan that outlines the services, goals, and objectives that are later included in the customer's IPE.

The comprehensive assessment process begins when the customer applies for services, and it continues until the IPE is developed and signed.

The process includes a review of the customer's personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities; the individual's medical, psychiatric, and psychological history; and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the individual's employment and rehabilitation needs.

### B-402-1: Comprehensive Assessment Case Notes

Throughout the comprehensive assessment process, the specific details that are gathered and evaluated by the VR counselor can be entered as "Assessment and Planning" case notes.

When all the assessment information has been gathered and reviewed, the VR counselor enters a case note with the title "Comprehensive Assessment" in ReHabWorks (RHW). The comprehensive assessment case note can be amended as additional information is obtained throughout the life of the case.

The comprehensive assessment case note must include the following:

* Summary of the customer's disabilities and related impediments to employment
* Summary of the customer's adjustment to the disability
* Services recommended that will address specific functional limitations
* Assessment of the customer's needs for rehabilitation technology
* Justification for a selected employment goal
* Justification for services needed to achieve the employment goal (include justification for each service and documentation of best value for purchased goods and services)
* Available resources and comparable benefits
* Independent living skills that support the employment goal
* Any relevant legal issues
* Description of the customer's involvement in and informed choice regarding the selection of services and providers and the customer's employment goal
* Educational and vocational history and goals
* Justification for planned frequency of contact
* Explanation of the customer's contribution to planned services (if required)
* Any other factors that might impact the customer's participation in services

If a required topic is not assessed, document the reason in the case note for the comprehensive assessment.

When relevant, the case note may also include information about:

* a customer's work tolerance;
* a customer's ability to acquire specific job skills;
* a customer's patterns of work behavior;
* the additional medical or psychological evaluations needed to determine the nature and scope of services;
* the vocational and psychological assessment completed by the VR specialist;
* functional assessments conducted in a trial work setting; and
* any additional assessments needed to determine:
  + the best job placement; or
  + the support services to be provided through supported employment services.

See VRSM E-300: Case Notes Requirements for additional information about required RHW case notes.

### B-402-2: Use of Existing Records

To the maximum extent possible, the VR counselor must:

* use existing records;
* rely on information from the individual's experiences in an integrated employment setting or in other integrated community settings; and
* consider the validity or correctness of the information based upon the source and the VR counselor's knowledge of the customer.

Customers must not be required to participate in unnecessary assessments, such as a psychological assessment or medical assessment, if:

* comparable information is available from records and is sufficient; or
* the assessment will not directly assist with determining:
  + the IPE goal; or
  + the VR services available to the customer.

#### Requesting Records or Assessments

If additional records and/or assessments are needed to complete the comprehensive assessment, they should be requested as soon as the need has been identified.

### B-402-3: Updating ReHabWorks (RHW)

During the process of evaluating the customer's information, additional information might be found that affects the customer's disability classification or level of significance. When this occurs, the VR counselor updates the classification and level of significance in RHW.

For additional information, see VRSM B-300: Determining Eligibility Level of Significance, and the ReHabWorks User's Guide (RUG), located on the TWC intranet.

## B-403: Assessments for the Comprehensive Assessment

Information, including additional assessments, used to determine eligibility for VR services can also be used for completing the comprehensive assessment. For more information, see VRSM B-308: Assessments.

However, to the greatest extent possible, the comprehensive assessment should be based on the customer's experiences in competitive integrated employment and in other integrated community settings.

The comprehensive assessment is intended to:

* clarify the customer's vocational interests and aptitudes;
* assess the marketability of the customer's present and potential skill levels;
* describe the types of services needed to improve the customer's skills;
* identify the best use of rehabilitation technology; and
* identify other needs and issues that are relevant to VR services.

The VR counselor ensures that assessments are provided in the most individualized and most integrated setting possible that is consistent with the customer's informed choice.

Examples of assessments that may be necessary to gather information to complete the comprehensive assessment may include:

* psychological or neuropsychological evaluations;
* vocational evaluations;
* functional capacity evaluations;
* low-vision evaluations;
* assistive technology evaluations; or
* situational assessments.

See VRSM D-202: VR Staff Responsibilities to determine whom to contact for help interpreting assessments or for recommendations on additional assessments.

### B-403-1: Required Assessments

In some cases, the VR counselor must obtain required documentation before planning services, to ensure that the proper VR services are offered.

#### Post-secondary Training

When considering vocational or academic training, the VR counselor ensures that the case file includes documentation that demonstrates the customer's ability to successfully complete the training. Examples of documentation include, but are not limited to transcripts or academic assessments. See VRSM C-400: Training Services for more information.

#### Medical Services

When considering medical services such as surgeries, therapies, or post-acute brain injury services, see VRSM C-700: Medical Services. All required approvals and consultations must be completed prior to including a service on the customer's IPE.

#### Other VR Services

In each instance, the VR counselor reviews the relevant chapter in the Vocational Rehabilitation Services Manual (VRSM) on each service to ensure that the required assessment is completed for planning the service.

### B-403-2: Specialized Assessment and Evaluations

When completing the comprehensive assessment, it may be necessary to obtain condition-specific or service-specific assessments. Refer to the following VRSM and VR-SFP chapters for additional information on the following:

* Assistive Technology Unit Evaluation (see VRSM C-202: Assistive Technology Unit Services)
* Environmental Work Assessment (see VR-SFP Chapter 4: Employment Assessments, 4.5 Environmental Work Assessment)
* Career Planning Assessment (see VR-SFP Chapter 4: Employment Assessments, 4.6 Career Planning Assessment)
* Intensive Work Preparation and Life Skills Training Program Assessment (see VRSM C-900: Intensive Work Preparation and Life Skills Training)

### B-403-3: Comprehensive Vocational Evaluation System

The Comprehensive Vocational Evaluation System (CVES) is the only test battery designed and standardized for a person who is blind or has significant visual impairment. The CVES is a neuropsychological, psychological, or vocational assessment depending on the qualifications of the person administering and interpreting it.

For a customer with a significant visual impairment, the VR counselor must only purchase comprehensive psychological and vocational evaluations from a psychologist certified to administer the CVES. For a more limited assessment, such as to evaluate only for emotional functioning without intellectual or vocational measurement, CVES certification is not required.

To verify an evaluator's certification to administer comprehensive psychological or vocational evaluation to a customer with significant visual impairment, contact the TWC Vocational Diagnostic Unit (VDU) by emailing [vr.vdu@twc.texas.gov](mailto:vr.vdu@twc.texas.gov).

## B-404: Potential Employment Goals

When identifying potential employment goals to include on the IPE, the VR counselor and the customer consider the customer's:

* unique strengths;
* resources;
* priorities;
* concerns;
* abilities;
* capabilities; and
* interests.

Additional consideration should be given to:

* potential job opportunities in the local market, or the customer's willingness and ability to relocate;
* rehabilitation services and supports available to address the identified impediments to employment; and
* other available resources to address the customer's vocational concerns.

The employment goal may be:

* full time
* part-time employment,
* supported employment, or
* self-employment,
* telecommuting,
* business ownership, or
* any other type of employment in a competitive integrated setting.

The employment goal identified on the customer's IPE must be clearly supported by the information in the comprehensive assessment and consistent with the customer's informed choice.

### Labor Market and Career Information

When appropriate, the VR counselor and the customer can also explore the labor market information as it relates to the customer's employment goal. This information is available through the [Texas Workforce Commission's Labor Market and Career Information (LMCI)](http://www.lmci.state.tx.us/explore/TSC/YBF.asp) website.

### Documentation

Document the employment goals that were considered and the decision-making process that was used to select the goal that is included on the customer's IPE as part of the Comprehensive Assessment case note. For more information on case note requirements, refer to VRSM E-300: Case Notes Requirements.

### B-404-1: Customers Who Have a Work History

When a customer has a history of employment, the VR counselor and the customer consider the customer's:

* job experience;
* transferable skills; and
* ability to work with accommodations.

#### Informed Choice

When a customer has a work history, the customer is offered the opportunity to make an informed decision about whether to return to the same occupation and or return to work with the same employer. The customer may also choose to pursue a different type of career as long as the employment goal is supported by the information gathered during the comprehensive assessment.

#### Return to Work with Same Employer

If the customer wants to return to work with the same employer but is unable to return to the same position, explore whether the employer provides training that would enable the customer to return to a different position.

If training, such as on-the-job training, is provided by the employer, to assist the customer with returning to work with the same employer, but in a different position, VR funds cannot be used to pay for this training.

If training, such as career development courses are needed pursue a new position with the same employer, but these courses are not available directly from the employer, training can be purchased through providers other than the employer with VR funds.

#### Return to Work with Different Employer

If the customer chooses to work for another employer in the same job or in a different job, counseling and guidance can help the customer determine how his or her skills and work history can transfer to a different job.

As needed, the VR counselor discusses the job requirements and conditions, training, work environment and duties, local demand for workers, and possibility of relocating to find employment when considering any employment goal.

### B-404-2: Customers with No Work History

When a customer has no work history, the VR counselor and the customer consider the customer's:

* needs;
* abilities;
* interests;
* strengths;
* preferences; and
* other resources.

If the customer doesn't know what type of job he or she wants to pursue, the VR counselor identifies possible types of employment by considering:

* volunteer experiences;
* unpaid work for family and friends;
* hobbies; and
* informal training or education.

#### Informed Choice

The employment goal that is included on the customer's IPE must be supported by the information gathered during the comprehensive assessment.

### B-404-3: Other Factors That May Impact the Choice of an Employment Goal

The customer's life circumstances and personal history can significantly impact the choice of an employment goal.

#### Criminal History

If the customer reports a criminal history, the VR counselor explains that he or she may be barred from certain jobs requiring a license or other credential. If the customer wants to pursue employment requiring a license or credential, the VR counselor obtains a criminal background check before committing to services on an IPE.

When the customer selects an employment goal that requires a specific license or credential, the VR counselor must check for information about which criminal convictions may prevent the customer from obtaining a specific license.

The following websites are resources for this information:

* [Texas Department of Licensing and Regulation (TDLR)](https://www.tdlr.texas.gov/)[;](https://www.dshs.texas.gov/)
* [Texas Department of State Health Services (TDSHS) licensing and regulations](https://www.dshs.texas.gov/); or
* other relevant credentialing boards.

Refer to VRSM B-405: Computerized Criminal History Checks (below) for more information.

## B-405: Computerized Criminal History Checks

VR has authority to obtain a Computerized Criminal History check (CCH) on customers from the Texas Department of Public Safety (DPS) (Texas Government Code, §411.117) for the purpose of employment planning. See VRSM A-207: Confidentiality and Use of Customer Records and Information for more information.

### B-405-1: Obtaining and Maintaining Computerized Criminal History Check Results

Occupations requiring a license, permit, or other credential may include a CCH as part of the credentialing process.

If a customer wants to work in an occupation or participate in a training program requiring a license, permit, or other type of credentialing, the VRC should explain to the customer why the CCH is necessary and document in a case note the reasons for obtaining the CCH, along with a summary of the discussion with the customer.

Requests for the CCH can be submitted only on cases determined eligible or that are in active status.

#### When to Request a CCH

Request a CCH using the VR1510, Request for Customer Computerized Criminal History (CCH) Search, after an eligibility determination has been made, when:

* At the customer's request, if a customer has reported to the counselor difficulty in obtaining employment due to a history of felony conviction or
* Prior to signing an Individualized Plan for Employment (IPE), if a customer wants to work in an occupation that requires a license or other credential and he or she does not hold a valid license or credential in that occupation
  + Provide the customer with information about the impact of certain criminal offenses on whether the person will be eligible to obtain the required credentials to engage in specific employment outcomes.
  + If a customer's CCH shows a criminal history and the occupational goal is licensed by the Texas Department of Licensing and Regulation (TDLR), you must request a criminal history evaluation to determine whether the customer's criminal history will prevent him or her from being licensed in that occupation. (See the [TDLR Criminal History Evaluation Letter page](http://www.tdlr.texas.gov/crimHistoryEval.htm) for more information.)
  + For occupations not licensed by TDLR, contact the appropriate licensing entity to determine if it is feasible for the customer to be licensed.
  + Do NOT select as a vocational goal any occupation for which TDLR or any other licensing entity has determined that the customer may not be licensed.

The CCH can be used in planning for the possible use of Employment Service Criminal Background Premium.

#### Making the Name-Based CCH Request

Complete the VR1510, Request for Customer Computerized Criminal History (CCH) Search and email it to the regional point of contact with the following subject line (to ensure encryption): "<ENCRYPT> Background Check Request". To find the list of regional points of contact for CCH, see POCs for Computerized Criminal History Reports.

Refer to VRSM A-208-2: Release of Customer Criminal History Records for policy and procedure regarding the release of a CCH.

### B-405-2: Referrals to the Criss Cole Rehabilitation Center

Once a VR counselor refers a customer to the Criss Cole Rehabilitation Center (CCRC), the designated CCRC admissions staff member will run the CCH report. For more information, refer to VRSM C-500: Criss Cole Rehabilitation Center.

### B-405-3: When Fingerprinting Is Needed

If a name-based CCH search reveals any result, to clear any possible misidentification, the VR counselor contacts the state office points of contact to obtain a fingerprint-based CCH search at VR's expense. Alternatively, the customer may go to the Texas Department of Public Safety independently to obtain a fingerprint-based CCH; however, VR will not pay for this cost.

If a customer reports to be from another state in the United States, a fingerprint-based CCH is recommended.

For additional information on making a fingerprint-based CCH, refer to VRSM D-510-6: Fingerprint Procedures.

### B-405-4: Evaluating and Documenting Computerized Criminal History Results

#### CCH Documentation

To document a CCH in ReHabWorks (RHW), the VR counselor does the following:

1. Enters a case note explaining what counseling and guidance was offered to the customer about selecting his or her vocational goal and obtaining a CCH before the customer and the VR counselor agree to the content of the IPE.
2. Enters a case note confirming that a CCH was requested using the procedure indicated and why it was requested. Any RHW case note topic may be used, but "CCH Request" must be included in the Add to Topic section of the case note.
3. After the CCH results are received, the VR counselor is only allowed to discuss the implications of the fingerprint-based CCH search results with the customer. If a name-based CCH search reveals any result, to clear any possible misidentification, the VR counselor contacts the state office point of contacts to obtain a fingerprint-based CCH search.
4. Documents how the implications of the CCH affect the selection of the vocational goal. Do not cut and paste or otherwise include the specific details obtained from the CCS, for example, the dates and types of convictions, in the case note.

The VR counselor must use the following process to handle and destroy CCH results:

1. The CCH results must be purged and destroyed (for example, deleting from email and then deleting from the Deleted folder in the email application, such as Outlook) immediately after the criminal history record has served the immediate purpose for which it was obtained. For example, after the VR counselor discusses the implication of the fingerprint-based CCH results with the customer, the VR counselor immediately destroys the CCH results.
2. VR may release the fingerprint-based CCH results to the customer or customer’s representative if there is a valid release or written request prior to the destruction of the fingerprint CCH results by the VR counselor.
3. The name-based CCH results are not to be printed for any reason.
4. The CCH results are not to be stored in a paper case file or the customer’s virtual case file under any circumstances.

CCH reports are often incomplete and difficult to interpret. For assistance, refer to the guidance document on interpreting CCHs or consult the regional office CCH representative, the VR supervisor, the state office points of contact, or TWC's Office of General Counsel (OCG).

After the VR counselor obtains OGC's interpretation of the CCH report and determines that a customer's criminal history would preclude the customer from obtaining a license through the Texas Department of Licensing and Regulation (TDLR), the VR counselor must notify the customer of the determination. The customer may request a criminal history evaluation directly from TDLR.  For instructions on how to submit a request to TDLR, refer to the [TDLR Criminal History Evaluation Letter](https://www.tdlr.texas.gov/crimHistoryEval.htm).

For occupations not licensed by TDLR, the VR counselor contacts the appropriate licensing entity to obtain an opinion about licensing as it relates to criminal history. The VR counselor must not support or include a vocational goal on an IPE for any occupation for which TDLR or another licensing agent has determined that the customer may not be licensed. The VR counselor documents the result of the customer's inquiry to TDLR or other licensing entity.

#### Releasing the CCH Results

For additional information on releasing CCH results, refer to VRSM A-208-2: Release of Customer Criminal History Records.

## B-406: Authorizing Goods or Services Before an IPE

VR goods or services may be authorized before the service is included on the IPE and the IPE is signed by both the customer and the VR counselor only if:

* the good or service is necessary for the customer to participate in assessments that are required to develop the IPE; and
* the assessment cannot be modified or accommodated without the provision of the good or service; and
* comparable benefits for the good or service are not readily available.

Goods or services purchased with VR funds prior to completing the IPE must be authorized in advance with a service authorization and must follow the processes and procedures outlined in VRSM D-204: The Purchasing Process.

## B-407: Sharing Information with the Customer

Explaining and/or sharing information about a comprehensive assessment with a customer is a valuable counseling and guidance service (see VRSM C-100: Counseling and Guidance) that can help the customer better understand:

* the disability and its impact on employment;
* strategies to overcome the impediments created by the disability; and
* how to select an employment goal that that will increase the opportunity for a successful outcome.

The VR counselor does not share information that might be harmful to the customer directly with the customer. If, based on their professional judgment, the VR counselor believes that sharing certain information will be harmful to the customer, the VR counselor coordinates an appointment between the customer and the physician or psychologist who provided the report that contains the information that is believed to be harmful; the physician or psychologist will decide whether or not to disclose the information during that appointment.

The VR counselor discloses medical and psychological records to the customer (and/or representative) only as allowed under the guidelines on release and confidentiality of customer records in VRSM D-305: Confidentiality and Use of Customer Records and Information.

## B-408: Vocational Diagnostic Unit

The Vocational Diagnostic Unit (VDU) conducts comprehensive vocational and psychological evaluations to assess VR customers who have a primary disability of visual impairment.

The VDU helps the VR counselor determine how VR services can benefit a customer by assessing the customer's:

* verbal and/or cognitive skills;
* sensory and/or motor skills;
* independent living skills;
* academic skills;
* social skills; and
* vocational skills and interests.

### B-408-1: Assessment Methods

A skills assessment may be conducted using:

* standardized instruments such as:
  + cognitive tests;
  + sensory tests;
  + neuromuscular tests;
  + adaptive behavior tests;
  + academic achievement tests;
  + personality tests; and
  + vocational interest tests;
* observations;
* case folder review;
* clinical interviews; and
* interviews with the customer's teachers, counselors, and family members.

### B-408-2: Determining the Need for Vocational Diagnostic Unit Services

VDU services are used when a VR counselor needs additional assessments, diagnostics, and or recommendations throughout the rehabilitation process to:

* determine a customer's level of vocational potential;
* identify specialty services that will support VR outcomes;
* evaluate potential vocational goals or job placements;
* to identify specific training or programs at CCRC to help the customer achieve independent living and vocational goals (see VRSM C-500: Criss Cole Rehabilitation Center);
* evaluate potential post-secondary training options; and
* regarding the customer's progress when he or she shows significant changes in condition and/or functioning since initial evaluation.

### B-408-3: Referral Procedure

Only the VR counselor can refer a customer to VDU. The VR counselor can request that VDU conduct a psychological evaluation or a vocational assessment separately or they may request both assessments at the same time.

To refer a customer to the VDU, the VR counselor:

1. Contacts the VDU to discuss the customer's needs.
2. Creates a service record in RehabWorks (RHW).
3. Delegates the RHW service record to the VDU vocational diagnostician.
4. Coordinates the assessment with the VDU diagnostician.
5. Notifies the customer of the assessment date, time, and any other pertinent details.

For more information, see ReHabWorks User's Guide (RUG) E-200: Case Service Records: E-203-8-12: Creating, Updating, and Canceling Line Items for In-House Services, located on the TWC SharePoint.

### B-408-4: Planning for Evaluation

If the evaluation will be done in a field office the VR counselor must make prior arrangements for:

* a quiet, private room;
* a table and two chairs;
* scheduling (allow six to eight hours per evaluation); and
* customer transportation (if needed).

### B-408-5: Evaluation Outcome

A VDU staff member:

* enters a summary and recommendations of the VDU evaluation in a case note in RHW.
* sends a comprehensive evaluation report to the referring VR counselor.

A VDU diagnostician:

* may recommend additional psychological evaluation or psychological services in the evaluation report.
* will not arrange or coordinate additional psychological evaluation or services for the customer.

Note: A VDU diagnostician's recommendation is only a recommendation, not a mandate.

### B-408-6: In-house Psychological Services

The VDU vocational diagnostician must:

* be licensed by the Texas State Board of Examiners of Psychologists as a licensed psychologist, provisionally licensed psychologist, licensed psychological associate, or licensed specialist in school psychology; or
* be licensed by the Texas State Board of Professional Counselors as a licensed professional counselor.

The vocational diagnostician may conduct the psychological evaluation in conjunction with other vocational assessments, especially for customers who are unable to obtain these types of services in their home communities.

For information on the Comprehensive Vocational Evaluation System (CVES), refer to VRSM B-403-3: Comprehensive Vocational Evaluation System (CVES).

### B-408-7: VR Counselor Responsibilities

The VR counselor:

* reviews the VDU report; and
* discusses the recommendations with the customer.

The VR counselor incorporates the recommendations from the VDU reports into the customer's IPE, if the customer agrees to follow them.

To request consultation and report interpretation with VDU, the VR counselor can contact the vocational diagnostician assigned to the region.

# Vocational Rehabilitation Services Manual B-500: Individualized Plan for Employment and Post-Employment

## Introduction

The Individualized Plan for Employment (IPE) outlines the nature and scope of vocational rehabilitation services that are required to help the customer reach a specific competitive, integrated employment goal that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

## B-501: Legal Authorization

**34 CFR §361.45 Development of the individualized plan for employment.**

(a) General requirements. The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that—

(1) An individualized plan for employment meeting the requirements of this section and §361.46 is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the designated State unit is operating under an order of selection in accordance with §361.36, for each eligible individual to whom the State unit is able to provide services; and

(2) Services will be provided in accordance with the provisions of the individualized plan for employment.

(b) Purpose. (1) The designated State unit must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services. The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment.

(2) The individualized plan for employment must be designed to achieve a specific employment outcome, as defined in §361.5(c) (15), that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(c) Required information. The State unit must provide the following information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative:

(1) Options for developing an individualized plan for employment. Information on the available options for developing the individualized plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment—

(i) Without assistance from the State unit or other entity; or

(ii) With assistance from—

(A) A qualified vocational rehabilitation counselor employed by the State unit;

(B) A qualified vocational rehabilitation counselor who is not employed by the State unit;

(C) A disability advocacy organization; or

(D) Resources other than those in paragraph (c)(1)(ii)(A) through (C) of this section.

(2) Additional information. Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the individualized plan for employment, including—

(i) Information describing the full range of components that must be included in an individualized plan for employment;

(ii) As appropriate to each eligible individual—

(A) An explanation of agency guidelines and criteria for determining an eligible individual's financial commitments under an individualized plan for employment;

(B) Information on the availability of assistance in completing State unit forms required as part of the individualized plan for employment; and

(C) Additional information that the eligible individual requests or the State unit determines to be necessary to the development of the individualized plan for employment;

(iii) A description of the rights and remedies available to the individual, including, if appropriate, recourse to the processes described in §361.57; and

(iv) A description of the availability of a client assistance program established under part 370 of this chapter and information on how to contact the client assistance program.

(3) Individuals entitled to benefits under title II or XVI of the Social Security Act. For individuals entitled to benefits under title II or XVI of the Social Security Act on the basis of a disability or blindness, the State unit must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.

(d) Mandatory procedures. The designated State unit must ensure that—

(1) The individualized plan for employment is a written document prepared on forms provided by the State unit;

(2) The individualized plan for employment is developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice, consistent with §361.52, in selecting—

(i) The employment outcome, including the employment setting;

(ii) The specific vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided;

(iii) The entity or entities that will provide the vocational rehabilitation services; and

(iv) The methods available for procuring the services;

(3) The individualized plan for employment is—

(i) Agreed to and signed by the eligible individual or, as appropriate, the individual's representative; and

(ii) Approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit;

(4) A copy of the individualized plan for employment and a copy of any amendments to the individualized plan for employment are provided to the eligible individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's representative;

(5) The individualized plan for employment is reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome;

(6) The individualized plan for employment is amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the State unit or a qualified vocational rehabilitation counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services;

(7) Amendments to the individualized plan for employment do not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by a qualified vocational rehabilitation counselor employed by the designated State unit;

(8) The individualized plan for employment is amended, as necessary, to include the postemployment services and service providers that are necessary for the individual to maintain, advance in or regain employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and

(9) An individualized plan for employment for a student with a disability is developed—

(i) In consideration of the student's individualized education program or 504 services, as applicable; and

(ii) In accordance with the plans, policies, procedures, and terms of the interagency agreement required under §361.22.

(e) Standards for developing the individualized plan for employment. The individualized plan for employment must be developed as soon as possible, but not later than 90 days after the date of determination of eligibility, unless the State unit and the eligible individual agree to the extension of that deadline to a specific date by which the individualized plan for employment must be completed.

(f) Data for preparing the individualized plan for employment. (1) Preparation without comprehensive assessment. To the extent possible, the employment outcome and the nature and scope of rehabilitation services to be included in the individual's individualized plan for employment must be determined based on the data used for the assessment of eligibility and priority for services under §361.42.

**34 CFR §361.46 Content of the individualized plan for employment.**

(a) Mandatory components. Regardless of the approach in §361.45(c)(1) that an eligible individual selects for purposes of developing the individualized plan for employment, each individualized plan for employment must—

(1) Include a description of the specific employment outcome, as defined in §361.5(c)(15), that is chosen by the eligible individual and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be a description of the individual's projected post-school employment outcome);

(2) Include a description under §361.48 of—

(i) These specific rehabilitation services needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and

(ii) In the case of a plan for an eligible individual that is a student or youth with a disability, the specific transition services and supports needed to achieve the individual's employment outcome or projected post-school employment outcome.

(3) Provide for services in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

(4) Include timelines for the achievement of the employment outcome and for the initiation of services;

(5) Include a description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;

(6) Include a description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and

(7) Include the terms and conditions of the individualized plan for employment, including, as appropriate, information describing—

(i) The responsibilities of the designated State unit;

(ii) The responsibilities of the eligible individual, including—

(A) The responsibilities the individual will assume in relation to achieving the employment outcome;

(B) If applicable, the extent of the individual's participation in paying for the cost of services; and

(C) The responsibility of the individual with regard to applying for and securing comparable services and benefits as described in §361.53; and

(iii) The responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in §361.53.

(b) Supported employment requirements. An individualized plan for employment for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate must—

(1) Specify the supported employment services to be provided by the designated State unit;

(2) Specify the expected extended services needed, which may include natural supports;

(3) Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

(4) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;

(5) Provide for the coordination of services provided under an individualized plan for employment with services provided under other individualized plans established under other Federal or State programs;

(6) To the extent that job skills training is provided, identify that the training will be provided on site; and

(7) Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

(c) Post-employment services. The individualized plan for employment for each individual must contain, as determined to be necessary, statements concerning—

(1) The expected need for post-employment services prior to closing the record of services of an individual who has achieved an employment outcome;

(2) A description of the terms and conditions for the provision of any post-employment services; and

(3) If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in §361.53.

(d) Coordination of services for students with disabilities. The individualized plan for employment for a student with a disability must be coordinated with the individualized education program or 504 services, as applicable, for that individual in terms of the goals, objectives, and services identified in the education program.

## B-502: IPE Process

The IPE is developed with the customer or as appropriate, with the customer's representative, in his or her native language or mode of communication.

VR staff informs the customer of the available options for all or part of the IPE:

* with direct assistance from a VR counselor that is employed by TWC-VR,
* by the individual (without any assistance),
* with assistance of a qualified counselor that is not employed by TWC-VR, or
* with assistance, as appropriate, from a disability advocacy organization.

TWC-VR does not pay for assistance with IPE development.

The IPE must be approved by a VR counselor employed by TWC-VR and must include all required content. See VRSM B-504: Content of the IPE for more information.

Before asking the customer to sign the IPE, the VR counselor must explain:

* the terms and conditions for the delivery of services, including the start and end dates of the services;
* any financial commitment to the plan;
* the customer's right to appeal; and
* the availability of the Client Assistance Program.

Before signing the IPE, the VR counselor reviews the paper case file to ensure all required documentation has been obtained, such as:

* financial documents,
* signed release forms,
* employment authorization documents,
* identity documents, and
* insurance.

For documentation required prior to IPE that is kept in the paper case file, refer to VRSM B-204: Application.

A copy of the "Can We Talk" brochure and the information to make informed choices must be provided (or offered) at every step in the VR process: application, eligibility, IPE, denial of services, and closure. VR staff must document in RHW the date and method the information was provided and/or offered. Once signed, a copy of the IPE or IPE amendment must be provided to the customer.

### B-502-1: Mismatched Identification After the IPE in Reports and Other Correspondence

If a customer has not legally changed his or her name and wishes to be identified by another name, the following may be done to reflect his or her preferred name:

* For documentation that does not require a legal name, such as a case note, the following statement is an example of how VR counselors must initially document why the customer will be referred to by another name.

Example: "Joe Smith is in the process of transitioning from a man to a woman. The customer's legal name is Joe Smith; however, the customer identifies as Jane Smith. Therefore, all future case notes will reflect her preferred name of Jane Smith."

* For documentation that does require a legal name or forms signed by the customer, the following statement is an example of how VR counselors or providers must document why the customer will be referred to by another name.

Example: "Joe Smith is the customer's legal name; however, the customer identifies as Jane Smith. Therefore, the customer will be referred to as Jane Smith."

## B-503: Timelines for Developing the IPE

The IPE must be completed as soon as possible, but no later than 90 days after the customer has been determined eligible for VR services.

### B-503-1: Extension of Time for IPE

If the VR counselor and customer cannot complete the IPE within 90 days after the date that eligibility is determined, the VR counselor must:

1. discuss with the customer the reasons that the development of the IPE will require additional time to complete, and when the IPE is expected to be completed;
2. obtain agreement from the customer that the extension of time (EOT) for completing the IPE is necessary;
3. document in the comments section of the EOT for IPE page in ReHabWorks (RHW):
   * the reasons that an EOT is required, and
   * that the customer is in agreement with the EOT;
4. complete the EOT for IPE page in RHW.

If the VR counselor and the customer cannot reach an agreement of the contents of the IPE within 90 days, the VR counselor must:

1. provide the customer with a "Can We Talk" brochure;
2. document in RHW the date and method the brochure was provided;
3. document the status of the pending IPE; and
4. if needed, consult with the VR Supervisor for guidance on how to proceed with the case.

If the VR counselor cannot contact the customer to obtain agreement to complete the EOT for IPE by the 90th day, the VR counselor should consult with the VR Supervisor for guidance on how to proceed with the case. If it is determined that the case should be closed, refer to VRSM B-600: Closure and Post-Employment Services for information about closing the case.

Note: Consultations with the VR Supervisor listed in VRSM B-503-1: Extension of Time for IPE are for the VR counselor to receive guidance and do not require documentation.

#### IPE Requirements for Transition Students

All policies, timelines, and regulations related to IPE development, documentation, and amendments are also applicable when working with students with disabilities and youth with disabilities. For more information about developing an IPE for students with disabilities, refer to VRSM C-1300: Transition Services for Students and Youth with Disabilities.

## B-504: Content of the IPE

The IPE must contain:

* a description of the secondary education goal;
* a description of the post-secondary education goal;
* a description of the specific competitive integrated employment goal;
* a discussion of the use of comparable services and benefits;
* a list of any needed intermediate objectives or steps;
* the criteria for evaluating progress;
* a description of specific rehabilitation services needed to reach the IPE goal, including:
  + start dates;
  + end dates;
  + specific providers and/or location of services;
  + plan service category; and
  + whether the service is arranged, provided, or purchased;
* a list of the specific responsibilities of the customer, TWC-VR, and other entities;
* an indication if it is a supported employment plan;
* an indication if it is a self-employment plan;
* an explanation of the customer's participation in the cost of services; and
* the frequency of contact that was agreed upon.

When appropriate, the IPE also includes:

* an explanation of the criteria used to determine customer participation in service costs; and
* additional information requested by the customer or considered vital by the VR counselor.

The service dates for the IPE must encompass the date that services are initiated to the expected date that services will be completed.

### B-504-1: Education Goal

The education goal that is documented on the IPE must be the agreed goal that the customer will work towards to achieve the identified employment goal.

The education goals to choose from in RHW include:

* Secondary education goal:
  + Attain a secondary school diploma;
  + Attain a secondary school equivalency;
  + Attain certificate of attendance/completion; successfully completed IEP; and
  + Not applicable no educational goal.
* Post-secondary education goal:
  + Complete one or more years of postsecondary education;
  + Attain a Non-degree postsecondary certification, license, or educational certificate;
  + Attain an Associate Degree;
  + Attain a Bachelor Degree;
  + Attain a Master's Degree;
  + Attain a PhD; and
  + Not applicable no educational goal.

If the customer already has the degree or certification needed to achieve the employment goal, "not applicable" is listed on the IPE in this field in RHW.

### B-504-2: Employment Goal

The employment goal, as stated on the IPE, must be specific enough to be meaningful to the customer and agreed to by a VR counselor. Do not use general vocational objectives such as "to be determined" or "competitive integrated employment" or "supported employment" or "self-employment." The Standard Occupational Classification (SOC) must be included in the IPE.

If necessary, state the initial employment goal, particularly for transition students, in terms of a type of career or industry, such as Office Clerk-General (43-9061.00). Revise the goals later as the customer focuses on specific employment goals. For more information about services for students, refer to VRSM C-1300: Transition Services for Students and Youth with Disabilities.

If the comprehensive assessment results in more than one appropriate choice, include the employment goal that most closely reflects the customer's interests and expectations for salary and benefits at the time that the IPE is developed. As the case develops, amend the IPE if a different employment goal is more appropriate.

If a customer is interested in an employment goal that requires a license, criminal history check, or drug screening test, assess the ability of the customer to meet those requirements before the IPE is completed, and again when the customer is ready for employment. Refer to VRSM B-404-3: Other Factors That May Impact the Choice of an Employment Goal.

Uncompensated employment goals (such as homemaker or unpaid family worker) do not meet the definition of competitive integrated employment or supported employment and cannot be used as an employment goal for the customer's IPE.

The VR counselor cannot agree to an employment goal on the customer's IPE if the customer will not be able to meet the employment requirements after the provision of VR services.

#### Employment Goal Resources

Information about in-demand occupations and other workforce data is available from TWS regarding [Labor Market and Career Information (LMCI).](http://www.lmci.state.tx.us/)

Detailed descriptions of occupations, information about industry categories, and Standard Occupational Classification (SOC) is available from [O\*NET](https://www.onetonline.org/).

### B-504-3: Intermediate Objectives

Intermediate objectives are the steps in the vocational rehabilitation process that are necessary for the customer to reach a competitive integrated employment outcome; they must have a clear cause and effect relationship with the employment goal that is identified on the IPE.

The VR services agreed upon will lead to completion of the intermediate objectives that will result in achieving the employment goal.

In creating intermediate objectives:

* address factors that affect the customer's ability to participate in identified services; and
* include strategies to develop the skills, abilities, or other key attributes needed for the customer to progress in rehabilitation planning.

### B-504-4: Progress Review Criteria

Enter objective criteria by which progress toward the achievement of the employment outcome will be measured. In most cases, this is the progress toward completing intermediate objectives. Documentation of progress toward the employment outcome is captured in RHW case notes and may also include copies of:

* reports from in-house VR providers (technology, VR teachers, Criss Cole Rehabilitation Center (CCRC), Orientation and Mobility or O&M);
* provider reports;
* medical reports;
* academic reports;
* low vision reports;
* facility reports; and
* customer's reports or perceptions.

### B-504-5: Planned Services

The IPE must include all substantial goods and services and any anticipated ancillary or supportive goods and services that are necessary for the customer to reach the identified employment goal. There must be a clear association between the identified good or service, the customer's disability, and the employment goal.

The IPE should not reflect specific rates but should refer to them as "will pay amounts per policy."

The VR counselor must review carefully the published policies and procedures for each good or service before including it on the customer's IPE.

If consultations or approvals are required for a specific good or service, these must be completed and documented by the consultant or approver in a RHW case note before the good or services is included in the customer's IPE. Refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

#### Types of Services

Enter the specific services the customer will receive to help the customer find employment.

The following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

* Assessment for determining eligibility and priority for services by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
* Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology.
* Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice;
* Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies and to advise those individuals about client assistance programs;
* Physical and mental restoration services;
* Vocational and other training services, including personal and vocational adjustment training, advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business);
* Textbooks, tools, and other training materials;
* Maintenance;
* Transportation in connection with the provision of a VR service;
* Services to family members of VR customers if necessary to enable the applicant or eligible individual to achieve an employment outcome;
* Interpreter services;
* Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;
* Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
* Supported employment services;
* Personal assistance services;
* Post-employment services;
* Occupational licenses, tools, equipment, initial stocks, and supplies;
* Rehabilitation and assistive technology services, including vehicle modification, telecommunications, sensory, and other technological aids and devices;
* Transition services for students and youth with disabilities or pre-employment transition services for students;
* Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
* Customized employment; and
* Other goods and services determined necessary for the individual with a disability to achieve a competitive integrated employment outcome.

Authority: Sections 7(37), 12(c), 103(a), and 113 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705(37), 709(c), 723(a), and 733.

#### Counseling and Guidance

Counseling and guidance must be included on every IPE as a planned service. For more information, refer to VRSM C-100: Counseling and Guidance.

#### Substantial Goods and Services

A good or service is substantial when it helps the customer to achieve an employment outcome, regardless of the amount of time, effort, or funds expended, by

* correcting or significantly improving the disability;
* removing or significantly reducing the vocational impediment(s);
* providing the customer with informed choices of a
  + competitive integrated employment goal, and
  + plan to accomplish the goal;
* training the customer in the necessary work skills despite the disability and/or vocational impediment(s); and/or
* modifying the working conditions to be compatible with the disability and/or vocational impediment(s).

All substantial goods and services must be included on the customer's IPE. Any change to or addition of a substantial good or service must be documented in an IPE amendment. For more information on IPE amendments, refer to VRSM B-505-2: IPE Amendment.

#### Ancillary Goods and Services

Ancillary goods or services are those things that are an integral part of a substantial service. For example, a surgery that is performed by a specific physician at a specific facility is likely to require ancillary services such as anesthesia, pathology, radiology, and consultations.

Anticipated ancillary services, such as those that are included on the Form VR3110 Surgery and Treatment Recommendation or the Form VR3109 Eye Surgery and Treatment Recommendations, forms found in the forms catalogue must be included on the customer's IPE. If there is a change to the ancillary services after the IPE has been completed, but the substantial services, such as the physician and facility, remain the same, then a service justification case note can be used to document this change; an IPE amendment is not required.

For more information refer to VRSM D-202-1: Documentation Requirements and VRSM E-300: Case Notes Requirements.

If, during the provision of planned services, unanticipated ancillary services are necessary to complete the service, refer to VRSM D-204-2: After-the-Fact Backed Service Authorizations for required processes and procedures.

#### Supportive Goods and Services

Supportive goods and services are those that are necessary for a customer to participate in

* assessments to determine eligibility for VR services and identify VR needs; or
* substantial VR services that are included in the IPE or the current IPE amendment.

If a supportive good or service is anticipated at the time the IPE is completed, it should be included on the customer's IPE. However, if there is a change to a planned supportive service or if the need for a supportive service is identified after the IPE has been completed, then an IPE amendment is not required; a service justification case note can be used to document this change. The service justification case note must clearly document how the good or service supports a substantial service that is included on the customer's IPE.

Examples of supportive goods or services may include interpreter services, unplanned supplies, and tutors. For more information on supportive goods and services, refer to VRSM C-1400: Supportive Goods and Services.

#### Providers

The IPE must include a description of the entity or entities chosen by the customer that will provide VR services. To meet this requirement, the IPE must include the name of the provider or entity that will provide the service listed on the IPE. The only exception to this requirement is when there is required bidding process and the vendor is unknown, in that case list "State Bid Process/Purchasing."

Before including a provider on the customer's IPE, the VR counselor informs the customer about alternative providers for each service. If requested, the VR counselor gives the customer a list of available providers for specific VR services. The list includes only those providers who are associated with the RHW specification level for the geographic area where the customer will be receiving services at the time of the request.

If the customer has a service provider that the customer wishes to use, it is VR staff responsibility to determine whether that provider meets the standards and will accept TWC-VR fee schedules. See the VR Standards for Providers Manual.

If the preferred provider is not set up in ReHabWorks, refer to VRSM D-211: Setting Up and Paying Providers for information about setting up providers. The provider must be set up in RHW before they can be included on the customer's IPE.

#### Services Based on Level of Significance

If the customer's case is designated as significant or most significant:

* include in the IPE any needed interventions for each functional capacity area that is identified as seriously limited; and
* verify that VR will be providing at least one substantial service over an extended period of time in addition to counseling and guidance, and any assessment services necessary to develop the IPE.

For more information about level of significance, see VRSM B-309: Establishing the Level of Significance.

#### Dates of Service

The dates of service on the IPE should clearly reflect the total time that it will take the customer to complete all IPE services, reach the identified employment goal, and meet the requirements for successful case closure.

The start date can be no earlier than the date that the IPE is signed.

For each service:

* enter the date that the service is expected to begin as the start date; and
* enter the date that each service is expected to end as the end date.

If it becomes apparent that the start or end dates for a specific service falls outside the parameters of the dates identified on the IPE, and if the service:

* is an ancillary service or a service that supports a substantial service that is on the IPE - this change can be documented in a service justification case note;
* is a substantial service, this change must be documented in an IPE amendment.

If services dates expire for a substantial service included in the IPE, an amendment must be completed.

#### Payment Method

The IPE includes the payment method for each service. The payment method depends on whether there is a cost for a good or service and include arranged, provided, and purchased. For specific descriptions of each type of payment method, refer to the VR Glossary and the ReHabWorks Users Guide, E-200: Case Service Record.

#### Service Records

A service record and a service authorization must be created in RHW for each purchased service that is included on the customer's IPE. Refer to VRSM D-204: The Purchasing Process for additional information about authorizing the purchase of a good or service with a service authorization.

Service records must also be completed for in-house services that are provided by:

* a rehabilitation teacher;
* CCRC;
* the Vocational Diagnostic Unit (VDU);
* Employment Assistance Services (EAS); and
* the Assistive Technology Unit (ATU).

Do not create service records for:

* counseling and guidance; or
* completing a certificate of blindness for a tuition exemption.

For additional information, refer to the ReHabWorks Users Guide, E-200: Case Service Record.

### B-504-6: Comparable Benefits

Information about available comparable benefits and services must be included on the customer's IPE. This includes any comparable services and benefits that the customer has or has agreed to seek. Clearly describe the customer's responsibility to apply for and maintain eligibility for comparable benefits, such as Pell grants. For more information, refer to VRSM D-203-3: Use of Comparable Benefits.

### B-504-7: Customer Participation in Cost of Services

Information about the customer's participation in the cost of services must be included on the customer's IPE. For more information, refer to VRSM D-203-4: Customer Participation in the Cost of Services.

### B-504-8: Roles and Responsibilities

The roles and responsibilities of the rehabilitation team must be worded clearly in objective, measurable statements on the customer's IPE.

An example that is not a clear, objective, and measurable statement is:

"Apply for financial aid."

An example of a clear, objective, and measurable statement is:

"Apply for the Pell grant each semester."

#### VR Responsibilities

VR staff are responsible for ensuring compliance with published policies and procedures throughout the VR process. For more information about roles and responsibilities of VR staff throughout the VR process, see VRSM B-100: Vocational Rehabilitation Process, Roles, and Responsibilities.

#### Customer Responsibilities

In addition to specific responsibilities identified on the customer's IPE, all customers must:

* inform VR of any changes to his or her address or phone number, income, programs paying for services, or disability; and
* provide documents to verify authorization to work in the U.S.

Tools, equipment, or supplies provided or purchased to support VR goals must be

* used only for the agreed-upon purpose,
* returned to VR when no longer used for intended purpose, and
* repaired and or maintained at customer's expense.

For more information about role and responsibilities of the customer throughout the VR process, see VRSM B-101-1: Customer.

#### Purchasing Decisions

The VR counselor must explain TWC-VR informed choice, best value purchasing, required use of available comparable benefits, and customer participation in the cost of services to the customer and the impact they may have on selection of goods and services necessary to achieve the employment goal. See VRSM D-203: Purchasing Decisions for more information.

### B-504-9: Frequency of Contact for an IPE or IPE Amendment

Contact with a VR customer is defined as interaction with the customer or representative through direct face-to-face communication, phone calls, written correspondence, or electronic communications, such as email. All communications with customers must be confidential and secure. For instructions on encrypting electronic communications, refer to the VR Program Operations Intranet page under VR Covid-19 Updates and Resources.

Note: VR staff must comply with all policies and procedures in the TWC Privacy Manual (PDF) found on the TWC intranet page under miscellaneous manuals. Text messages and emails sent from the Semi-Autonomous Research Assistant (SARA) are considered secure; however, VR staff must not communicate sensitive information such as personal identifying information (PII) with VR customers through non-secure means. Text messaging, even from an agency device, is not a secure means of communication.

The frequency that the VR office maintains contact with a VR customer, also referred to as "FOC", varies based on the customer's individual circumstances and needs. For example, one customer who is attending college may only need periodic contacts throughout the semester or at the beginning and end of each semester. A customer that is actively engaged in more intensive services, such as Project Search or Supported Employment, may require monthly contacts.

FOC can change as needed throughout the life of the case. If FOC changes from a lower number of days to a higher (less frequent) number of days, an IPE amendment is required. If FOC changes from a higher number of days to a lower (more frequent) number of days, an IPE amendment is not required.

For example, if the FOC on the IPE is identified as 60 days, but the customer needs weekly FOC for a period of time, then FOC can be provided weekly and the IPE does not need to be changed since this is within the minimum threshold of the timeframe selected on the IPE.

The minimum FOC with the customer should be clearly stated on the customer's IPE.

Substantive customer contact may be made by a VR counselor, Rehabilitation Assistant, or other VR staff, and occurs as often as necessary. Each of these contacts will count towards meeting the required FOC that is identified on the IPE.

When VR staff initiate contact with the customer or representative with no response, it is documented as an attempted contact. When the customer is not able to be contacted prior to closing the case, refer to VRSM B-605: Customer Notification. For information on documentation, refer to VRSM E-300: Case Notes Requirements.

### B-504-10: Frequency of Counseling and Guidance

For information on counseling and guidance refer to VRSM C-102-1: Frequency of Counseling and Guidance.

### B-504-11: Signatures

A valid IPE must be signed by the VR customer or, as appropriate, the customer's representative, and approved and signed by a qualified vocational rehabilitation counselor employed by TWC VR. For more information, refer to VRSM A-210: PIN and Signature Procedures.

Under no circumstances does the IPE or IPE amendment take effect or allow for payment of any service until it is agreed to and signed by the customer or the customer's representative and the VR counselor.

Note: In addition to being included on the customer's IPE, purchased services must also be authorized in advance with a service authorization that is generated by RHW. For more information about required purchasing processes and procedures, refer to VRSM D-200: Purchasing Goods and Services.

#### Customer or Representative Signatures

The VR counselor reviews with the customer or the customer's representative, his or her rights and responsibilities, as stated on the IPE, and provides him or her with a copy of the "Can We Talk" brochure before asking them to sign the IPE. The VR counselor must document in RHW the date and method the brochure was provided. The customer or required, the customer's representative, must sign and date an IPE after the IPE has been developed and agreed upon by both the customer and the VR counselor.

When the IPE is not available in RHW, print the Form VR5163, Individualized Plan for Employment (IPE), and:

* have the customer sign it;
* place the signed VR5163 in the case folder;
* document in the case note that the VR5163 was signed; and
* enter the IPE into RHW and enter a pseudo PIN.

For more information about PINs, see the ReHabWorks User Guide, Chapter 8: PINs.

#### VR Counselor Signature

The VR counselor reviews and approves the IPE after considering:

* results of the comprehensive assessment;
* the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice; and
* applicable TWC-VR procedures.

If the VR counselor does not agree with content that the customer is requesting to be included in the IPE, the VR counselor should not sign the IPE, but discuss specific points and problem areas with the customer.

If the customer and the VR counselor cannot come to an agreement on the content of the proposed IPE after discussing their concerns, the VR counselor informs the customer of his or her rights as outlined in the "Can We Talk" brochure. The VR counselor documents in RHW the date and method the brochure was provided. The VR counselor also documents the status of the pending IPE, and if needed consults with the VR Supervisor for guidance on how to proceed with the case. This consult is for guidance and does not require documentation. If needed, an EOT for completing the IPE may be necessary. For more information, refer to VRSM B-503-1: Extension of Time for IPE.

### B-504-12: IPE Documentation Requirements

The content that is included in the customer's IPE must be supported by the information that is documented in the comprehensive assessment case note. In addition to the comprehensive assessment case note, when completing the IPE with the customer, Counseling and Guidance is provided by the VR counselor and must be documented in a C&G case note. This case note must be entered in RHW within 7 calendar days of completing the IPE. Refer to VRSM E-300: Case Notes Requirements (Word) for additional information.

## B-505: Joint Annual Review and IPE Amendments

The IPE is reviewed at least annually by the VR counselor and the customer or, as appropriate, the customer's representative to assess the customer's progress in achieving the identified employment goal. The review of the IPE can be completed as a formal joint annual review (JAR) or when the IPE is amended.

Completing either a joint annual review or an IPE amendment resets the clock for the next annual review. The new date for completing the next JAR is one year from the date of the most recent JAR or IPE amendment.

### B-505-1: Joint Annual Review

When completing a JAR, the VR counselor meets with the customer and, as appropriate, the customer's representative to

* review the details in the current IPE or IPE amendment;
* determine if there is a need to complete an IPE amendment;
* review and update all information captured in RHW under the following menus:
  + Initial Contact,
  + Application,
  + Education History, and
  + Plan;
* review and update release forms; and
* document the joint annual review (JAR) in a case note.

#### JAR Documentation

The JAR case note must include a specific review of all required elements of the IPE, including a review of the progress made toward reaching the employment goal. This includes a review of the

* Employment goal
* Educational goal
* Intermediate objectives
* Progress (including training progress, if applicable)
* Planned services and goods (including providers and service dates)
* Comparable benefits
* Customer participation in cost of services
* Roles and Responsibilities

If the JAR does not result in substantive changes in the employment goal, the VR services to be provided, or the providers of the VR services, then an amendment is not required. Include a statement in the JAR case note to confirm that both customer and VR counselor agree that no changes are needed.

If the JAR results in substantive changes in the employment goal, the VR services to be provided, or the providers of the VR services, then an IPE amendment is required. The results of the JAR can be documented in the IPE amendment case note.

If the JAR results in a need for new diagnostics to determine whether new services are needed, an IPE amendment is not necessary. A service justification case note must be written in RHW explaining the necessity for the new diagnostics. Once the results have been received and reviewed by the VR counselor and customer, if new services are required and agreed upon, an IPE amendment will be necessary to cover those services.

Except for cases in the employment phase in RHW, if the JAR results in a need for only new ancillary or supportive services to support services that already exist on the IPE or current IPE amendment, an IPE amendment is not required; instead, a service justification case note can be used to document the need for and authorization for these services. The start and end dates for the ancillary or supportive service must not go past the end date for the associated service on the IPE. Cases that are in the employment phase in RHW must have an amended IPE for any service that is not in the current IPE or IPE amendment. Refer to VRSM B-506: Post-Employment Services.

Refer to VRSM E-300: Case Notes Requirements for additional information.

### B-505-2: IPE Amendment

The IPE is amended, as necessary, by the customer or, as appropriate, the customer's representative, in collaboration with the VR counselor; if there are substantive changes in the employment goal, the VR services to be provided, or the providers of the VR services. A substantial change to the employment goal occurs when there is a change to the Standard Occupation Classification job family identified in the first two digits of the SOC code.

Once a customer has reached an employment phase in RHW, any service provided must be listed on the IPE or the IPE amendment. Refer to VRSM B-506: Post-Employment Services.

The amendment must be completed before the dates of services on the IPE or current IPE amendment have expired.

When a service is carried over to a new IPE amendment, the start and end dates will remain as they were on the previous IPE or IPE amendment; if the service is to resume after the gap between the expiration date/end date of the service, the next line item for the service must include the new start date, which is the date of the current IPE amendment or a later date. This line item will also include the anticipated end date of the service.

When completing an IPE amendment, review and update what is reviewed as part of the joint annual review (see VRSM B-505-1: Joint Annual Review).

#### Content of the IPE Amendment

The IPE amendment is a standalone document that captures the goals and services that the customer will need to continue to progress towards a competitive integrated employment goal. All policies and procedures for completing the original IPE apply to the completion of the IPE amendment. Refer to VRSM B-503: Content of the IPE for more information.

All services that remain in effect at the time that the IPE is amended must be included on the IPE amendment. The start date of services on the IPE amendment should reflect the date that the services first started if they were included in the original IPE or a previous IPE amendment. New services that are added to the IPE amendment cannot have a start date prior to the date of the current IPE amendment.

The IPE amendment must be signed by both the VR counselor and the customer or their representative in RHW or on a printed version of the Form VR5159, Individualized Plan for Employment (IPE) Amendment before services can continue.

If RHW is not available, the VR counselor may use Form VR5159, Individualized Plan for Employment (IPE) Amendment. Enter the information from the VR5159 into RHW as soon as possible and maintain the signed paper copy of the VR5159 in the customer's case folder. When the IPE amendment is completed in RHW, print and provide a copy of the document to the customer.

#### IPE Amendment Documentation

When completing an IPE amendment, review and update what is reviewed as part of the joint annual review (see VRSM B-505-1: Joint Annual Review). In addition to this information, document, in ReHabWorks, the justification for any changes to the goals, services, providers, or other content that will be included in the IPE amendment. Document justification for any additional services that are needed to achieve the employment goal (including documentation of best value for purchased goods and services).

Refer to VRSM E-300: Case Notes Requirements for additional information.

### B-505-3: Amending the IPE for Post-Employment Services

Refer to VRSM B-506-1: Post-Employment IPE Amendment for information about completing an IPE amendment for post-employment services.

## B-506: Post-Employment Services

As part of the VR process, every customer must be informed of his or her right to contact the VR counselor if any problem arises that jeopardizes his or her job.

Post-employment services are offered before the VR case is closed. Post-employment services are services to assist the customer in maintaining, regaining, or advancing in employment after a customer’s case is in employment phase. The goal of post-employment services is to help the customer, in the career of his or her choice, reach a level of:

* self-sufficiency;
* job retention; and
* job stability.

A customer may be considered for post-employment services if the customer:

* needs help maintaining employment;
* continues to have a disability that is not a new disability;
* has an employment-related problem requiring VR services;
* needs services that are not complex, comprehensive(substantial); and
* the VR case is in employment phase.

If complex, comprehensive (substantial) services are needed or if there is a new disability to be addressed, the case will need to be moved back to active services phase in RHW and an IPE amendment is required.

A VR case reaches employment services phase in RHW when:

* services on the IPE and/or IPE amendment are completed;
* no complex, comprehensive (substantial) services are required; and
* the customer’s employment is consistent with the IPE goal.

Once a case is closed, if complex, comprehensive (substantial) VR services are needed, a new case must be opened. A “fast track” option is available to complete the ReHabWorks application if the new case is opened within one year from when the previous case was closed, and the customer’s disability has not changed. Refer to VRSM B-204-1: Application Process for more information. If the case is closed within the current program year quarter the case can be phase adjusted. Refer to VRSM B-206-2: Opening a New Case or Adjusting the Phase of a Previously Closed Case.

### B-506-1: Post-Employment IPE Amendment

When post-employment services are necessary, the VR counselor and customer:

1. completes an IPE amendment; and
2. provides a copy of the plan to the customer and representative, if applicable.

If any additional services are needed, a new IPE amendment is required.

### B-506-2: Closing a Case from Post-Employment

The decision to end post-employment services should be:

* made in consultation with the customer; and
* based on the VR counselor's judgement.

When closing a case from post-employment services, the VR counselor ensures that the need for post-employment services has been addressed.

The VR counselor confirms that the customer:

* is maintaining employment without post-employment services;
* does not need additional VR services at this time;
* has favorable prospects for job security;
* is satisfied with the job;
* has accepted the employee benefits and opportunities for job development and advancement;
* has a job that is suited to his or her capabilities; and
* has a chance to advance through self-initiative within the area and labor market.

To close a case from Post-Employment Services, the VR counselor proceeds to close the case successfully or unsuccessfully. Refer to VRSM B-600: Closure.

**Vocational Rehabilitation Services Manual B-600: Closure**

**Introduction**

This chapter contains Vocational Rehabilitation (VR) policy regarding:

* successful closures;
* unsuccessful closures.

The only VR staff that can make the decision to close a customer's case, successfully or unsuccessfully, is the VR counselor. Likewise, only the VR counselor can amend the customer's IPE to provide Post-Employment Services, if applicable. For more information on Post-Employment Services refer to VRSM B-506: Post-Employment Services.

**B-601: Legal Authorization**

**§361.43 Procedures for ineligibility determination.**

If the State unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, the State unit must—

(a) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(b) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section, and the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of State unit personnel determinations in accordance with §361.57;

(c) Provide the individual with a description of services available from a client assistance program established under 34 CFR part 370 and information on how to contact that program;

(d) Refer the individual—

(1) To other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment-related needs; or

(2) To Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome as defined in §361.5(c)(15).

(e) Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

**34 CFR §361.44 Closure without eligibility determination.**

The designated State unit may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

**34 CFR §361.47 Record of services.**

(3) Documentation that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the State unit has satisfied the requirements in §361.44.

**34 CFR §361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome.**

The record of services of an individual who has achieved an employment outcome may be closed only if all of the following requirements are met:

(a) Employment outcome achieved. The individual has achieved the employment outcome that is described in the individual's individualized plan for employment in accordance with §361.46(a)(1) and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(b) Employment outcome maintained. The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs vocational rehabilitation services.

 (c) Satisfactory outcome. At the end of the appropriate period under paragraph (b) of this section, the individual and the qualified rehabilitation counselor employed by the designated State unit consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.

 (d) Post-employment services. The individual is informed through appropriate modes of communication of the availability of post-employment services.

**B-602: Reasons for Closures**

In every case, the reason for closure must be evident to the reasonable reader. The case file must reflect circumstances leading to closure and the process followed at closure.

The following table shows reasons for and definitions of successful and unsuccessful closures. They are part of the current RSA-911 and, with few exceptions, mirror the reasons for closure drop-down menus in RHW.

|  |  |  |
| --- | --- | --- |
| **Reason for Closure** | **RSA-911 Definition** | **VR Additional Closure Procedure** |
| Not Available for Services - In an Institutional Setting Other Than a Prison or Jail | Individual entered an institution other than a prison or jail and will be unavailable to participate in a VR program for an indefinite or considerable period of time. This category of institutions includes hospitals, nursing homes, and residential treatment centers. | VR counselor provides information about community-based services where appropriate. |
| Health/Medical | Individual is receiving medical treatment that is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program. | VR counselor provides information about community-based services where appropriate. |
| Death of Individual |  | No notification is required. Contact with the family is required only if VR can reclaim equipment that was purchased. Be sensitive and minimize disruption to the family caused by reclaiming the equipment.  Consult with the state office program specialist for assistive and rehabilitation technology (PSART) about which items to reclaim. |
| Reserve Forces Called to Active Duty | Individual is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days. |  |
| Foster Care Youth: out of state placement | Individual is in the foster care system as defined in 45 CFR §1355.20(a) and has moved from the area as part of such a program or system (youth individuals only). |  |
| Ineligible – per section 511 | The individual applied for VR services per section 511 of the Rehabilitation Act and was determined ineligible because he or she did not wish to pursue competitive integrated employment.  The 14c population indicator must be selected in RHW to use this closure reason. | Refer to VRSM A-309: Subminimum Wage Recipients for required processes and procedures. |
| Ineligible | After the individual was determined to be eligible, is later determined not to have met eligibility criteria. | VR counselor provides information about community-based services where appropriate. |
| Criminal Offender – Currently Incarcerated or Confined | Individual entered a correctional institution (for example, prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders (§225 of WIOA). | VR counselor advises the customer or his or her designated representative that he or she may reapply for services when they are released from incarceration. |
| No Disabling Condition | Individual is not eligible for VR services because no physical or mental impairment exists. | VR counselor provides information about community-based services where appropriate. |
| No Impediment to Employment | Individual is not eligible for VR services because his or her physical or mental impairment does not constitute a substantial impediment to employment. | VR counselor provides information about community-based services where appropriate. |
| Does Not Require VR Services | Individual does not require VR services to prepare for, enter, engage in, or retain gainful employment consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and informed choice. | VR counselor provides information about community-based services where appropriate. |
| Disability Too Significant to Benefit from Services | Individual whose mental and/or physical disability and resulting functional limitations are so significant that the individual cannot benefit from VR services. Also use this code for eligible individuals who later acquire additional disabilities and/or functional limitations that are so significant that the individual cannot continue to benefit from VR services. | Refer to VRSM B-604-1: Disability Too Significant to Benefit from Services for required processes and procedures.  Must have completed two or more trial work experiences prior to closure.  Requires follow-up one year after closure. |
| No Long-Term Source of Extended Services Available | Individual who would have benefited from the provision of VR and supported employment services but was determined ineligible because a long-term source of extended services is not available AND is not anticipated to be available. This code is used at the initial eligibility determination only. | VR counselor provides information about community-based services where appropriate. |
| Transferred to Another Agency | Individual needs services that are more appropriately obtained elsewhere. Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that agency may provide services more effectively. Include individuals transferred to other VR agencies. | VR counselor follows procedures in VRSM B-300: Determining Eligibility.  VR counselor notifies the customer of the closure and the right to appeal. |
| Achieved Competitive Integrated Employment Outcome | Individual exited after an IPE in competitive and integrated employment or supported employment. |  |
| Extended Employment: Non-CIE | Individuals who received services and were placed in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (34 CFR §361.5(c)(18)). | VR counselor conducts an annual review for two years after case closure and thereafter when requested by the customer or representative. VR counselor uses Form VR3120, Extended Employment Review; obtains an appropriate signature; and files the VR3120 in the paper case file.  Note: Use occupation code 699.999 for employment information "not for closure." |
| Extended Services Not Available | Individual has received VR services but requires long-term extended services for which no long-term source of funding is available. This code is used only for individuals who have received VR services. | VR counselor documents that the following were explored:   * Comparable benefits, natural supports, community services * Factors that made it impossible to arrange an agreement for extended support |
| Unable to Locate or Contact (after three or more documented attempts to contact) | Individual has relocated or left the state without a forwarding address, or when the individual has not responded to repeated attempts to contact the individual by mail, telephone, text, or email. | See VRSM B-605: Customer Notification for additional details. |
| No Longer Interested in Receiving Services or Further Services | Individuals who actively choose not to participate or continue in their VR program at this time. Also use this code to indicate when an individual's actions make it impossible to begin or continue a VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services. | VR counselor provides information about community-based services where appropriate. |
| Ineligible - Not legally able to work in the US at this time | If the customer's employment authorization documents expire while the customer is participating in VR services, the customer is no longer eligible for VR services and the case must be closed, unless the case is in employment status. | VR counselor must monitor status of documents and notify customer in advance if they will expire prior to completion of services.  Refer to VRSM B-204-2: Customer Identification and Authorization for Employment for additional details. |
| Completed Pre-ETS Services, not Pursuing VR Application | Individual completed Pre-ETS services and chose not to apply for VR services. (This reason is only available for potentially eligible cases being closed before case assignment or before application.) | VR counselor provides information about community-based services where appropriate. |
| All Other Reasons | This code is used for all other reasons not included in this table. | VR counselor documents the reason for closure. |

Note: The closure reasons will vary based on status of case in RHW. Refer to the ReHabWorks Users Guide (RUG), Chapter 21: Closure for additional instructions for closing cases in RHW.

**B-603: Successful Closures**

To close a Vocational Rehabilitation (VR) case successfully, the VR counselor must ensure that the following requirements are met.

The customer must:

* have received substantial VR services, as stated on the individualized plan for employment (IPE) or IPE amendment, that have had an impact on the customer's employment outcome;
* have achieved the employment outcome that is:
  + described in the current IPE or IPE amendment (the first two digits of the SOC must match);
  + consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice; and
  + meet one of the employment outcome types discussed in the Types of Employment section below;
* have maintained the employment outcome for at least 90 days after substantial services have been completed;
* be employed at closure;
* be informed about the availability of Post-Employment Services. Refer to VRSM B-506: Post-Employment Services;
* be notified before their case is closed (refer to VRSM B-605: Customer Notification); and
* be offered or provided a copy of the brochure "Can We Talk?"

The VR counselor and customer must:

* consider the employment outcome to be satisfactory; and
* inform and discuss Post-Employment Services with the customer. Refer to VRSM B-506: Post-Employment Services; and
* agree that the customer is performing well on the job.

The VR counselor must:

* in every case, update in ReHabWorks (RHW) the type of employment outcome when:
  + the customer becomes employed; and
  + the Successful Closure page is completed.

For more information on successful closure procedures, refer to VRSM B-603-9: Procedures for Closing Cases as Successful. For an optional checklist on successful closure requirements before closing the case, refer to the Successful Closure Checklist found on the VRD Program Policy and Support Intranet Page.

**Types of Employment**

The following table shows employment outcome types and RSA-911 definitions.

|  |  |
| --- | --- |
| **Type of Employment Outcome** | **RSA-911 Definition** |
| Competitive Integrated Employment | For the RSA-911 definition of competitive integrated employment, refer to Competitive Integrated Employment (CIE) Overview on the Employment Services and Work Readiness Intranet Page, VR Glossary (Word), or CFR 34 CFR 361.5(c)(9). |
| Self-Employment | Refers to work for profit or fees including operating one's own business, farm, shop, or office. Self-employment includes sharecroppers, but not wage earners on farms. |
| Randolph-Sheppard Business Enterprise Program | Refers to entrepreneurial self-employment through the Randolph-Sheppard Vending Facilities Program in which individuals who are legally blind are operators/managers of vending facilities located on Federal, State, or private locations with management services and supervision provided by a State VR agency that serves as the State Licensing Agency for the Randolph-Sheppard program. |
| Supported Employment in Competitive Integrated Employment | Refers to "competitive integrated employment" as defined in above with ongoing support services for individuals with significant disabilities (supported employment). |
| Supported Employment on Short-term Basis | Refers to a supported employment outcome while working toward competitive integrated employment on a short-term basis. |

Note: The employment outcome may vary based on status of case in RHW. Refer to the ReHabWorks Users Guide (RUG), Chapter 21: Closure for additional instructions for closing cases in RHW.

**B-603-1: Verifying Start Date for Closure**

Supporting documentation that verifies the customer's start date of employment must be in the customer’s case file before the case closure and a case note must be entered to include the method used to verify the customer’s start date. This includes employment that was obtained before receiving VR services if VR assisted with maintaining this employment. This documentation may be obtained at any time during the life of the case and does not need to be re-verified at closure, unless there are changes to the start date that was initially verified. VR staff must first attempt to obtain one of the following primary source documents to verify the start date:

* A pay stub that identifies the customer's start date;
* Automated database systems (for example, The Work Number) indicating the customer's start date;
* Self-employment worksheets indicating the customer's start date including any of the following:
  + IRS 1040;
  + IRS schedule forms;
  + self-employment Financial Actual Spreadsheet; or
  + accounting system, documentation, or worksheets used to verify income and expenses for the business such as a profit and loss statement.
* A dated email, fax, or letter completed by the customer's employer indicating the customer's start date (For an optional template, refer to the TWC Employment and Wage Verification Letter- Template) found on the Program Policy & Support Intranet Page; or
* Employment Service Provider (ESP) written documentation or reports. The documentation must include the start date of employment and must be signed by both the customer and provider.

After three documented attempts to obtain the primary source documents listed above, VR staff may then pursue alternate methods to verify the customer’s start date. For more information, refer to VRSM B-603-4: Alternative Methods to Obtaining Primary Source Documentation.

**B-603-2: Verifying Wages for Closure**

Under 34 CFR § 361.47(a)(9), VR agencies must maintain documentation verifying that an individual who obtains employment is compensated at or above minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by individuals without disabilities.

Supporting documentation that verifies the customer's wages must be in the customer's case file and a case note must be entered to include the method used to verify the customer’s wages. The wages must be accurate at the time of the case closure. This documentation may be obtained any time throughout the life of the case but must be obtained before the case closure. VR staff must first attempt to obtain one of the following primary source documents to verify wages:

* Unemployment Insurance (UI) wage match for out of state employers, federal employment records, or military employment records that verify the hourly wage rate (not aggregated for the quarter);
* A pay stub indicating the individual's hourly wage rate or annual salary;
* Income earned from commission in sales or other similar positions as evidenced by a pay stub or documentation from the employer;
* Automated database systems (for example, The Work Number);
* One-stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility (for example, Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP));
* Self-employment worksheets, including any of the following:
  + IRS 1040;
  + IRS schedule forms;
  + self-Employment Financial Actual Spreadsheet; or
  + accounting system, documentation, or worksheets used to verify income and expenses for the business such as a profit and loss statement.
* A dated email, fax, or letter completed by the customer's employer verifying the customer's wages. (For an optional template, refer to the TWC Employment and Wage Verification Letter - Template) found on the Program Policy & Support Intranet Page;; or
* Employment Service Provider (ESP) written documentation or reports. The documentation must include the accurate wages at the time of the closure and must be signed by both the customer and provider.

After three documented attempts to obtain one of the primary source documents listed above, VR staff may then pursue alternate methods to verify the customer's wages. For more information, refer to VRSM B-603-4: Alternative Methods to Obtaining Primary Source Documentation.

Note: The RHW Employment Information page requires unit management verification when a VR staff member enters wages greater than $40 per hour. This note displays on the Employment Information page in RHW and sends an action to the VR manager to complete this verification. The VR manager reviews the documentation, and, if accurate, marks the checkbox in RHW labeled “VRM Reviewed”.

**B-603-3: Verifying Employment for Closure**

The customer must be employed at the time of the case closure. Supporting documentation that verifies the customer’s employment must be in the customer’s case file before the case closure in RHW and a case note must be entered to include the method used to verify the customer's employment. Documentation must be as current as possible and no older than 14 calendar days; however, if the source documentation does not display the date of closure, VR staff must verify that the customer is employed at the time the case is closed. Confirmation may be made by contact with the customer, employer, observation, verifying with the ESP, or other verification method that confirms the customer continues to be employed. The documentation must reflect 90 days of employment after all substantial services have been completed.

If requesting the Work Number, the “current as of” date must be within 14 days of the date of closure and the “current as of date” must reflect 90 days of employment after the hire date or substantial services completed date (90-day clock), whichever is later.

If using a paycheck stub, the date range for the paycheck stub must be within 14 calendar days of the day of closure and must reflect 90 days (or more) of employment after the hire date or after the date substantial services are completed, whichever is later.

If using Employment Service Provider (ESP) reports, the provider signature date must be within 14 calendar days of closure and must reflect 90 days (or more) of employment after the hire date or after the date substantial services are completed, whichever is later.

VR staff must first attempt to obtain one of the following primary source documents to verify employment:

* Unemployment Insurance (UI) wage match for out of state employers, federal employment records, or military employment records that verify the hourly wage rate (not aggregated for the quarter);
* A pay stub indicating the individual's hourly wage rate or annual salary;
* Income earned from commission in sales or other similar positions as evidenced by a pay stub or documentation from employer;
* Automated database systems (for example, The Work Number);
* One-stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility (for example, TANF or SNAP);
* Self-employment worksheets, including any of the following:
  + IRS 1040;
  + IRS schedule forms;
  + self-employment Financial Actual Spreadsheet; or
  + accounting system, documentation, or worksheets used to verify income and expenses for the business such as a profit and loss statement.
* A dated email, fax, or letter completed by the customer's employer verifying that the customer is employed (For an optional template, refer to the TWC Employment and Wage Verification Letter- Template) found on the Program Policy & Support Intranet Page;; or
* Employment Service Provider (ESP) written documentation or reports. The documentation must include documentation of 90 days of employment after the completion of substantial services and must be signed by both the customer and provider.

After three documented attempts to obtain one of the primary source documents listed above, VR staff may then pursue alternate methods to verify the customer's employment. For more information, refer to VRSM B-603-4: Alternative Methods to Obtaining Primary Source Documentation.

**B-603-4: Alternative Methods to Obtaining Primary Source Documentation**

After three attempts to obtain one of the primary source documents for verifying wages, employment, and start date, VR staff may pursue alternate methods. The three attempts may include any combination of the listed primary source documents. Each attempt must be entered in a RHW case note that includes the type of document requested and the reason it could not be obtained. If an alternate method is used, VR staff must enter a detailed case note in RHW to include the method of verification used and the date that the verification was received, as well as justification for the customer not providing formal documentation. The following alternative methods may be used:

* Contacting the customer's place of employment to verbally verify the customer's information by speaking to the HR representative, manager, or supervisor, or, if the customer's superior or HR representative is not available, by speaking directly to the customer at the place of employment
* Contacting the customer
* Contacting the customer's guardian, if applicable

If direct contact was made with the customer's place of employment, VR staff must document the name of the individual who verified the customer's information (for example, the manager’s name or the customer's name, if the VR staff member spoke to the customer directly).

When contacting the place of employment to verify the customer's wages, employment, or start date, VR staff must not disclose any details regarding the customer's disability or the nature of their VR services unless the customer has signed a specific consent form for this information to be disclosed. Use Form VR1517-2, Authorization for Release of Confidential Customer Records and Information to document consent for disclosure, when appropriate.

**B-603-5: More Than One Employment in the 90-Day Period**

A customer may have more than one job, concurrently, during the 90-day period and still meet the requirements for successful closure if each job is consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. Verification of wages must be obtained for each job prior to successful case closure.

**Concurrent Jobs**

A customer may have more than one job at the same time during the minimum 90-day period. To document concurrent jobs in RHW, the VR counselor does the following:

1. Records each job on a separate Employment Information page.
2. When all jobs appear on the Employment List page, selects one job to be used for closure, typically the job with more hours or greater pay. For this job, VR staff selects "yes" for the Start 90-Day Clock field.
3. For other jobs, selects "no" for Start 90-Day Clock field.
4. Enters the hire date or the substantial services completed date, whichever is later, in the Substantial Services Completed Date (90-day clock) field for the job that is selected as "yes" for the Start 90-Day Clock.
5. Documents in a case note that the customer is working at concurrent jobs and why working two (or more) jobs is preferred to working one and how that will support a successful closure.
6. Enters, on the Monthly Financial Information page, the total net wages for the concurrent jobs.

**B-603-6: VR Services During 90-Day Employment Stability Period**

The 90-day employment stability period is a critical stage in the VR process. During this time, the VR counselor monitors the customer's stability on the job and ensures that he or she no longer needs VR services. The VR counselor can provide counseling and guidance services as needed for the entire 90-day stability period and this does not affect the anticipated closure date. However, if substantial VR services are necessary after the 90-day stability period has begun, the 90-day stability must start over.

**B-603-7: Additional Requirements for Self-employment Closures**

If the customer is self-employed, the case record should also clearly document the length of business operation and the income level.

For more information about self-employment closures, see VRSM C-1103-6: Closing a Self-Employment Case as Rehabilitated.

**B-603-8: Additional Requirements for Supported Employment Closures**

If the customer received supported employment services, the case record should clearly document that the customer's employment was maintained for a minimum of 90 days following completion of the Job Stability benchmark. For more information about Supported Employment closures, see VRSM C-1200: Supported Employment.

**B-603-9: Procedures for Closing Cases as Successful**

Before closing a case as successfully rehabilitated, the VR counselor completes the following actions:

1. Confirms that the criteria for closure and the conditions for successful employment have been met.
2. Reviews the case:

* for technical compliance and data integrity, and makes needed corrections; and
* to determine:
  + that the SOC code is appropriate; or
  + whether an amendment to the IPE is needed.

1. Reviews any open service authorizations, in-house service records, and associated financial actions needed. (Case will not close if in-house service records are open. Only the in-house specialist is authorized to close their service records.)
2. Ensures that verification of the start date of employment is documented in RHW and includes the method used in a case note. If using the primary source documentation, this must also be placed in the case file. (Refer to VRSM B-603-1: Verifying Start Date for Closure.)
3. Ensures that verification of wages is documented in RHW. If using the primary source documentation, this must also be placed or in the case file. (Refer to VRSM B-603-2: Verifying Wages for Closure.) If using the alternate method, a case note is also required. (Refer to VRSM B-603-4: Alternative Methods to Obtaining Primary Source Documentation.)
4. Ensures that verification of employment is documented in a case note to include the method used. If using the primary source documentation, this must also be placed or in the case file. (Refer to VRSM B-603-3: Verifying Employment for Closure.)
5. Confirms that:

* substantial services were delivered; and
* 90 days have passed since the end of substantial services.

1. Ensures that agreements for extended services are still in place, when necessary.
2. Contacts the customer to discuss closure and availability of Post-Employment Services. (Refer to VRSM B-605: Customer Notification).
3. If Post-Employment Services are needed, follows the procedures outlined in VRSM B-506: Post-Employment Services.
4. If Post-Employment Services are not needed, closes the case in RHW and notifies the customer according to the requirements in VRSM B-605: Customer Notification.

**B-604: Unsuccessful Closures**

When a customer has applied for VR services, but does not complete these services to achieve a competitive and integrated employment outcome, the case is closed. These closures are referred to as "unsuccessful closures".

Refer to VRSM B-602: Reasons for Closures for more information about reasons for unsuccessful closures.

**B-604-1: Disability Too Significant to Benefit from Services**

Closing a VR case with the reason, "Disability Too Significant to Benefit from Services", requires the completion of the following processes and procedures.

1. The customer has participated in Trial Work Services. For more information, refer to VRSM B-310: Trial Work.
2. The VR counselor reviews documentation from Trial Work Services that serves as clear and convincing evidence to confirm that the customer cannot benefit from VR services.
3. The VR counselor discusses the decision with the customer gives him or her a copy of the brochure "Can We Talk?"
4. The VR counselor documents in RHW the date and method a copy of the brochure "Can We Talk?" was provided to the customer;
5. The VR counselor completes the certification of ineligibility in RHW;
6. The VR counselor refers the customer to a local nonintegrated workplace when available;
7. The VR counselor prints the closure letter from RHW and provides this to the customer; and
8. The VR counselor documents each of these steps in a closure case note in RHW.

When "Disability Too Significant to Benefit from Services" is the reason for closure, anticipate an annual computer-generated alert to review the case for reconsideration of the customer's eligibility.

**B-605: Customer Notification**

Before closing the case, the VR counselor must inform the customer that his or her VR case is being closed. Notification may be provided in person, by phone, or in writing. The notification must include the reason that the case is being closed and the availability of Post-Employment Services, if applicable, and must be documented in a case note in RHW.

If the customer has completed an application for VR services and the VR counselor is unable to contact the customer directly for any reason, then written notification must be sent by letter or encrypted email at least 10 business days before closing the case, to allow time for the customer to contact the VR counselor if there are any concerns about closing the case. The VR counselor copies and pastes the email or letter notification that was sent in a case note with the topic "Attempt to Contact." For additional details, refer to VRSM E-300: Case Note Requirements.

If there is no response from the customer, then the case may be closed successfully or unsuccessfully.

After the closure has been processed in RHW, a closure letter is available in RHW. VR staff must email or mail the letter to the customer at the time of closure as well as offer or provide a copy of the brochure titled "Can We Talk?," which outlines the VR appeals procedure if the customer disagrees with the closure. VR staff must document in RHW the date and method used to provide the notification.

For information about closing a case before an application is completed refer to VRSM B-203-3: Closing an Initial Contact in RHW.

**B-606: Reopening a Closed Case**

Consideration should be given to opening a new case if:

* the customer requires complex or comprehensive (substantial) services;
* the customer's problem regarding employment addresses a substantial impediment to employment that is new and distinct from that condition addressed in the original IPE;
* the customer has a new vocational goal that would require extensive additional training; or
* the case was closed outside of the current program year quarter.

If the customer requires only limited services to maintain, regain, or advance in employment, consider phase adjusting the case if it is within the program year quarter that the case was closed and use post-employment services. See VRSM B-505-3: Amending the IPE for Post-Employment Services.

If the customer requires more complex and comprehensive (substantial) services or it is outside the program year quarter the case was closed, open a new case. See VRSM B-203: Initial Contact and VRSM B-204: Application to open the case in the same way as for any other applicant for services.

If the customer will be reapplying for services, the office that will be serving the customer can request the case file. The closed case file must be sent to the receiving office within three days of the request to ensure timely processing of the case.

For more information on case files and records management, see VRSM D-300: Records Management.

# Vocational Rehabilitation Services Manual C-100: Counseling and Guidance

## Introduction

Within vocational rehabilitation (VR), Counseling and Guidance (C&G) is a substantial service provided to all individuals who have applied for or been determined eligible by Texas Workforce Commission–Vocational Rehabilitation (TWC-VR).

For more information about the definition of "substantial service," see VRSM B-601: Closing a VR Case.

C&G is short-term, problem-centered counseling provided by a VR counselor that focuses on helping the customer achieve competitive integrated employment, which includes information and support services to help the customer make informed choices.

C&G is provided throughout the life of the case for all customers as a part of both Pre-Employment Transition Services (Pre-ETS) and traditional VR.

For more information about Pre-ETS, see VRSM C-1300: Transition Services for Students and Youth with Disabilities.

## C-101: Legal Authorization

C&G is recognized in federal law as an integral component to the delivery of VR services. Federal law requires that, as appropriate to the VR needs of each individual, and consistent with the customer's individualized plan for employment (IPE), TWC-VR must ensure that certain VR services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that must be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. C&G is one of these required VR services. (34 CFR §361.48(b)(3))

Federal regulations also establish a number of points during the life of a VR case at which C&G must be provided. For example, §§361.48(a)(2)(i) and 361.48(a)(2)(iii) of Title 34 of the Code of Federal Regulations (CFR) designate job exploration counseling and counseling on transition or postsecondary educational programs as required activities that must be provided as part of Pre-ETS:

"Scope of vocational rehabilitation services for individuals with disabilities.

(a) Pre-employment transition services. Each State must ensure that the designated State unit, in collaboration with the local educational agencies involved, provide, or arrange for the provision of, pre-employment transition services for all students with disabilities, as defined in §361.5(c)(51), in need of such services, without regard to the type of disability, from Federal funds reserved in accordance with §361.65, and any funds made available from State, local, or private funding sources. Funds reserved and made available may be used for the required, authorized, and pre-employment transition coordination activities under paragraphs (2), (3) and (4) of this section.

…

(2) Required activities. The designated State unit must provide the following pre-employment transition services:

(i) Job exploration counseling;

…

(iii) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education"

As a specifically required service that must be made available to VR customers, 34 CFR §361.53(b)(2) makes C&G exempt from a determination of the availability of comparable services and benefits applicable to other types of VR services:

"(ii) The following vocational rehabilitation services described in CFR §361.48(b) are exempt from a determination of the availability of comparable services and benefits under paragraph (a) of this section:

…

(2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice."

TWC-VR's C&G is provided only by a VR counselor who is an employee of TWC-VR. C&G is recognized under federal law as a staff skill directly relevant to the VR counselor's obligation to "ensure that personnel have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities." Specifically, 34 CFR §361.18(c)(2)(ii) explains:

"Ensuring that personnel have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities means that personnel have specialized training and experience that enables them to work effectively with individuals with disabilities to assist them to achieve competitive integrated employment and with employers who hire such individuals. Relevant personnel skills include, but are not limited to—

…

(C) Counseling and guidance skills, including individual and group counseling and career guidance; §361.18."

For more information about the required qualifications of VR counselors who work for TWC-VR and about the Comprehensive System of Personnel Development (CSPD), see TWC rules at 40 Texas Administrative Code Chapter 850, Subchapter A, §850.11, Qualified Vocational Rehabilitation Counselor.

As described in the Commission on Rehabilitation Counselor Certification (CRCC) [Code of Professional Ethics for Rehabilitation Counselors](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf), VR counselors "practice only within the boundaries of their competence, based on their education, training, supervised experience, professional credentials, and appropriate professional experience." C&G within TWC-VR is not viewed as psychological therapy or treatment; customers who need more intensive therapy or treatment must be referred to an appropriate resource, such as the local mental health authority.

## C-102: Individualized Plan for Employment Requirement

C&G is a core VR service and must be included in the customer's IPE as a specific service that is provided by TWS-VR. Only VR counselors or VR staff who are serving as a VR counselor (such as VR Supervisors, VR Managers, or program specialists) can provide C&G. At the time of IPE development, Counseling and Guidance is provided and must be documented in a C&G case note within 7 calendar days of completing the IPE.

### C-102-1: Frequency of Counseling and Guidance

In addition to including counseling and guidance (C&G) as a specific service on the IPE, the frequency of C&G is captured on the IPE and individualized to meet the customer’s needs. C&G frequency may change as needed throughout the life of the case. If C&G frequency changes from a lower number of days to a higher (less frequent) number of days, an IPE amendment is required. If C&G frequency changes from a higher number of days to a lower (more frequent) number of days, an IPE amendment is not required.

For example, if the frequency of C&G on the IPE is identified as 60 days, but the customer needs weekly C&G for a period of time, then C&G may be provided weekly and the IPE does not need to be changed, because this is within the minimum threshold of the timeframe indicated on the IPE.

The minimum frequency of C&G with the customer must be clearly explained in the comprehensive assessment, included on the customer's IPE, and individualized to meet the customer’s needs, and it must not exceed 180 days. C&G must be provided, at a minimum, at the frequency agreed to by the VR counselor and customer as indicated on the customer’s IPE. Although a case note may be entered that C&G was attempted, using the ReHabWorks drop-down Attempt to Complete C&G selection, C&G must still be completed at the frequency indicated on the IPE in order for the case to be compliant. However, VR counselors should indicate when they have attempted to provide C&G but were unable to do so.

For more information on documenting C&G or Attempt to Complete C&G, refer to VRSM E-300: Case Note Requirements.

### C-102-2: Non-Counseling and Guidance Contacts

Substantive customer contacts that are not C&G may be made by any TWC VR staff member. These contacts are made as often as necessary to advance the customer's program of services. The contacts are documented in RHW with the appropriate case note topic heading. These non-C&G contacts meet the requirement for maintaining the frequency of contact that is identified on the IPE, but they do not meet the 180-day requirement for C&G. For frequency of contact, refer to VRSM B-504-9: Frequency of Contact.

## C-103: Communication Strategies

C&G may be provided in person, by phone, and/or through secure electronic communications.

The VR counselor is expected to communicate in ways that are developmentally, cognitively, functionally, and culturally appropriate for the customer. This can include the use of translators, interpreters, and other forms of communication assistance. Refer to VRSM C-300: Communication Services for more information.

The VR counselor must ensure that all communication with the customer remains confidential and is conducted within the requirements outlined in VRSM A-200: Customer Rights and Legal Issues.

## C-104: Documentation Requirement

C&G services must be documented in a case note or series of case notes with the topic heading "Counseling and Guidance" in RHW. The documentation must be done in a timely manner to ensure that an accurate and complete record of services is maintained. The number and frequency of C&G sessions are tracked as a federal reporting requirement.

These case notes must include:

* topics related to the impediments to employment, IPE, and/or participation in VR services;
* strategies for resolution of the issues to include description of decision-making processes involved;
* the customer's participation in the resolution;
* the customer's reaction; and
* actions required of the customer or VR counselor.

### C-104-1: Counseling and Guidance as a Substantial Service

C&G is considered a substantial service when the VR counselor addresses one or more of the following topics and there is documented evidence that the topic had a substantial impact on the outcome of the case.

The VR counselor:

* helps the customer understand his or her strengths and limitations in relation to his or her disability and impediments to employment;
* explores with the customer transferable skills and how they might be applied to overcome impediments to employment;
* helps the customer select and/or maintain a competitive integrated employment goal by providing information that allows the customer to make appropriate informed choices;
* maximizes the customer's self-awareness regarding barriers to productivity and possible reasonable accommodations at the customer's place of employment;
* helps the customer develop the self-advocacy skills needed for taking responsibility for continued career success; and
* provides the customer with information about relevant support services and facilitates access to those services for continued success in employment.

For more information about the definition of "substantial service," see VRSM B-601: Closing a VR Case.

### C-104-2: Closing a Counseling and Guidance-Only Case

C&G must be provided and documented as a service in all VR cases, along with all other substantial services that influenced the outcome of the case. In some cases, C&G might be the only substantial service that the customer needs to achieve a competitive integrated employment outcome.

If C&G is the only substantial VR service provided to the customer and the case meets the other criteria for a successful closure, the case can be closed successfully.

For more information about successful closure requirements, see VRSM B-600: Closure.

## C-105: Essential Aspects of Counseling and Guidance

The essential aspects of C&G include, but are not limited to:

* developing rapport with the customer;
* keeping the customer engaged in the VR process;
* continually assessing the customer's progress throughout the VR process;
* identifying the rehabilitation needs and providing information to meet those needs;
* helping the customer develop compensatory strategies to reach a successful outcome;
* addressing issues as they arise;
* helping the customer learn about the options and resources available for achieving success; and
* helping the customer develop an IPE.

### C-105-1: Counseling and Guidance Techniques and Modalities

The [Code of Professional Ethics for Rehabilitation Counselors](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf) offers the following information about C&G techniques and modalities.

The specific techniques and modalities utilized within the rehabilitation counseling process may include, but are not limited to:

* assessment and appraisal;
* diagnosis and treatment planning;
* career (vocational) counseling;
* individual and group counseling treatment interventions focused on facilitating adjustments to the medical and psychosocial impact of disability;
* case management, referral, and service coordination;
* program evaluation and research;
* interventions to remove environmental, employment, and attitudinal barriers;
* consultation services among multiple parties and regulatory systems;
* job analysis, job development, and placement services, including assistance with employment and job accommodations; and
* provision of consultation about and access to rehabilitation technology.

### C-105-2: Counseling and Guidance Topics

C&G includes helping the customer to:

* understand his or her disability and related impediments to employment;
* understand physical and mental restoration procedures;
* get accurate information to make an informed choice;
* make informed choices from among alternative employment goals, objectives, services, and service providers;
* identify strengths on which to capitalize to achieve the vocational goal;
* identify and use transferable skills;
* acquire new skills;
* develop a realistic action plan to address a problem;
* use rehabilitation technology;
* develop residual capabilities;
* understand work requirements, the work environment, and/or work culture;
* identify and use community resources and relevant support services;
* resolve barriers affecting the employment outcome, such as transportation issues, child care issues, or family issues;
* modify his or her attitudes and behaviors;
* develop self-advocacy skills;
* cope successfully with on-the-job stressors;
* explore occupational and labor market information;
* disclose his or her disability;
* stay employed; and/or
* make progress toward the employment goal.

### C-105-3: Counseling and Guidance Ethics

For more information about C&G ethics and the role of the VR counselor, refer to the [Code of Professional Ethics for Rehabilitation Counselors](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf).

### C-105-4: Counseling and Guidance Based on Gender Expression and Identity

Requirements related to the prohibitions on discrimination in the workforce development system are described in [U.S. Department of Labor Employment and Training Administration](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7158), [Training and Employment Guidance Letter No. 27-14](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7158), issued April 15, 2015.

The VR counselor must not counsel or encourage a customer to change his or her gender presentation in order to find work. The VR counselor must acknowledge the gender identity and work toward removing any barriers that may have a negative impact on employment opportunities.

#### Names and Pronouns

VR staff must always refer to each customer by the name and the gender-specific pronoun the individual prefers (for example, he, his, him, she, hers, her, they, them, theirs). If staff members do not know an individual's pronoun preference, they may ask tactfully and respectfully. Continued intentional misuse of a customer's name and pronouns may breach the individual's privacy, put the individual at risk of harm and, in some circumstances, constitute harassment.

# Vocational Rehabilitation Services Manual C-200: Technology Services

## Introduction

Texas Workforce Commission–Vocational Rehabilitation Services (TWC-VR) sponsors:

* rehabilitation engineering;
* assistive technology devices; and
* assistive technology services.

VR counselors may use rehabilitation technology services at any time during the case, as necessary, to:

* conduct assessments;
* achieve the customer's planned goal and objectives; or
* provide authorized services to the customer's family members. See VRSM C-1400: Supplemental Services.

Consultation is available from the following:

* Designated regional program specialist (RPS)
* Program specialist for assistive and rehabilitation technology (PSART) in state office
* Assistive technology subject matter expert (AT SME)
* Assistive technology unit subject matter expert (ATU SME)
* Employment assistance specialist (EAS)
* Assistive technology professional specialist (ATP)
* Vehicle modification evaluation subject matter expert (VME SME)
* Vocational rehabilitation teacher (VRT)
* Assistive Technology Specialist (ATS) in each unit

For information services specific to customers who work on farms or ranches, see [Texas AgrAbility](https://txagrability.tamu.edu/).

If a counselor has determined that an exception will facilitate a customer’s progress and there is not an approval exception listed in policy, counselors are encouraged to staff the request through their chain of management to the Deputy Division Director for Field Services for consideration. VRSM clearly states when no exceptions are allowed.

## C-201: Legal Authorization

Rehabilitation technology means "the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services."

29 USC §705(30)

"(3) Assistive technology

The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.

(4) Assistive technology device

The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(5) Assistive technology service

The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities."

29 USC §3002(3), (4), and (5)

## C-202: Assistive Technology Unit Services

The mission of the Assistive Technology Unit (ATU) is to work in partnership with TWC-VR customers who have a primary disability of vision loss and staff to provide AT evaluations to help VR customers identify which AT products will best meet their educational and vocational goals.

In addition to providing AT evaluations, ATU tests and trains the contracted AT services training and evaluation providers, reviews new AT products, and maintains the information resources that AT services providers use to deliver services to VR customers.

### C-202-1: Referral to the Assistive Technology Unit

VR counselors must contact the EAS for an initial consultation before referring a customer for an ATU AT evaluation. Once the EAS consultation report or basic consultation report is entered into ReHabWorks, the VR counselor sends a service record to ATU for an AT evaluation.

### C-202-2: Services

#### Evaluation

And ATU evaluator shows a customer products listed in specific categories based on the recommendations in the EAS or basic consultation report to help the customer determine which technology most effectively meets his or her vocational and educational needs. An AT evaluation usually last two to three hours.

### C-202-3: Prerequisites for Evaluation

An EAS consultation report or basic consultation report is required for all referrals to ATU except for referrals to evaluate stand-alone and portable video magnifiers.

### C-202-4: Follow-Up

The ATU evaluator enters a case note titled Report—Equipment Recommendation, which contains specific AT recommendations with proper justification, as appropriate.

An AT Evaluation Report may include recommendations for specific AT training for products that the customer selects in the AT evaluation. VR purchases AT services, including evaluation and training from contracted AT services providers.

For information on AT evaluation and training available from providers to help customers succeed at work, school, and/or in vocational training, refer to the VR Standards for Providers Chapter 9: Assistive Technology for Sight-Related Disabilities.

## C-203: Rehabilitation Technology Devices and Services

VR counselors may purchase an assistive or adaptive device when it is required to conduct assessments and address a customer's vocational need. Technologically advanced products not shown to be effective by independent clinical evidence are not likely to meet customers' vocational needs in a cost-effective manner and should not be purchased with VR funds.

Before making a purchase, the VR counselor verifies that the product meets TWC-VR's best-value purchasing criteria. See VRSM D-200: Purchasing Goods and Services.

The VR counselor should contact the state office program specialist for assistive and rehabilitation technology (PSART) with questions pertaining to TWC-VR best-value criteria as necessary.

### C-203-1: Technology Services Restrictions

While professionals other than rehabilitation engineers may provide assistive technology services, only licensed professional engineers or an ATP may provide rehabilitation engineering services. The VR counselor consults with an engineer or ATP when the service includes design or modification of a product.

Before committing TWC-VR funds, it is important to reach an understanding with the provider about price and delivery. For rehabilitation engineering services provided before individualized plan for employment (IPE) development, use the following RHW specification levels:

* Level 1—Evaluation Services (non-MAPS) and Other Training & Related Services (not academic or TWC/proprietary) [85141]
* Level 2—Assistive Technology Evaluations Non-Vision Related [85141-86101]
* Level 3—Assistive Technology Evaluations Non-Vision Related

Choose the appropriate level 4.

The VR counselor consults with the PSART for information about providers from which TWC-VR has purchased services.

Before authorizing the purchase any assistive technology with a cumulative cost greater than $5,000, the VR counselor must consult with the State Office program specialist for assistive and rehabilitation technology (PSART).

The VR counselor works with the assistive technology specialist (ATS) to complete the purchasing process.

The ATS:

* prepares a packet using the BVI Assistive Technology coversheet (Word) or Non-BVI Assistive Technology coversheet (Word) located on the Assistive and Rehabilitation Technology Intranet page, as appropriate, follows the instructions, and attaches all required information;
* submits the packet to PSART mailbox: [PSART@twc.texas.gov](mailto:PSART@twc.texas.gov);
* documents in RHW the need for the required review and the submission date of the cover sheet and required information; and
* reviews the assistive technology review entered in a case note in RHW, and informs the VR counselor when the review is completed.

## C-204: Vehicle Modification Services

Vehicle modification services help Vocational Rehabilitation (VR) customers achieve competitive integrated employment outcomes. Through use of a personal vehicle, these services provide equitable transportation opportunities for individuals with disabilities. The goal of vehicle modification is to promote greater independence and access to communities, educational institutions, and other supports necessary to locate jobs, sustain work and living arrangements, and enable career advancement and related travel. The vehicle modification process includes five phases, as follows:

1. Criteria for assistance review and approval
2. Evaluation and training
3. Vehicle selection and [Texas A&M Transportation Institute](https://vr.tti.tamu.edu/) (TTI) review
4. Installation and other considerations
5. Vehicle delivery and final configuration

Vehicle modification needs can arise at any time during the VR process and must be addressed as soon as possible. Services are considered substantial even though the customer might not be the driver of the modified vehicle (for example, passenger-only lowered-floor vehicle conversions). All vehicle modifications must be included on the customer's individualized plan for employment (IPE) before proceeding with related services. This section of the Vocational Rehabilitation Services Manual provides information about vehicle modification, organized by phase.

#### Effective Communication

Effective communication is essential to successfully navigate all five phases of the vehicle modification process. Customers and VR counselors must regularly discuss progress and needs. Tracking tools and other resources must be used to promote accountability and transparency. The assistive technology specialist (ATS) assigned to oversee vehicle modifications must engage in effective communication with the customer regularly, usually on a weekly basis (but at least once every 30 days).

Contacting the customer does not necessarily qualify as effective communication. Instead, effective communication must include discussion of progress, needs, questions, and planning next steps in the vehicle modification process. To avoid misunderstandings and delays, all parties involved in vehicle modification must be included in communications about process status and expectations. Everyone has important roles and responsibilities to ensure success.

#### A New Paradigm for Vehicle Modification Services

Please note that before March 1, 2021, most responsibilities for facilitating vehicle modification services were delegated to the VR counselor. This is no longer the case. After the decision is made to pursue vehicle modification services, the ATS now exercises a leadership role and has a responsibility to move the vehicle modification process from start to finish.

#### The Vehicle Modification Team's Roles and Responsibilities

Vehicle modification requires coordination and team effort. Members of the vehicle modification team (VM team) include the customer, VR counselor, ATS, service providers, and the state office.

The customer's roles and responsibilities in vehicle modification are to:

* become fully informed about vehicle modification rules and schedules;
* proactively obtain and complete all necessary documentation;
* practice effective communication about their needs; and
* seek advice from the VM team to arrive at informed choices.

The VR counselor's roles and responsibilities in vehicle modification are to:

* provide counseling and guidance to the customer regarding transportation opportunities and responsibilities;
* identify criteria for vehicle modification assistance in communication with the customer;
* coordinate with the VM team to ensure quality, timely services; and
* assist the customer in making informed choices.

The ATS's roles and responsibilities in vehicle modification are to:

* provide leadership and expertise to advance the vehicle modification process;
* educate the customer about processes, opportunities, and responsibilities;
* coordinate all VM team members and services;
* enter progress documentation case notes in ReHabWorks (RHW);
* maintain effective communication among all VM team members to support roles; and
* set up and generate all service records and authorizations as indicated in the IPE.

The service providers' roles and responsibilities in vehicle modification are to:

* abide by requirements in the VR Standards for Providers (VR-SFP) manual;
* educate the customer about TWC-VR state approved equipment and options;
* provide accurate and timely documentation as requested; and
* proactively pursue effective communication with the customer and the ATS.

The state office's roles and responsibilities in vehicle modification are to:

* ensure timely advancement of vehicle modifications and delivery of services;
* coordinate with [Texas A&M Transportation Institute](https://vr.tti.tamu.edu/) for compliance;
* practice effective stewardship over the assistive technology budget; and
* moderate disagreements and facilitate conflict resolution.

### C-204-1: Phase 1—Criteria for Assistance Review and Approval

#### Phase in Brief

* Criteria for Assistance Review
* Justification and Approval
* VM Request to State Office

During the first phase of vehicle modification, needs are identified and core members of the VM team are assembled. The VR counselor and customer must carefully approach this task in a timely manner to ensure the success of subsequent phases. It is important to set reasonable expectations while discussing criteria for assistance and plan for logistical and scheduling challenges that may arise.

#### Criteria for Assistance Review

Before seeking any service approvals, the VR counselor and customer must determine whether vehicle modification is the best option to provide equitable transportation opportunities. Vehicle modification is an example of rehabilitation technology and, therefore, is not subject to consideration of comparable benefits. However, basic living requirements (BLR) still apply for determining customer cost contributions (if any).

Consider vehicle modification when the following criteria for assistance are met:

* Because of the customer's disability, the customer could benefit from a modified vehicle for greater independence and access to communities, educational institutions, or other supports necessary to locate jobs, sustain work and living arrangements, or enable career advancement and related travel.
* The customer has enough income or other resources or achieving the planned employment goal will result in enough income or other resources to cover future payments, insurance premiums, gasoline, and routine maintenance costs for the vehicle.

Note: When considering a vehicle modification for a student with a disability, additional specific stipulations must be met. Staff must forward relevant case information to the state office transition team for review via the [Pre-ETS mailbox](mailto:VR.Pre-ETS@twc.texas.gov) before including any vehicle modification services on the IPE. More information can be found in VRSM C-1305-6: Providing Pre-Employment Transition Services.

#### Justification and Approval

Once the VRC has determined a vehicle modification is needed, VR Supervisor approval is required for vehicle modification services to include all associated costs. Refer to VRSM E-200: Summary Table of Approval, Notifications, and Consultations. The justification and approval must be documented in RHW, and the customer's IPE must be amended accordingly. Furthermore, the customer must continue to meet the aforementioned criteria for assistance throughout the vehicle modification process.

#### VM Request to State Office

Following approval, VR staff emails a request for vehicle modification to the [PSART@twc.texas.gov](mailto:PSART@twc.texas.gov) mailbox using the specified Vehicle Modification Request cover sheet located on the Assistive and Rehabilitation Technology Intranet page. The state office logs the request, and a program specialist for assistive and rehabilitative technology (PSART) assigns it to an ATS. Notification is then sent via email to the VR counselor and to the assigned ATS with instructions about coordination, communication, and standards.

The VR counselor then contacts the customer and the assigned ATS to expedite an introductory planning meeting (remote or in person) to review the vehicle modification process and plan next steps. During this planning meeting, the ATS becomes familiar with the customer's individualized needs and facilitates services accordingly.

### C-204-2: Phase 2—Evaluation and Training

#### Phase in Brief

* Driver's Evaluation
* Driver's Training

Not every vehicle modification request necessitates a driver's evaluation and training. Drivers whose disabilities have not significantly changed and are nonprogressive may move immediately to phase three of the vehicle modification process. However, a driver's evaluation and training are needed in most cases.

#### Driver's Evaluation

The customer must complete a driver's evaluation with appropriate equipment if:

* the customer has never driven;
* the customer has never driven with adaptive equipment;
* the customer's adaptive equipment may change; or
* the customer's condition or disability has significantly changed or is progressive.

If a driver's evaluation is needed, the VRC will enter a service justification case note for this evaluation, if the case is not in employment phase in RHW. If the case is in employment phase in RHW an IPE amendment is required. During the introductory meeting, the customer consults with the ATS and makes an informed choice regarding the evaluation provider. The completed driver's evaluation must be submitted as soon as possible, but always before six months after the date of completion, to be included in Form VR3408, Vehicle Modification Evaluation. The ATS must support and assist the customer in a timely manner with completing and gathering all required documents for the chosen provider. Whenever possible, the services of a certified driving rehabilitation specialist (CDRS) are preferred.

A driver's evaluation always requires a license (or learner's permit) and a prescription. Items specific to the provider may include referral forms, medical records requests, and other safety forms, waivers, and paperwork. Once all required documents are obtained, the ATS issues a service authorization for the provider.

The report from the driver's evaluation is sent to the ATS to discuss with the customer. At this point, the customer may be determined ready to drive, in which case the VM team proceeds to phase three. Otherwise, the customer may need training or may be determined not ready to drive even with appropriate adaptive equipment.

#### Driver's Training

Driver's Training is considered a substantial service that must be included on the customer's IPE. If the driver's evaluation provider recommends further training, the ATS consults with the PSART regarding the recommendation to reach an agreement with the provider. Once training hours are determined, the VR counselor amends the customer's IPE accordingly. At the conclusion of approved training, the ATS reviews progress reports and consults with the PSART regarding additional training. After all training is complete, the customer receives a recommendation from the driver evaluator. Regardless of whether the customer will be a driver or passenger only, the vehicle modification process then advances to phase three.

### C-204-3: Phase 3—Vehicle Selection and TTI Review

#### Phase in Brief

* Vendor and Vehicle Selection
* TTI Review and Form VR3408
* Purchasing Considerations

During phase three, the customer works with the VM team to make an informed decision about selecting service providers (also called vendors), vehicles, and modifications. The comprehensive list of TWC-approved lowered-floor conversions and modification equipment can be found on the [TTI-TWC website](https://vr.tti.tamu.edu/). The present subsection is intended to provide only an overview of the selection process.

#### Vendor and Vehicle Selection

The ATS has a responsibility to work with the customer to review a list of approved vendors near the customer's area of residence. If needed, the ATS consults with the PSART for a complete list of vendors to support the customer's informed choice. The ATS sends a copy of the driver's evaluation recommendations, if applicable, to the selected vendor for completion of the vendor's portion of the Form VR3408, Vehicle Modification Evaluation. At no cost to the VR program, the vendor then prepares a proposal for the modification using Form VR3408, Vehicle Modification Evaluation. Before completing and submitting this proposal, the vendor must first meet with the customer. During this meeting, the vendor collects information about mobility needs and relevant measurements, including the customer's weight and height inclusive of any applicable mobility device. The vendor also discusses available options for vehicles, modifications, and equipment.

Approved vehicle modifications may include anything from a minor installation of hand controls, to a wheelchair securement system in a passenger vehicle, to a lowered-floor conversion. Vehicles for modification may be used or new, but VR may pay only for new modification equipment. Salvaged vehicles are not acceptable for any type of modifications. Additionally, VR may not sponsor modifications or purchase equipment for:

* a vehicle not owned by the customer or an immediate family member (for example, a spouse or parent);
* a vehicle without a current state registration and license plates; or
* appearance rather than function.

The purpose of vehicle modification is to ensure that the functionality and safety of the vehicle meet the customer's needs. Changes that only modify interior and exterior appearance, or that are only cosmetic in nature and do not improve the function of the vehicle, may not be included in requests for modifications and equipment.

Please contact the PSART when in doubt about vehicles, modifications, or equipment.

#### TTI Review and Form VR3408

Once a potential vehicle has been identified, the ATS must request a review of the vendor's vehicle modification proposal using the [TTI-TWC website](https://vr.tti.tamu.edu/). The ATS first ensures the make, model, year, and mileage of the vehicle that the customer plans to purchase are in the completed Form VR3408 and are permitted by policy. The ATS also checks the quote against the TWC Accepted Products/Pricing List to ensure that all products are on the list and priced appropriately. Any pricing or product discrepancies that the ATS is not able to resolve are referred to the PSART for further guidance. VM reviews under $1,500 are at no cost.

TTI reviews verify whether the:

* vendor's quoted cost of the modification equipment is correct;
* CDRS's prescription appears to meet the customer's needs; and
* specifications for equipment meet TWC-VR standards.

TTI immediately acknowledges via email review requests that are submitted electronically through the [TTI-TWC website](https://vr.tti.tamu.edu/). The review process can take up to 10 business days after receipt of all required documents. TTI emails the review letter to the ATS. The ATS, with guidance from the PSART if needed, addresses any findings by TTI with vendors and sends a courtesy copy of the corrected Form VR3408 to TTI.

The ATS works with the VM team to complete the following forms:

* Form VR3410, Vehicle Modification Agreement, which the customer signs to acknowledge essential roles in the vehicle modification process and individual responsibilities to maintain modification equipment by adhering to periodic maintenance or adjustments needed on a periodic basis (typically every six months) for the life span of the vehicle and equipment (usually seven to 10 years). The customer's signature is required for the vehicle modification process to continue.
* Form VR3411, Vehicle Modification Notice to Lien Holder, which explains ownership of the equipment being installed (The signed form is submitted to the lien holder.)

The VR counselor amends the customer's IPE to include modifications after the ATS has verified that the vehicle purchased is the same vehicle described in the submitted packet. After the IPE has been updated, a service authorization must be issued before the vendor begins the vehicle modification process and before any customer or vendor purchases of vehicles or equipment occur.

#### Purchasing Considerations

Subsequent to completion of Forms VR3408, VR3410, and VR3411, the ATS completes a service record for the vehicle modification equipment using the appropriate state office budget. The ATS sends a request to the [PSART mailbox](mailto:PSART@twc.texas.gov) to review and release the funds. Once the funds have been released, the ATS generates applicable service authorizations and delivers them to the vendor.

New vehicles are often preferred for lowered-floor conversions. However, the ATS and the customer may consider the purchase of a reliable used or pre-owned vehicle. The VM team must verify all applicable items, such as the vehicle's reliability and serviceability, age, mileage, and insurance coverage. All vehicles with more than 30,000 miles or that are more than four years old need a mechanic evaluation by a certified mechanic using Form VR3494, Mechanic's Evaluation—Used Vehicle. The ATS requests a CarFax from TTI at no cost. VR may pay for the cost of the evaluation (see Form VR3494).

Lowered-floor conversions, whether used or new, require special consideration. Not all vehicles are suitable for lowered-floor conversions. As mentioned at the beginning of this subsection, the complete list of approved vehicles for lowered-floor conversions are on the [TTI-TWC website](https://vr.tti.tamu.edu/). Mobility providers are located around the state and specialize in this type of vehicle. The ATS must contact the PSART to identify provider locations. For a used vehicle to be considered for a lowered-floor conversion, it must have fewer than 30,000 miles, pass the requisite mechanic inspection, and have no evidence of ever having been in a wreck.

### C-204-4: Phase 4—Installation and Other Considerations

#### Phase in Brief

* Installation and Equipment Setup
* Payment Procedures
* Modification Repairs and Reclamations

During phase four, to help avoid delays, the VM team must work to ensure that all modifications have been accurately requested, documented, installed, and fitted. It is essential to maintain effective communication with all service providers.

#### Installation and Equipment Setup

During phase four, all mobility providers must follow the requirements outlined in VR Standards for Providers, Chapter 22: Vehicle Modifications. Once all modifications have been installed, the local vendor schedules the final fitting with the customer and makes any needed adjustments before proceeding to phase five.

#### Payment Procedures

VR may help with the base cost or chassis (before modifications) of the vehicle. Vehicle purchasing assistance helps defray initial costs that the customer must pay to take possession of the vehicle to be modified, such as down payment, registration fees, and initial insurance. However, VR does not purchase vehicles outright for customers. TWC limits vehicle purchasing assistance to a maximum of $4,000 down payment, based on demonstrated financial need, and this requires VR Supervisor approval before the VR counselor may include it on the customer's IPE. All payments related to vehicle modification are made directly to the customer in the form of a warrant mailed directly to the customer via USPS mail using the following process:

1. Create the service authorization.
2. Once the payment is authorized, email [rtm.revenue.accounting@twc.texas.gov](mailto:rtm.revenue.accounting@twc.texas.gov) and request the Special Handling Form F-29 (695).
3. Complete the form and return it to [rtm.revenue.accounting@twc.texas.gov](mailto:rtm.revenue.accounting@twc.texas.gov). This step must be completed before the warrant number is issued.
4. Send the warrant to the customer via USPS mail and verify receipt.
5. Verify that the vendor receives down payment assistance in the amount issued on the warrant and document this with a case note.

VR may also help make the customer's vehicle payments on modified vehicles, up to the full monthly payment, for up to six consecutive months. This assistance requires VR Supervisor approval before the VR counselor may include it on the customer's IPE and may be authorized only when:

* the customer's financial circumstances create a temporary inability to make the payments;
* the customer's current modified vehicle is being replaced with another vehicle;
* the customer cannot pay for both vehicles at the same time; or
* the customer cannot sell the current vehicle until modifications on the replacement vehicle are completed.

All payments are made directly to the customer via the process detailed above.

#### Modification Repairs and Reclamations

In certain circumstances, VR may sponsor repairs to adaptive equipment and vehicle modifications. For additional information on vehicle repairs, see VRSM C-1402: Transportation Services. The ATS obtains a price quote and submits a repair pricing review electronically to TTI (see the [TTI-TWC website](https://vr.tti.tamu.edu/)). Once the TTI report has been received and reviewed by the ATS, the IPE is amended by the VRC and a service authorization is issued. In some cases, it may be best to replace equipment instead of repairing it. The PSART should be consulted as needed.

VR does not reclaim equipment that is broken, outdated, or no longer under warranty (see VR-SFP). If VR participated in paying for the cost of the vehicle modifications and a customer's vehicle is involved in a collision, or in the event of a customer's death, the VR counselor contacts the PSART in the state office.

If in doubt, the VR counselor contacts the PSART. For additional information about repairing a vehicle, see VRSM C-1402-9: Vehicle Repair.

### C-204-5: Phase 5—Vehicle Delivery and Final Configuration

#### Phase in Brief

* Verification of Insurance
* Delivery and Inspection
* Post-Modification Training

During phase five, the vendor notifies the VM team that all modifications have been installed with necessary fittings and adjustments. The ATS coordinates verification of insurance, delivery and inspection, and any needed post-modification training.

#### Verification of Insurance

The customer must obtain, at the customer's own expense, insurance that covers the replacement cost of all sponsored modifications. The customer is required to carry full comprehensive coverage on the vehicle and adaptive equipment. Before releasing the vehicle, the ATS must obtain and file a copy of the paid insurance policy in the case file.

#### Delivery and Inspection

For vehicle modifications that cost less than $9,000, the ATS must inspect the vehicle and equipment after the work has been completed but before the vehicle is released to the customer. The ATS must coordinate the inspection with the VM team.

Note: Passenger-only lowered-floor conversions do not require TTI inspection but do require the ATS to inspect the vehicle before it may be released to the customer. However, TTI must inspect all other vehicle modifications that cost more than $9,000. TTI may also inspect a modification that costs less than $9,000 at the request of the ATS or PSART. The ATS also needs to attend the inspection.

For inspections costing more than $9,000, the ATS completes a service record for $3,000 to:

Texas A&M Transportation Institute

Texas A&M University System

College Station, Texas 77843-3135

Service Provider ID No. 3-727727727-5-999

The ATS emails a request to [PSART@twc.texas.gov](mailto:PSART@twc.texas.gov) to review and release the funds. Once the funds have been released, the ATS generates applicable service authorizations. The ATS submits a vehicle inspection request through the TTI portal.

Once the inspection has been completed, the ATS places a copy of Form VR3474, Vehicle Modification Acceptance, the vendor invoice, warranty information, and other paperwork obtained at the inspection in the case file and gives a copy to the customer.

#### Post-modification Training

The purpose of post-modification training is to verify that all adaptive equipment and vehicle modifications comply with the driver's evaluation prescription. Post-modification training also ensures that modifications are fitted in a way that best meets the customer's needs. Additionally, post-modification training helps the customer learn to proficiently operate the modified vehicle.

If needed, the ATS completes a service record for the recommended post-modification training using the appropriate state office budget. The ATS emails a request to [PSART@twc.texas.gov](mailto:PSART@twc.texas.gov) to review and release the funds. Once the funds have been released, the ATS generates applicable service authorizations and delivers them to the vendor. If there is a scheduling conflict and the post-modification training cannot be coordinated to take place on the same day as the inspection, the PSART must be contacted for guidance.

The vehicle modification process is complete once all recommended post-modification training (if applicable) is finished.

## C-205: Jobsite and Home Modification Services

VR provides a jobsite or home modification when changes to a customer's physical environment are needed for the customer to perform:

* all the essential tasks of a job; or
* activities of daily living that improve the customer's ability to function independently in the home and community and enable the customer to pursue a vocational goal as indicated in the IPE.

The process begins with a full assessment of needs, followed by consideration of accommodation alternatives, including the need for customer training and/or education regarding the use of rehabilitation technology.

Informed customer choice in meeting technology needs involves considering:

* when to disclose confidential information to an employer involved in a jobsite modification;
* the advantages of low-tech solutions over high-tech solutions;
* employer responsibilities under the Americans with Disabilities Act (ADA);
* equipment maintenance needs and associated maintenance costs; and
* the timeliness of the needed service.

### C-205-1: Obtaining an Assessment of the Jobsite or Home

Before modifying the customer's jobsite or home, the VR counselor purchases an assessment from a licensed occupational therapist (OT), physical therapist (PT) ATP, or professional engineer (PE) specializing in assistive technology. Assessment services identify options that will allow the customer to:

* work as effectively as possible; and/or
* function as independently as possible.

For assessments specific to farm or ranch employment, the VR counselor considers purchasing services from [Texas AgrAbility](https://txagrability.tamu.edu/).

#### Procedure for Obtaining an Assessment

The VR counselor uses the following procedure to obtain the assessment of potential modifications to the customer's jobsite or home:

1. Complete:
   * Form VR3394, Job Site Modification Assessment Referral; and/or
   * Form VR3395, Home Modification Assessment Referral.
2. Pay upon receipt of assessment report, which is usually provided within 10 days of service.

If the assessment includes a recommendation for durable medical equipment, refer to VRSM C-704: Durable Medical Equipment.

If applicable, VR staff ensures that the customer signs the release on Form VR3394, Job Site Modification Assessment Referral, specifying what customer information the OT, PT, or PE may provide to the employer.

#### Exceptions to Obtaining an Assessment

PSART consultation is required to have an OT, PT, ATP, or PE assessment of the jobsite or home modification when:

* no OT, PT, ATP, or PE can be located to provide the service, and the PSART is satisfied that a reasonable search has been made to find one;
* the PSART, as documented in the case file, and the reason that a comprehensive modification assessment is not necessary is also clearly documented (for example, the customer requests help in replacing a piece of equipment); or
* the use of an OT, PT, ATP, or PE will cause an unreasonable delay that could result in an undue hardship for the customer. (For example, a low-cost modification to a jobsite would allow the customer to maintain employment, and the employer will not wait for the assessment.)

### C-205-2: Consultation and Other Requirements for Jobsite or Home Modifications

|  |  |  |
| --- | --- | --- |
| **Service** | **Consultation** | **Other Requirements** |
| Jobsite modification | All jobsite modifications require consultation with the State Office PSART before being included in the customer's IPE. | VR-sponsored modifications are limited to adding items or equipment that can be removed without permanent damage to the employer's property if the customer terminates employment, changes job assignments, etc.  Before considering VR sponsorship, the VR counselor reviews the employer's responsibility under the ADA. |
| Home modification | All home modifications costing more than $1,000 require consultation with the State Office PSART before being included in the customer's IPE. | Adaptive equipment may require installation but usually does not result in permanent structural changes. Household equipment may be specially designed, selected, or altered to enable the customer to perform duties despite his or her functional limitations.  Modifications are limited to equipment that can be removed from the residence without permanent damage to the property if the customer moves or fails to cooperate in achieving the planned objective. |

To submit a jobsite or home modification to the state office PSART, the assistive technology specialist (ATS) refers to VRSM C-203-1: Technology Services Restrictions.

### C-205-3: Procedure for Purchasing a Jobsite Modification

VR uses the following procedure when purchasing a modification to the customer's jobsite.

|  |  |
| --- | --- |
| **Service Description** | **Procedure** |
| The services include:   * evaluating the work site to design or redesign a workstation to prevent injury or re-injury; * providing training in ergonomic positioning and movement; and * recommending technology, furniture, or positioning that prevents injury or improves functioning at work. | The VR counselor consults with the state office program specialist for assistive and rehabilitation technology (PSART) to ensure that the most practical modification equipment is used.  If the modification costs more than $700, the VR counselor obtains a written agreement from the employer, using the format and language in Form VR3404, Employer Job Site Modification Agreement, before beginning the modification.  If the modification costs more than $1,000:   * the VR counselor authorizes the purchase of a lien examination service from either a title insurance company or other source such as a law office; and * if no lien is found, the VR counselor files a copy of the results in the case file.   If there is a lien:   * provide a copy of the TWC-VR–employer agreement to the lien holder; and * request that the lien holder expressly disclaim in writing any interest in the equipment installed at the jobsite by TWC-VR using Form VR3426, Residence or Job Site Modification, Express Waiver of Right to TWC-VRS Equipment.   If the lien holder will not sign the waiver of rights, the VR counselor contacts the program specialist for assistive and rehabilitation technology (PSART). The PSART will review the documentation and provide guidance on next steps based on input from Office of General Counsel.  Provide one copy of the signed Form VR3404, Employer Job Site Modification Agreement, to the employer.  File the original signed Form VR3404 in the case file. |

### C-205-4: Procedure for Purchasing a Home Modification

VR uses the following procedure when purchasing a modification to the customer's home.

|  |  |
| --- | --- |
| **Service Description** | **Procedure** |
| Creating or enhancing access to the house or apartment or making residential features more accessible (that is, those features critical to participation in job preparation services or necessary for the customer's employment).  It may include construction of ramps, adaptive equipment such as stair glides and lifts, and household equipment. | * The VR counselor consults with the state office PSART to ensure that the most practical modification equipment is used. * When equipment such as a porch or ramp is attached (for example, bolted or nailed) to the property, the VR counselor obtains a written agreement from the property owner using the format and language in Form VR3403, Customer Residence Modification Agreement. * If the modification costs more than $700, the VR counselor must clearly justify that the modification supports the customer's planned employment outcome before authorizing the purchase.   If the modification costs more than $1,000:   * the VR counselor also obtains the VR Manager's approval; and * purchases a lien examination from either a title insurance company or other source such as a law office.   If there is a lien:   * provide a copy of form VR3403, Customer Residence Modification Agreement, to the lien holder for review; and * request that the lien holder expressly disclaim in writing any interest in the equipment installed in the residence or jobsite by VR, using Form VR3426, Residence or Job Site Modification, Express Waiver of Right to TWC-VRS Equipment.   If the lien holder will not sign the waiver of rights, the VR counselor contacts the program specialist for assistive and rehabilitation technology (PSART). The PSART will review the documentation and provide guidance on next steps based on input from Office of General Counsel.  Provide one copy of the signed Form VR3403, Customer Residence Modification Agreement, to the property owner.  Keep the original signed Form VR3403 in the case file. |

## C-206: Financial Responsibilities of Customers

For information on customer participation in the cost of services and comparable benefits, see VRSM A-306-4: Participation in the Cost of Services Based on Financial Need; VRSM D 203-3: Use of Comparable Services and Benefits; and VRSM D-203-4: Customer Participation in the Cost of Services.

# Vocational Rehabilitation Services Manual C-300: Communication Services

## C-301: Legal Authorization

Federal law requires states to ensure that staff is made available, either directly by the designated state unit or through a contract, to address the individual communication needs of customers:

"The vocational rehabilitation services portion of the Unified or Combined State Plan must describe how the designated State unit includes among its personnel, or obtains the services of—

(1) Individuals able to communicate in the native languages of applicants, recipients of services, and eligible individuals who have limited English proficiency; and

(2) Individuals able to communicate with applicants, recipients of services, and eligible individuals in appropriate modes of communication.

(f) Coordination with personnel development under the Individuals with Disabilities Education Act. The vocational rehabilitation services portion of the Unified or Combined State Plan must describe the procedures and activities the State agency will undertake to coordinate its comprehensive system of personnel development under the Act with personnel development under the Individuals with Disabilities Education Act."

34 CFR §361.18(iii)(e)(1-2)

## C-302: Typical Services

Deaf, hard of hearing, blind, visually impaired, and/or deafblind customers may require services such as:

* meeting with a VR counselor to evaluate the customer's needs, as related to the customer's sensory loss;
* working with a VR counselor who has a specialty caseload to address:
  + communication issues and options;
  + diagnostics and evaluations;
  + adaptive devices and other accommodations for work, independent living, and vocational or academic training;
  + specialized training options;
  + ongoing support services, such as Medicaid waiver programs;
  + training options for teens and young adults; and
  + support services, resources, and adaptive devices for teens and young adults for use in an educational environment;
* attending Admission, Review, and Dismissal (ARD) meetings and participating in transition planning with the transition counselor;
* facilitating communication and accommodations; and
* ordering recommended adaptive devices, with the approval of the VR counselor.

If a counselor has determined that an exception will facilitate a customer’s progress and there is not an approval exception listed in policy, counselors are encouraged to staff the request through their chain of management to the Deputy Division Director for Field Services for consideration. VRSM clearly states when no exceptions are allowed.

### C-302-1: Policy

Customers are referred to deafblind field support services when:

* hearing loss is medically documented;
* hearing loss is suspected; or
* the customer is deafblind.

## C-303: Specialized Telecommunications Assistance Program

### C-303-1: Procedure

The [HHS Office of Deaf and Hard of Hearing Services (DHHS)](https://hhs.texas.gov/services/disability/deaf-hard-hearing) and the Public Utility Commission (PUC) operate the Specialized Telecommunications Assistance Program (STAP) for individuals whose disabilities interfere with their ability to effectively use the telephone network.

Through STAP, DHHS provides qualified individuals with disabilities vouchers to purchase basic specialized telecommunications equipment. For a list of acceptable telecommunications devices and the value of the voucher for each device, see [DHHS Specialized Telecommunications Assistance Program (STAP).](https://hhs.texas.gov/services/disability/deaf-hard-hearing/specialized-telecommunications-assistance-program-stap)

Individuals with disabilities who have not used a DHHS STAP voucher in the past five years may apply for help through DHHS.

DHHS does not purchase the device for the customer. The customer pays all costs above the STAP voucher amount.

To obtain a STAP application:

* contact DHHS directly;
* contact the STAP specialist for the relevant DHHS region (see the [regional list of local service providers);](https://dhhs.hhsc.state.tx.us/providers/contractors.asp) or
* visits the [DHHS Specialized Telecommunications Assistance Program (STAP)](https://hhs.texas.gov/services/disability/deaf-hard-hearing/specialized-telecommunications-assistance-program-stap) web page.

When submitting the application, include a copy of a document serving as valid proof of the customer's Texas residency as shown on the application.

The VR counselor may certify the customer's STAP application based on whether the customer meets the disability and program criteria.

Before signing the application, the VR counselor verifies the following forms of identification on the customer's application:

* Social Security number
* Proof of residency

The VR counselor mails the completed application with confirmation of identity and proof of residency to:

DHHS STAP  
P.O. Box 12607  
Austin, Texas 78711

DHHS does not accept applications by fax or email.

Once DHHS approves the application, DHHS issues a voucher to the eligible customer that identifies the type of device authorized.

The customer has 180 days after receiving the voucher to purchase the device from a registered PUC vendor.

For a list of registered vendors, see the [STAP Vendor Search](https://www.staptexas.org/Login/vendorsearchrpt.aspx) page. For additional information about the STAP program, see the [DHHS Specialized Telecommunications Assistance Program (STAP).](https://hhs.texas.gov/services/disability/deaf-hard-hearing/specialized-telecommunications-assistance-program-stap)

For questions concerning STAP, the VR counselor contacts DHHS:

* by phone at 512-407-3250 (voice) or 512-407-3251 (TTY); or
* by email at [stap@hhsc.state.tx.us](mailto:stap@hhsc.state.tx.us).

## C-304: Hearing Aids

For policy and procedure on the purchase of hearing aids, see VRSM C-704: Durable Medical Equipment.

## C-305: Interpreter Services for Deaf and Hard of Hearing Customers

An interpreter for deaf and hard of hearing customers conveys messages between individuals without contributing additional content to the dialogue. TWC Vocational Rehabilitation (VR) uses interpreter services to facilitate communication with customers during the rehabilitation process.

Interpreter services are provided by qualified interpreters and include:

* sign language and oral interpretation for customers who are deaf or hard of hearing; and
* tactile interpretation for customers who are deafblind.

### C-305-1: Legal Authorization

When developing an individualized plan for employment, the designated state unit must provide all required information in the native language or mode of communication of the individual or the individual's representative. Refer to 34 CFR §361.45(c).

Appropriate modes of communication are defined in 34 CFR §361.5(4) as "specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed-captioned videos, specialized telecommunications services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials."

### C-305-2: Maintaining Customer Confidentiality

VR staff informs the interpreter and customer that information provided is maintained in confidence. For more information, refer to VRSM A-205: Confidentiality and Use of Customer Records and Information.

### C-305-3: Using Certified Interpreters

VR must use certified interpreters whenever possible.

The [Board for Evaluation of Interpreter (BEI) Registry](https://bei.hhsc.state.tx.us/PublicInterpreterSearch/Search) must be used to find a certified interpreter. The registry might include certified interpreters that do not have a contract with VR.

A certified interpreter holds at least one of the following certificates of competency from one of the following organizations:

* The Registry of Interpreters for the Deaf (RID):
  + Interpretation Certificate (IC)
  + Transliteration Certificate (TC)
  + Reverse Skills Certificate (RSC)
  + Comprehensive Skills Certificate (CSC)
  + Master Comprehensive Skills Certificate (MCSC)
  + Specialist Certificate—Legal
  + National Interpreter Certification (NIC) Advanced
  + National Interpreter Certification (NIC) Master
  + Certificate of Interpretation (CI)
  + Certificate of Transliteration (CT)
  + Oral Interpreting Certificate: Spoken to Visible (OIC:S/V)
  + Oral Interpreting Certificate: Visible to Spoke (OIC: V/S)
  + Conditional Legal Interpreting Permit—Relay (CLIP-R)
  + Certified Deaf Interpreter (CDI)
* National Association of the Deaf (NAD):
  + NAD III (Generalist)
  + NAD IV (Advanced)
  + NAD V (Master)
* BEI, under Texas Health and Human Services Office for Deaf and Hard of Hearing Services (ODHHS):
  + Level I Certificate
  + Level II Certificate
  + Level III Certificate
  + Level III Intermediary Certificate
  + Level IV Certificate
  + Level IV Intermediary Certificate
  + Level V Certificate
  + Level V Intermediary Certificate
  + Basic Certificate
  + Advanced Certificate
  + Master Certificate
  + Court Interpreter Certificate
  + Oral Certificate
  + Trilingual Advanced Certificate
  + Trilingual Master Certificate
  + Morphemic Sign System (MSS) Certificate
  + Signing Exact English (SEE) Certificate
  + Medical Interpreter Certificate

If an interpreter is needed, but is not available, a VR staff member who is fluent in sign language may facilitate communication by meeting in the VR office or in a similar setting with VR staff and the customer or other individuals who are deaf. While a valid credential is preferred, VR staff members who are fluent in sign language do not have to be certified or credentialed to communicate with customers as long as they are not acting as an interpreter.

A VR staff member is prohibited from serving as an interpreter during an appeals process. See VRSM A-200: Customer Rights and Legal Issues.

VR staff members who are fluent in sign language and hold a valid credential must not provide interpreting services to communicate with a TWC customer outside of the office, except as a last resort and after VR Manager approval is obtained.

Additional information on certification levels and recommended settings is available at [Situations and Recommended Interpreter Certification Levels](https://hhs.texas.gov/doing-business-hhs/provider-portals/assistive-services-providers/board-evaluation-interpreters-certification-program/how-select-right-sign-language-interpreter) on the ODHHS website.

### C-305-4: Noncertified Interpreters

A noncertified interpreter is an individual who lacks certification but can interpret effectively, accurately, and impartially, both receptively and expressively, using all necessary specialized vocabulary. A noncertified interpreter can be a hearing interpreter or a deaf interpreter.

When a certified interpreter is not available, VR staff may use a noncertified interpreter who is otherwise competent to interpret.

A noncertified interpreter may be used with the customer's written consent. The customer must complete a Form VR3104, Acknowledgement for Noncertified Interpreter. The Form VR3104 must be completed indicating the name of the noncertified interpreter or the college or university on the form. The signed and dated Form VR3104 is filed in the customer's case file.

The customer may revoke, in writing, the written consent any time after signing the Form VR3014.

A noncertified interpreter may not be used in the following settings:

* Medical
* Legal
* Psychiatric

### C-305-5: Purchasing Interpreter Services

Ordinarily, payment for interpreter services must not exceed the cost listed on the [HHS Communication Services for State Agencies (CSSA)](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates) fee schedule. Contracted interpreters must be used when they are available. Only when a contracted interpreter is not available may a non-contracted interpreter be used.

Note: The use of non-contracted interpreters must comply with VRSM D-205: Purchasing Threshold Requirements. Every effort must be made to deliver services at the regular (day) rates.

When vocational services are needed at night or on a weekend, the VR counselor must negotiate for the lowest rate.

Note: A separate service category for Pre-ETS Interpreter and CART services must be used when purchasing these services for Pre-ETS. For more information, refer to the Pre-ETS Desk Reference Part 2: Pre-ETS Purchasing Guidance and Menu of Services found on the Transition Services for Students and Youth with Disabilities Intranet page.

For specific policies for interpreters, refer to VR-SFP Chapter 24: Communication Access Services.

### C-305-6: Purchasing Interpreter Services from Colleges and Universities

Unless noted in the terms of the contract, fees in the HHS CSSA fee schedule do not apply to contracted institutions. VR shares contracts with several colleges and universities to offset part of the cost for interpreter services. Rates are determined by the contract.

Payments made to colleges and universities that are not under a VR contract must comply with the established [HHS CSSA fee schedule](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates).

### C-305-7: Paying an Out-of-State Provider

When an out-of-state provider performs interpreter services:

* in Texas, the established fees apply; or
* outside of Texas, the maximum allowable fee is the highest in-state fee for the applicable certification level.

### C-305-8: Procedures for Purchasing Interpreter Services

The rate for interpreter services depends on the:

* HHS region in which the service is provided;
* interpreter's certification level; and
* day and time when the service is required (day, evening, weekend, or holiday). See [HHS CSSA Maximum Rates](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates).

Purchases of services from interpreters with Court Reporter Certification Levels A–C must be justified by VR field staff and reviewed by the deaf and hard of hearing program specialist before a service authorization for these specialty levels of interpreting may be issued.

VR purchases interpreter services according to the following procedures:

1. The customer and VR counselor agree on:
   * the type of interpreter (oral or sign language);
   * the certification level needed (for appropriate certification levels, see the [Situations and Recommended Interpreter Certification Levels—Settings](https://hhs.texas.gov/services/disability/deaf-hard-hearing/how-select-right-sign-language-interpreter)); and
   * the customer's preferred provider, if appropriate.
2. The customer selects the provider from among those available.
3. VR staff contacts the contracted interpreter service provider or the non-contracted interpreter service provider to request services and indicates:
   * the certification level needed;
   * the date, time, and location; and
   * how the provider's quoted fee compares to the maximum allowable fee, negotiating with the service provider when necessary.
4. The service provider provides the name and certification level of the assigned interpreter.
5. VR staff informs the customer about the assigned interpreter.
6. VR staff obtains agreement from the customer that the customer will attend the appointment. The customer agrees to notify VR staff at least 48 hours before the appointment if he or she will not be able to attend the appointment. VR staff documents the agreement in a case note in RHW.
7. VR staff issues a service authorization for the approved services that contains the following information:
   * A line item for the administration fee using the specifications for the level of interpreting being requested
   * A line item for each hour using the number of hours as the quantity (no lump sum amounts) for each day of services being requested
   * The location where the service is to be provided
   * A line item for reimbursement of travel costs (for contracted providers only)
8. VR staff:
   * receives the provider's invoice;
   * retains receipts for travel costs (for contracted providers only); and
   * verifies the amount charged against the maximum allowable fee in the [HHS Communication Access Maximum Rates](https://hhs.texas.gov/doing-business-hhs/vendor-contractor-information/cssa-maximum-rates).
9. VR staff authorizes payment for the services in RHW.

VR pays cancellation fees to interpreters when services are cancelled less than 48 hours before the time of the scheduled service, including cancellation upon arrival (formerly referred to as “no-show”). When a cancellation fee is applicable, the original service authorization is revised using the Maximum Affordable Payment Schedule (MAPS) code for cancellation fees rather than the MAPS code for the Interpreter services. For more information about processing payments for cancellation upon arrival, refer to VRSM D-204-7: Cancellation Upon Arrival.

#### Creating a Service Record

VR staff must create a service record with the following MAPS codes for Interpreter services:

#### MAPS Codes for Interpreter and CART Services

* Contracted Interpreter Services – CAINTCR
* Non-Contracted Interpreter Services – CAINTNC
* Contracted Interpreter Services Cancellation Fee – INTCRCNL
* Non-Contracted Interpreter Services Cancellation Fee – INTNCCNL

#### Contracted Interpreter Services:

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services - Interpreters CONTRACT REQUIRED
* Level 3 Communication Access Services - HHSC Region ## - CONTRACT REQUIRED (choose appropriate region)
* Level 4 Communication Access Services - HHSC Region ## - (Choose certification level or noncertified)

#### Cancellation for Contracted Interpreter Services:

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – Interpreters CONTRACT REQUIRED
* Level 3 Communication Access Services – HHSC Region ## - CONTRACT REQUIRED (choose appropriate region)
* Level 4 Cancellation Fee (Choose certification level or noncertified)

#### Travel-Related Services for Contracted Interpreter Services:

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – Interpreters CONTRACT REQUIRED
* Level 3 Communication Access Services – Interpreters – Administration Fees, Travel Time, Lodging, Per Diem [CONTRACT REQUIRED]
* Level 4 Communication Access Services – Interpreters [CONTRACT REQUIRED] (Choose appropriate line item for administration fees, travel time; lodging, per diem separate line item for each)

#### Non-Contracted Interpreter Services:

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – Interpreter – NON-CONTRACT ONLY
* Level 3 Communication Access Services - HHSC Region ## - NON-CONTRACT ONLY (choose appropriate region)
* Level 4 Communication Access Services - HHSC Region ## - (Choose certification level or noncertified)

#### Cancellation for Non-Contracted Interpreter Services:

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – Interpreters NON-CONTRACT ONLY
* Level 3 Communication Access Services – HHSC Region ## - NON-CONTRACT ONLY (choose appropriate region)
* Level 4 Cancellation Fee (Choose certification level or noncertified)

#### Travel-Related Services for Non-Contracted Interpreter Services:

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – Interpreters NON-CONTRACT ONLY
* Level 3 Communication Access Services – Interpreters – Administration Fees, Travel Time, Lodging, Per Diem [NON-CONTRACT ONLY]
* Level 4 Communication Access Services – Interpreters [NON-CONTRACT ONLY] (Choose appropriate line item for administration fees, travel time; lodging, per diem separate line item for each)

#### Contracted Interpreter Services for Colleges and Universities:

* Level 1 Interpreter and Translator Services
* Level 2 Interpreter Services by Colleges and Universities (CONTRACT REQUIRED)
* Level 3 Interpreter Services by Colleges and Universities (CONTRACT REQUIRED))
* Level 4 Interpreter Services by Colleges and Universities—Contract (Enter rate specified by the contract.)

#### Non-Contracted Interpreter Services for Colleges and Universities:

* Level 1 Interpreter and Translator Services
* Level 2 Interpreter Services by Colleges and Universities—Non-Contract (NO CONTRACT REQUIRED)
* Level 3 Interpreter Services by Colleges and Universities—Non-Contract
* Level 4 Interpreter Services by Colleges and Universities (Choose the first hour and certification level or noncertified)

For information about Pre-ETS Interpreter Services, refer to the Pre-ETS Desk Reference Part 2: Pre-ETS Purchasing Guidance and Menu of Services found on the Transition Services for Students and Youth with Disabilities Intranet page.

### C-305-9: Fee Schedule for Interpreter Services

Rates for Interpreter services are based on several factors. Rates for Interpreter services are shown in the [HHS CCSA Maximum Rates](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates). Below are the definitions to determine what rates apply:

#### Rate categories for Interpreter services:

* Day: 8:00 a.m. to 5:00 p.m., weekdays (Monday through Friday)
* Evening: 5:00 p.m. to 8:00 a.m., weekdays (Monday through Friday)
* Weekend: 5:00 p.m. Friday to 8:00 a.m. Monday
* Last-Minute: Service requests made less than 48 hours (two business days) in advance

#### Interpreter Certification Levels:

* Level A: BEI Level I\Ii, II\Iii, Basic, OC; B; NIC; RID CI, CT, IC, TC, NAD III
* Level B: BEI III\IIIi, Advanced, OC: C, OC: V; NIC Advanced; RID CSC, IC\TC, CI\CT, RSC, CDI, NAD IV
* Level C: BEI IV\IVi, V\Vi, Master; NIC Master; RID MCSC, SC: L, NAD V

When a session with an interpreter exceeds the original approved time, last-minute rates must be billed at the Additional Quarter Hour Rate for Interpreter Rates—Day.

## C-306: Translator Services

### C-306-1: Legal Authorization

The federal regulations in 34 CFR §361.51(c) require the designated state unit to ensure that providers of VR services can communicate—

"(1) In the native language of applicants and eligible individuals who have limited English proficiency; and

(2) By using appropriate modes of communication used by applicants and eligible individuals."

For TWC policy and procedures, see TWC Language Services Guide found on the TWC intranet page under Staff Resources.

All VR managers or their designee must:

* keep on file a list of translators that includes each translator's name, address, phone number, and language spoken; and
* update the list at least annually.

The VR manager contacts TWC Procurement and Contract Services about updates to ensure that the provider list, which is available to all staff, stays current.

The VR managers or their designee also includes the list in the Regional Communications Plan that TWC submits to the HHS Office for Civil Rights.

When using a translator, the VR staff member informs the translator and customer that information provided is kept in confidence.

For additional information, see VRSM A-300: Confidentiality and Use of Customer Records and Information.

### C-306-2: Guidelines for Translator Services

When the customer has limited English proficiency, VR staff makes every effort to locate a translator who:

* can effectively communicate in the customer's native language;
* is impartial;
* maintains the confidentiality of the customer's information; and
* is acceptable to the customer.

To find appropriate translators, VR staff asks for help from entities such as high schools, colleges, universities, the local chamber of commerce, churches, or private translation businesses that are located in areas where representatives of the customer's ethnic group can be found.

When it is not practical for the translator to meet in person with the VR staff and the customer, VR staff uses a speakerphone to communicate with the translator.

When VR sponsors a service, the VR staff ensures that the customer who has limited English proficiency is provided adequate help from:

* the service provider;
* an individual volunteer;
* a community organization; or
* other resources.

### C-306-3: Language Line

When a translator is not available, VR may use the Language Line telephone interpreter service.

To access the Language Line, refer to Language Services for VR Offices found on the Language Services Intranet page.

## C-307: Print and Braille Materials

VR also communicates with customers who are blind by using materials that are printed and materials that are braille.

Print can be accessible to customers who are blind or visually impaired by:

* supporting print and color contrast preferences for readability;
* educating staff about print and color preferences through VR teacher services;
* using large print (22-point font); and
* providing information on print preferences and color contrast.

Braille is a tactile communication system that uses a six-dot cell system.

TWC-VR:

* supports the use of braille;
* teaches braille through VR teacher services;
* uses braille materials;
* provides information about braille;
* refers customers to the Hadley Institute for the Blind and Visually Impaired, for courses on the Nemeth code and braille; and
* provides counseling and guidance on literacy.

### C-307-1: Braille Training

Braille is an essential skill for customers who are blind.

The VR teacher and VR counselor must encourage any customer who cannot read print (including large print) efficiently and effectively to learn braille.

To help customers make an informed choice about whether to receive training in braille, the VR counselor offers customers the opportunity to receive a braille assessment using nonvisual techniques. Information on the components of a braille assessment can be found in Best Practices for Braille Training (Word) which is located on the VR Teachers Sharepoint page on the BVI Intranet page under Vocational Rehabilitation Teacher Services.

After the assessment, the VR counselor offers customers who would benefit an opportunity to learn braille.

For more information, refer to the Simply Braille presentation (PPTX) which is located on the VR Teachers Sharepoint page on the BVI Intranet page under Vocational Rehabilitation Teacher Services.

### C-307-2: Requesting Braille Services

Most TWS or VR field offices can create simple materials in braille. For small jobs, contact the nearest VR office. For large jobs, such as materials for a statewide conference, contact the Assistive Technology Unit (ATU) at [vr.atu@twc.texas.gov](mailto:vr.atu@twc.texas.gov).

## C-308: Deaf and Hard of Hearing Services

For information, see [HHS Deaf and Hard of Hearing Services](https://hhs.texas.gov/services/disability/deaf-hard-hearing) on the Texas Health and Human Services (HHS) website.

## C-309: Reader Services

Reader services include reading to a customer who is blind material that is otherwise unavailable to the customer. Reader services may also include assisting with research.

Reader services may be used for vocational or academic training.

The VR counselor explores the availability of other nonvisual media before purchasing reader services.

### C-309-1: Legal Authorization

34 CFR §361.48(b)

"Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(11) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind."

### C-309-2: Reader Services for Students in an Academic Setting

#### Eligibility for Reader Services for the Blind and Visually Impaired

Customers who are blind or visually impaired are eligible for reader services if reader services are needed to support successful achievement of the customers' vocational goal.

Customer participation in the cost of services, also referred to as "BLR," does not apply to providing reader services.

#### Comparable Benefits

When a comparable benefit is available, it must be used instead of reader services. For example, an academic institution may provide reader services.

The customer must use reader services that are provided through a volunteer whenever possible, including services that are offered by certain public training programs or community service agencies.

For more information on Comparable Benefits, refer to VRSM D-203-3: Use of Comparable Services and Benefits. Also refer to Counselor Desk Reference Chapter C2: Blind and Visual Impairments.

#### Purchasing Reader Services

Reader services are purchased as follows:

* The VR counselor and customer agree on an hourly rate when planning for reader services in the individualized plan for employment (IPE). The rate must be documented in the IPE or in an IPE amendment and in the Form VR2011, Reader Services Log.
* The customer secures a reader to provide reader services. The VR counselor may provide guidance on this; however, it is the customer's responsibility to find and secure his or her own reader.
* VR staff issues a service authorization (SA) to the reader(s) before reader services are provided. The SA is based on the number of credit hours in which the customer is enrolled and needing reader services for that training period (semester, term, or class). VR staff will then issue an SA each month for the remainder of the training period. For more information, refer to VRSM D-213-1: Periodic Payments.
* The customer completes and submits Form VR2011 Reader Services Log to the VR counselor each month.
* Upon receipt of the Form VR2011 and a valid invoice, the VR counselor:
  + verifies that the Form VR2011 includes the number of hours, the agreed hourly rate, and the student's and reader's signatures;
  + verifies the invoice includes all of the required elements per VRSM D-208-2: Elements of an Invoice;
  + authorizes payment; and
  + places a copy of the Form VR2011 and invoice in the case folder.

Note: Texas Workforce Commission Vocational Rehabilitation (TWC-VR) does not pay for reader services rendered by a member of the customer's family or another VR customer.

#### Customer's Responsibilities

It is the customer's responsibility to:

* use all other reading-related resources to every extent possible before requesting reader services from TWC-VR;
* comply with TWC-VR policies that prohibit payment of reader services when rendered by an immediate family member or another VR customer; and
* submit the Form VR2011 Reader Services Log, and invoice to the VR counselor by the 15th day of the month that follows the service dates.

The customer has sole responsibility for:

* interviewing and hiring the reader at the agreed hourly rate;
* determining the scope of work, including the materials to be read and the date, time, duration, and location of the services;
* establishing and enforcing all terms and conditions of employment; and
* terminating the agreement, when necessary.

#### VR Counselor's Responsibilities

The VR counselor must:

* evaluate the number of hours of reader services that the customer needs;
* issue an SA in a timely manner;
* ensure that the customer understands that TWC-VR does not reimburse any self-paid payments for reader services;
* authorize payment; and
* ensure that a copy of the Form VR2011, Reader Services Log, and invoice is placed in the customer's case file.

Note: If reader services are not approved contracted services offered through the training program, or if comparable benefits are not available, the provider must be set up as a vendor in ReHabWorks (RHW) and paid directly.

Follow the process outlined in VRSM D-211: Setting Up and Paying Providers to set up an individual as an established provider in RHW.

### C-309-3: Contracted Reader Services

Reader services that are provided through a contract with the customer's training program offer the following benefits when the service is not available through a comparable benefit:

* Payment rates for reader services are already established and agreed upon.
* If the customer loses a reader at a crucial time during the semester, he or she is not burdened with finding a new reader; the university helps the customer find a new one.

Using a contract or designating a vendor for reader services does not infringe on a customer's independence because the customer is still directly involved in evaluating and documenting the services that are purchased.

## C-310: Communication Access Realtime Translation (CART)

Communication Access Realtime Translation (CART) describes the provision of translation of the spoken word displayed on-screen by a CART provider without contributing to the dialogue. Texas Workforce Commission (TWC) Vocational Rehabilitation (VR) uses CART services to facilitate communication with customers during the rehabilitation process.

### C-310-1: Legal Authorization

When developing an individualized plan for employment (IPE), the designated state unit must provide all required information in the native language or mode of communication of the individual or the individual's representative. Refer to 34 CFR §361.45(c).

Appropriate modes of communication are defined in 34 CFR §361.5(4) as "specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed-captioned videos, specialized telecommunications services and audio recordings, Braille and large-print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials."

### C-310-2: Maintaining Customer Confidentiality

VR staff must inform the CART provider and customer that information provided is maintained in confidence. For more information, refer to VRSM A-206: Confidentiality and Use of Customer Records and Information.

### C-310-3: Using CART Providers

TWC-VR must use qualified certified providers. A qualified CART provider holds any of the following certifications:

* Texas Court Reporters Association:
  + CART Certification Level I
  + CART Certification Level II
  + CART Certification Level III
  + CART Certification Level IV
  + CART Certification Level V
* National Court Reporter Association:
  + Certified Realtime Reporter (CRR)
  + A [Certified Realtime Captioner](https://www.ncra.org/certification/certified-realtime-captioner) (CRC) certificate of competency issued by the National Court Reporter Association
* Certified CART Provider (CCP)
* Certified Broadcast Captioner (CBC)

### C-310-4: Purchasing CART Services

Ordinarily, payment for CART services must not exceed the cost listed on the [Texas HHS Communication Services for State Agencies (CSSA) fee schedule.](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates) Using contracted CARTS providers is preferred.

Note: The use of non-contracted CART service providers must comply with VRSM D-205: Purchasing Threshold Requirements. Every effort must be made to deliver services at the regular (day) rates.

Note: A separate service category for Pre-Employment Transition Services (Pre-ETS) interpreters and CART services must be used when purchasing CART services for Pre-ETS. For more information, refer to the Pre-ETS Desk Reference Part 2: Pre-ETS Purchasing Guidance and Menu of Services found on the Transition Services intranet page.

For specific CART services policies, refer to VR-SFP Chapter 24: Communication Access Services.

### C-310-5: Purchasing CART Services from Colleges and Universities

Fees in the [HHS CSSA fee schedule](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates) do not apply to contracted institutions unless noted in the terms of the contract. VR shares contracts with several colleges and universities to offset part of the cost for CART services, and rates are determined by the contract.

Payments made to colleges and universities that are not under a VR contract must comply with the established [HHS CSSA fee schedule](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates).

### C-310-6: Paying an Out-of-State Provider

When an out-of-state provider performs CART services:

* in Texas, established fees apply; or
* outside of Texas, the maximum allowable fee is the highest in-state fee for the applicable certification level.

### C-310-7: Procedures for Purchasing CART Services

The rate for CART services depends on:

* whether services are provided on-site or remotely;
* whether additional services are provided (for example, the use of a projector or providing an unedited transcript);
* the number of CART providers needed; and
* when the services are required (day, evening, weekend, or holiday).

VR purchases CART services as follows:

* The customer and VR counselor agree on the need for CART services.
* The customer selects the provider from among those available.
* VR staff contacts the CART provider to request services and indicates:
  + the date, time, and location;
  + whether services will be provided on-site or remotely;
  + whether transcripts and other services will be needed; and
  + how the provider's quoted fee compares to the maximum allowable fee, negotiating with the service provider when necessary.
* The service provider provides the name and certification level of the assigned captioner.
* VR staff records the service provider chosen in the customer's service record.
* VR staff obtains an agreement from the customer that the customer will attend the appointment and, if unavailable, will notify VR staff at least 48 hours before the appointment if he or she will not be able to attend, then VR staff documents the agreement in a case note in ReHabWorks (RHW).
* VR staff issues a service authorization for the approved services that contains the following information:
  + A line item for the administration fee using the specifications for the level of interpreting being requested
  + A line item for each hour using the number of hours as the quantity (no lump sum amounts) for each day of services being requested
  + The location for the service to be provided (on-site location or remotely)
  + A line item for reimbursement of travel costs for contracted providers only
* VR staff:
  + receives the provider's invoice;
  + collects any receipts for travel costs for contracted providers only; and
  + verifies the amount charged against the maximum allowable TWC fee as published on the [HHS CCSA website](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates).
* VR staff authorizes payment for the services in RHW.

TWC-VR pays cancellation fees to CART providers when services are cancelled within a period of less than 48 hours of the scheduled service, including cancellation upon arrival (formerly referred to as "no-show"). When a cancellation fee is applicable, the original service authorization is revised using the Maximum Affordable Payment Schedule (MAPS) code for cancellation fees rather than the MAPS code for CART services. For more information about processing payments for no-shows, refer to VRSM D-204-7: Cancellation Upon Arrival.

#### Creating a Service Record

VR staff must create a service record with the following MAPS Codes for CART services.

MAPS Codes for Communication Access Realtime Translation (CART) Services

* Contracted CART Services – CACRTCR
* Contracted CART Services Cancellation Fee – CRTCRCNL
* Non-Contracted Interpreter Services – CACRTNC
* Non-Contracted CART Services Cancellation Fee – CRTNCCNL

#### Contracted CART Services

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – CART -CONTRACT REQUIRED
* Level 3 Communication Access Services – CART – CONTRACT REQUIRED
* Level 4 Communication Access Services – CART – CONTRACT REQUIRED (Choose the appropriate option)

#### Cancellation for Contracted CART Services

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – CART – CONTRACT REQUIRED
* Level 3 Communication Access Services – CART – CONTRACT REQUIRED
* Level 4 Cancellation Fee (choose appropriate option)

#### Travel-Related Services for Contracted CART Services

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – CART – CONTRACT REQUIRED
* Level 3 Communication Access Services – CART – Administration Fees, Travel Time, Lodging, Per Diem [CONTRACT REQUIRED]
* Level 4 Communication Access Services – CART – [CONTRACT REQUIRED] (Choose appropriate line item for administration fees, travel time, lodging, per diem separate line item for each)

#### Non-Contracted CART Services

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – CART – NON-CONTRACT ONLY
* Level 3 Communication Access Services – CART – NON-CONTRACT ONLY
* Level 4 Communication Access Services – CART – NON-CONTRACT ONLY

#### Cancellation for Non-Contracted CART Services

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – CART – NON-CONTRACT ONLY
* Level 3 Communication Access Services – CART – NON-CONTRACT ONLY
* Level 4 Cancellation Fee (choose appropriate option)

#### Travel-Related Services for Non-Contracted CART Services

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services – CART – NON-CONTRACT ONLY
* Level 3 Communication Access Services – CART – Administration Fees, Travel Time, Lodging, Per Diem [NON-CONTRACT ONLY]
* Level 4 Communication Access Services – CART – [NON-CONTRACT ONLY] (Choose appropriate line item for administration fees, travel time, lodging, per diem separate line item for each)

#### Contracted Communication Access Realtime Translation (CART Services for Colleges and Universities

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services by Colleges and Universities (CONTRACT REQUIRED)
* Level 3 Communication Access Realtime Translation CART Services by Colleges and Universities – CONTRACT REQUIRED
* Level 4 CART Services by Colleges and Universities—Contracted (enter rate as specified by the contract)

#### Non-Contracted Communication Access Realtime Translation (CART Services for Colleges and Universities

* Level 1 Interpreter and Translator Services
* Level 2 Communication Access Services by Colleges and Universities—Non-Contracted Service Providers (NO CONTRACT REQUIRED)
* Level 3 Communication Access Realtime Translation (CART) Services by Colleges and Universities (No Contract Required)
* Level 4 CART Services by Colleges and Universities (choose first hour/number of providers, location)

For Pre-ETS CART services, refer to the Pre-ETS Desk Reference Part 2: Pre-ETS Purchasing Guidance and Menu of Services found on the Transition Services Intranet page.

### C-310-8: Fee Schedule for CART Services

Rates for CART services are based on several factors. Rates for CART services are the [HHS CCSA Maximum Rates](https://hhs.texas.gov/doing-business-hhs/contracting-hhs/communication-services-state-agencies/cssa-maximum-rates). Below are the definitions to determine what rates apply:

* Day:  8:00 a.m. to 5:00 p.m., weekdays (Monday through Friday)
* Evening:  5:00 p.m.to 8:00 a.m., weekdays (Monday through Friday)
* Weekend:  5:00 p.m. Friday to 8:00 a.m. Monday
* Last Minute:  Service requests made with less than 48 business hours in advance (2 business days) notice

When a scheduled session exceeds the original approved time, last-minute rates must be billed at the Additional Quarter Hour under CART Rates—Day.

# Vocational Rehabilitation Services Manual C-400: Training Services

## Introduction to Training Services

A full range of reasonable and necessary training services is available to eligible vocational rehabilitation (VR) customers when these services are necessary to prepare for, secure, retain, advance in, or regain the employment goal that is identified on the customer's individualized plan for employment (IPE). When considering providing support for training services, VR must apply:

* Best value
* Use of comparable benefits
* Required customer participation in cost of services (also referred to as BLR)
* Separation of duties, and
* Ethics and purchasing.

For more information refer to VRSM D-203: Purchasing Decisions.

## C-401: Legal Authorization

#### 34 CFR §361.48(b) (6)

"(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(6) Vocational and other training services, including personal and vocational adjustment training, advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business); books, tools, and other training materials, except that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing or any other postsecondary education institution) may be paid for with funds under this part unless maximum efforts have been made by the State unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training."

### Texas Workforce Commission (TWC) Vocational Rehabilitation Services Rule §856.45:

"(a) VRD purchases vocational and other training services for customers who require additional knowledge or skills to enter employment consistent with their aptitudes and ability, and compatible with their physical or mental impairments.

(b) VRD purchases vocational and other training services through an appropriate facility. These facilities include accredited colleges and universities, certified public or private businesses, technical and vocational schools, on-the-job training, correspondence course training, tutorial training, and community rehabilitation program training.

(c) Academic training in institutions of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) is subject to the following:

(1) Academic training in proprietary vocational schools and technical institutes must be provided only in schools that are licensed or certified by the Agency on the Licensed Career Schools and Colleges Directory website, the Eligible Training Provider System website, or another regulatory agency, before including the training on the individualized plan for employment.

(2) No vocational rehabilitation funds may be used to pay for academic training unless VRD and the customer have made maximum efforts to secure grant assistance in whole or in part from other sources to pay for the training.

(3) The PELL grant, like any other comparable services and benefits, must be applied to the educational process before the expenditure of VRD funds for services under this section. Services must not be denied pending receipt of a PELL grant, but must be contingent upon the customer's making application if eligible.

(4) Academic training must be provided through public, tax-supported colleges and universities in Texas unless:

(A) a specific curriculum related to the customer's academic major is not available at a Texas public institution;

(B) academic training elsewhere is determined to be more economical; or

(C) academic training elsewhere provides specialized services needed by the customer.

(5) If the customer chooses to obtain academic training at a private college or university in Texas or at a college or university outside Texas and the provisions in paragraph (4) of this subsection do not apply, academic support must be limited to that which the customer would receive if he or she attended a state-supported college or university in Texas, unless the customer is a recipient of Social Security benefits, either Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

(6) A customer who is blind, does not meet the residency requirements of a particular institution, and is not eligible for tuition exemption under Texas Education Code (TEC) §54.364 may receive VRD tuition assistance based on the customer's economic need, but the payments must not exceed the tuition paid for a customer who does meet the residency requirements.

(7) Tuition and fee exemption is an exemption from payment of tuition and/or required fees normally charged by a state-supported college or university. Required fees include student services, building use, health center use, lab fees, and property deposits not reimbursable to the student. Required fees do not include optional fees.

(8) Any equipment purchased for the customer during academic training must be needed by the customer to help maintain academic success so that the customer can meet the employment outcome.

(9) Once admitted to academic training:

(A) the customer must maintain and complete a full-time course load as defined by the college or university. This requirement may be waived if:

* the customer is a graduating senior;
* the customer is an incoming freshman (first two semesters or quarters);
* the customer is a returning adult (first academic year only);
* the customer is in summer school; or
* other extenuating circumstances prevent the customer from participating in a full-time course load; and

(B) the customer is required to meet with the VR counselor at least once each semester, to submit add or drop slips as changes occur, and to provide grade slips or transcripts to the VR counselor at the end of each semester.

(d) VRD requires that each customer who is provided with vocational or other training services by VRD apply for financial assistance where reasonably available. This assistance can include federal, state, or local grants-in-aid and private scholarships where applicable. If the customer has not done so before the time of application for vocational rehabilitation services, the VR counselor assists the customer in doing so.

## C-402: Types of Training Services

VR services are available in several ranges and training environments. Additionally, many levels of trainings are available to serve the needs and abilities of VR customers.

### C-402-1: Range of Services

The range of training services include the following:

* Academic training
* Vocational training and technical training
* Credential specific training
* Work Readiness
* Apprenticeship opportunities
* Work Experience
* Project Search
* Adult Basic Education
* Texas Confidence Builders

### C-402-2: Training Environments

Approved training environments include the following:

* Community colleges
* State colleges
* Technical colleges
* Public universities
* Health-related institutions
* Private postsecondary institutions
* On-the-job and registered apprenticeship sites
* Specialized training providers that are approved by Texas Workforce Commission Vocational Rehabilitation Services (TWC VR)

The Criss Cole Rehabilitation Center is also an approved training institution. For more information, refer to the Criss Cole Rehabilitation Center Policy Manual found on the Criss Cole Rehabilitation Center Intranet page.

### C-402-3: Levels of Training

Various levels of training are available, including the following:

* Secondary school diploma
* Secondary school equivalency
* Certificate of successfully completed individualized education plan
* Work readiness
* Vocational adjustment
* Skill-specific training
* Training-specific credentials
* Certificate
* Associate degree
* Bachelor's degree
* Master's degree
* Doctorate

The VR counselor can consider advanced training in science; technology; engineering; mathematics, including computer science (also referred to as STEM occupations); medicine; law; or business as well as other fields in which there is a specific vocational outcome that requires an advanced degree when the customer can meet minimum standards to be accepted in the program.

VR is the payor of last resort, see VRSM C-406-1: Payer of Last Resort.

## C-403: Computerized Criminal History Search for Training

When participation in training or eligibility for a license and/or employment in an occupation requires that the customer pass a computerized criminal history (CCH) search, the CCH must be performed before including the training or employment in the customer's IPE. For more information about CCHs, refer to VRSM B-405: Computerized Criminal History Checks.

VR cannot support an IPE goal or related services when the customer does not meet the legal requirements of the associated employment outcome.

## C-404: VR Counselor Responsibilities

The VR counselor provides ongoing support through regular counseling, guidance, and help with coordinating access to necessary supports throughout the life of the case. This can include assisting the customer in applying for other types of assistance such as federal aid.

If a counselor has determined that an exception will facilitate a customer's progress and there is not an approval exception listed in policy, counselors are encouraged to staff the request through their chain of management to the Deputy Division Director for Field Services for consideration. VRSM clearly states when no exceptions are allowed.

### C-404-1: Informed Choice and Training Services

When there is an expressed desire or need for the customer to participate in training services to reach an identified vocational goal, the VR counselor works with the customer through the process of informed choice to explore a variety of options. This must be documented clearly in a case note or series of case notes in RHW as part of the assessing and planning process to complete the comprehensive assessment. For more information on roles and responsibilities in this process, refer to VRSM B-102: Informed Choice.

### C-404-2: Counseling and Guidance for Training Participants

The VR counselor must provide counseling and guidance that emphasizes the importance of the customer's participation in and commitment to successful completion of training and the achievement of the employment outcome.

Counseling and guidance for training participants are provided, at a minimum:

* before the beginning of any training period;
* once during each semester or training period (to check the customer's progress); and
* at the end of each semester or training period (to check grades and to plan for the next semester or training period).

When appropriate, VR counselors provide counseling and guidance on opportunities for advanced training in science, technology, engineering, mathematics, computer science, medical, legal, and business occupations. (Science, technology, engineering, and mathematics are referred to as "STEM" occupations.)

For more information about counseling and guidance requirements, refer to VRSM C-100: Counseling and Guidance.

As part of the counseling and guidance process, VR counselors provide information on available information, resources, and supports that will help the customer make an informed choice and succeed in services. For more information refer to VRSM D-203-1: Informed Customer Choice.

### C-404-3: Evaluating Training Progress

Each semester or training period, the VR counselor reviews the following, as appropriate:

* The customer's grades or progress report, but does not delay services when grades cannot be obtained before registration for the next semester or grading period
* The customer's degree plan and the progress made to reach the training goal
* Financial aid and tuition bill
* All courses the customer plans to take during the next semester or training period to ensure they are a part of the customer's required coursework.

The customer must maintain satisfactory training progress as defined in VRSM C-407-3: Satisfactory Training Progress. If the customer struggles to maintain satisfactory training progress, the VR counselor reviews the customer's use of available resources and supports, such as tutoring, accommodations, and assistive technology, to see if the customer could improve the use of available resources and supports.

## C-405: Financial Aid and Comparable Benefits

Comparable benefits and required customer participation in the cost of services must be applied to the cost of all training services before VR funds are used.

The customer must contact the school and apply for financial aid. No VR funds can be used to pay for training until VR and the customer have made maximum efforts to secure grants and/or other assistance to pay for the training. Verification of application for available financial aid and/or verification of financial aid award must be included in the customer's case file.

The following comparable benefits options can be selected to document the use of comparable benefits when service records, IPEs, and Closure Services pages are developed in RHW:

* Disability services offices on college and university campuses
* Educational service center
* Federal student aid (such as Pell Grants, Supplemental Educational Opportunity Grant (SEOP), and work-study)
* Intellectual and developmental disabilities agencies
* Other state agencies
* Other VR state agencies
* Scholarship
* Tuition waiver (non-blind, non-deaf)
* Tuition waiver–Blind
* Tuition waiver–Deaf
* Tuition waiver–Foster Care
* Veteran's Administration
* Waiver programs—MDCP In-Home, CLASS & Family Support Class
* Other entitlement programs

For more information, refer to VRSM D-203-3: Use of Comparable Services and Benefits; VRSM C-405-2: Pell Grant; and VRSM D-203-4: Customer Participation in the Cost of Services.

### C-405-1: Free Application for Federal Student Aid

The [Free Application for Federal Student Aid (FAFSA)](https://studentaid.gov/h/apply-for-aid/fafsa) is a form that can be prepared annually by current and prospective students (undergraduate and graduate) in the United States to determine eligibility for student financial aid. All customers must complete the FAFSA. If the institution does not accept federal financial aid, the customer must complete the institutions financial aid application to receive VR funds for training and related expenses.

### C-405-2: Pell Grant

The Pell Grant and other comparable benefits are applied to the cost of tuition, fees, and other educational expenses before any VR funds can be used. No exceptions are permitted to the use of the Pell Grant. If the Pell Grant is greater than the tuition and fees owed by the customer, the remaining funds should be applied to the cost of other educational expenses, such as books, supplies, room and board, and transportation, under the terms of the grant.

Student financial assistance, such as a loan that requires repayment or scholarships that are not based on student income, are excluded from the financial aid requirement.

### C-405-3: Defaulted Student Loans

If the student has defaulted on a Guaranteed Student Loan, the student is denied a Pell Grant and other forms of financial aid. Before receiving VR funds for training, the customer must:

* initiate the process of getting the loan out of default; and
* provide written documentation, such as copies of correspondence, to confirm that he or she has initiated this process.

For more information, refer to The Federal Student Aid website for "[Getting Out of Default](https://studentaid.gov/manage-loans/default)."

### C-405-4: Tuition and Fee Waivers

Students who are eligible for a tuition waiver are exempt from paying tuition and fees for any state-supported college or university in Texas. A waiver includes exemption from all required fees and charges, except for:

* fees or charges for lodging;
* costs of boarding and/or clothing; and
* refundable deposits.

For more information about these tuition waivers, refer to  [College for All Texans: Financial Aid](http://www.collegeforalltexans.com/apps/financialaid/tofa.cfm?Kind=W).

The 62nd Texas Legislature, Regular Session (1971), established the tuition waiver (also referred to as "tuition exemption") program to help Texas residents who are deaf or blind to receive the benefits of higher education in publicly funded colleges and universities. For more information about these tuition waivers, refer to  [College for All Texans: Types of Financial Aid—Exemptions—Blind/Deaf Student Exemption Program](http://www.collegeforalltexans.com/apps/financialaid/tofa2.cfm?ID=547) and refer to the additional details below.

### C-405-5: Deafness Tuition and Fee Exemption

Customers who are severely hard of hearing or deaf who request academic training must:

* be referred to the Health and Human Services Commission (HHSC) Office for Deaf and Hard of Hearing Services (DHHS); and
* complete [HHSC Form 3900, Application for Certificate of Deafness for Tuition Waiver](https://hhs.texas.gov/sites/default/files/documents/laws-regulations/forms/3900/3900.pdf) .

For more information, go to [Texas Health and Human Services Deaf and Hard of Hearing](https://www.hhs.texas.gov/services/disability/deaf-hard-hearing).

### C-405-6: Blindness Tuition and Fee Exemption

Individuals who are legally or totally blind and meet residency requirements for the college or university are exempt from paying tuition and fees for state-supported colleges and universities in Texas. An individual does not have to be a VR customer to receive a tuition and fee exemption.

The VR counselor provides the individual with a copy of Form VR3119, Certification of Blindness, certifying that the individual is legally or totally blind.

A completed Form VR3119, Certification of Blindness, is distributed as follows:

* The original is given to the customer; and
* A copy is placed in the appropriate file (the customer's VR file or the college-tuition-exempt file for non-VR customers).

It is the responsibility of the individual requesting the waiver to:

* submit documentation of blindness to VR;
* submit a Certificate of Blindness to the educational institution;
* provide proof that he or she meets the institution's entrance requirements; and
* follow the institution's procedures regarding tuition exemption.

If the individual is a VR customer, the information should be readily available in the customer's case file.

To meet the eligibility for tuition exemption as indicated in TEC §54.205, the individual must:

* be a resident of Texas as defined by the Texas Higher Education Coordinating Board;
* be a high school graduate or have received a GED;
* present a letter of recommendation from the principal of the high school attended, from a public official, or from another responsible person who knows the blind individual; and
* present a self-written statement that:
* explains his or her purpose in pursuing higher education; and
* indicates the certificate or degree program to be pursued, or the professional enhancement anticipated from the course of study for that certificate or degree program.

If a VR customer is legally or totally blind but is not eligible for tuition exemption because he or she does not meet the state-supported school's residency requirements, VR can pay for tuition and fees at a public in-state college or university, not to exceed the Texas-resident tuition rate.

If the individual is not a VR customer, the individual must present visual diagnostic information in person or by mail, confirming legal or total blindness.

Eye exams from an optometrist, an ophthalmologist, or a low-vision specialist meet this requirement. VR does not pay for a diagnostic exam for the sole purpose of obtaining this record. The VR counselor does not use a medical consultant if medical records do not clearly document legal blindness.

It is recommended that the VR counselor meet with the individual in person so that the VR counselor can determine whether the individual needs other VR services. Travel funds are not authorized solely for certification for tuition exemption.

## C-406: Purchasing Training Services

A service authorization (SA) is the only valid means by which VR can authorize the purchase of goods and services on behalf of VR customers.

Use of a service authorization ensures that the:

* required approvals and consultations have been obtained;
* appropriate funds have been encumbered;
* necessary contracts are included, when applicable; and
* additional instructions, guidance, and other necessary information is given to the provider.

For general information about policies and procedures for purchasing all goods and services, refer to VRSM D-200: Purchasing Goods and Services.

### C-406-1: Payer of Last Resort

VR is the payer of last resort. Comparable benefits and required customer participation in the cost of services must be applied to the cost of all training services before VR funds are used. For more information, refer to VRSM D-203-3: Use of Comparable Benefits.

Because VR uses tax revenue for case service expenditures, VR has the additional obligation to purchase the least expensive services that meet the vocational needs of the customer. For more information, refer to VRSM D-203-2: Best Value Purchasing.

The following are sources of comparable services and benefits:

* US Department of Veterans Affairs
* Pell Grant
* Disability services offices on college and university campuses
* Waivers
* Other entitlement programs

### C-406-2: Supplemental Security Income and Social Security Disability Income Recipients

Customers who are eligible for Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) because of a disability are exempt from required participation in the cost of training services that are:

* associated with basic living requirements (BLR) calculations; and
* associated with payment limitations for universities, colleges, or technical institutions for tuition, fees, and other training-related expenses.

Exceeding the maximum tuition and fees amounts set by policy does not require VR management approval if the customer is a SSI or SSDI recipient.

SSI and SSDI recipients are not exempt from the requirement to use comparable services and benefits for all services, such as tuition exemptions, federal financial aid that does not require repayment, or other free or low-cost services that are readily available to the customer. Refer to VRSM D-203: Purchasing Decisions for more information.

### C-406-3: Repeating Courses

VR usually does not pay for courses that must be repeated. If VR funds are used to pay for a course more than twice, the VR counselor must consult with the VR Supervisor, and the justification for VR support of the repeated course must be clearly documented by the VR counselor in an RHW case note.

Counseling and guidance should be provided to ensure that the customer is using available supports and is complying with customer responsibilities as defined on the IPE or IPE amendment.

### C-406-4: Withdrawals and Refunds

When a customer withdraws from a course or VR terminates services before the customer completes the course, the VR counselor pursues a refund per the school's policy.

### C-406-5: Creating Service Authorizations for Training Services

An SA is the only valid means by which VR can authorize the purchase of goods and services on behalf of VR customers.

#### Encumbrance Period

VR limits the number of encumbrance periods for training and related services to two semesters, trimesters, quarters, or other school registration periods. For example, the VR counselor might have issued service authorizations for the fall semester and must issue service authorizations for the spring semester when the customer needs to register for the spring semester before the end of fall semester. However, the IPE must include the entire time frame that is required for the customer to complete the approved training that is needed to reach the vocational goal. For more information about developing the IPE, refer to VRSM B-505: Content of the IPE.

#### Prorating Costs When Crossing Fiscal Years

For additional information about creating service authorizations for tuition and fees, including information about crossing state fiscal years and prorating services refer to VRSM D-212: Creating the Service Authorization and D-212-2: Crossing State Fiscal Years.

## C-407: Customer Responsibilities

Successful completion of training requires active involvement by the customer in all aspects of the VR service and training. This includes:

* providing all required documentation;
* completing all admission and registration procedures required by the training institution;
* maintaining satisfactory training progress, as defined by the training institution; and
* maintaining satisfactory progress with VR services as defined in the customer's IPE.

VR requires that each customer who is provided with training services apply for available financial assistance such as federal, state, or local grants and private scholarships.

A service authorization is the only valid means by which VR can authorize goods and services with VR funds. For more information on purchasing services and procedures, refer to VRSM D-204: The Purchasing Process.

### C-407-1: Required Documents

A customer who is participating in training must provide the VR counselor with the following documentation, which is kept in the customer's paper case file:

* Verification of application for available financial aid and/or verification of financial aid award
* A copy of the individualized degree plan or comparable documentation as provided by the training institution
* A course schedule for each training period
* Documentation that shows progress for each training period, such as a report card, grade report, or transcript
* Written documentation of added and dropped courses
* Written justification for a change in the major course study
* Documentation of the appropriate certificate of completion

For information on Measurable Skill Gains documentation requirements, refer to VRSM A-500: Measurable Skill Gains. For information on Credential Attainment documentation requirements, refer to VRSM A-600: Credential Attainment.

When a course of study is changed more than twice, approval from the VR Supervisor is required before VR continues sponsorship of costs associated with training.

### C-407-2: Participation in VR Services and Training

The following information is based on the Texas Workforce Commission Vocational Rehabilitation Services Rule §856.45. No exceptions other than those described below can be made to the following policies and procedures.

To demonstrate customer participation in VR services, the customer must:

* enroll in courses and electives that are included in the institution-approved degree or training plan;
* contact the VR counselor before adding or dropping classes; this includes taking an incomplete for a course. If the course schedule is changed, then payments for reader services, books, tools, supplies, transportation, room and board, and other supports must be recalculated;
* maintain and complete a full-time course load as defined by the training institution, unless the customer is:
  + a graduating senior (from a college or university);
  + an incoming freshman (first two semesters or quarters);
  + a returning adult student (first academic year only);
  + attending summer school, mini-semester; or
  + subject to other documented extenuating circumstances, such as disability-specific limitations, that prevent the customer from participating in a full-time course load;
* communicate with the VR counselor, teachers, and the training provider's disability office about problems or accommodation needs;
* use the services and supports that are available through the training provider's disability office, as needed;
* maintain consistent enrollment and attendance in regular semesters; and
* maintain satisfactory progress, as defined in VRSM C-407-3: Satisfactory Training Progress.

### C-407-3: Satisfactory Training Progress

Satisfactory training progress is defined by the training provider and included on the customer's IPE. The customer must meet satisfactory training progress requirements for each semester or grading period to receive VR funding for subsequent semesters or grading periods.

The VR counselor can make exceptions to this requirement for no more than one semester or grading period and on a case-by-case basis if justification for the exception is documented clearly in a case note. If a customer fails to meet satisfactory training progress for two or more consecutive semesters or grading periods, the VR Supervisor must review and approve continuing with, or resuming, training and related services or supports.

## C-408: Training at a College or University

Customers can attend an accredited public or private (independent) college or university and earn a certificate or an associate, bachelor's, master's, or doctoral degree when the customer can meet minimum standards to be accepted in the program.

### C-408-1: Assessment for Training at a College or University

Customers must meet the minimum standards for acceptance to a college or university that is sponsored by VR; the college or university must be identified as the provider for the service in the customer's IPE or IPE amendment.

Before completing the IPE, the VR counselor assesses the customer's potential to benefit from and successfully complete academic training. The assessment includes a review of the customer's:

* previous academic achievements (grades, degrees, and certificates);
* existing or new cognitive evaluations;
* need for, or history of, remedial classes;
* independent living skills;
* ability to manage the related time demands;
* need for assistive technology or accommodations in a training environment; and
* need for non-VR supports for participation.

For more information about completing the comprehensive assessment, refer to VRSM B-400: Completing the Comprehensive Assessment.

#### Private or Out-of-State Colleges or Universities

Training must be provided through public colleges and universities in Texas unless:

* a specific curriculum related to the customer's course of study is not available at a Texas public institution;
* academic training elsewhere is determined to be more economical, after all costs are considered; or
* academic training elsewhere provides specialized services needed by the customer that are not available at a Texas public institution.

When a customer chooses to attend a private (independent) or an out-of-state college, technical or state college, university, or health-related institution, even though a comparable public training institution is available in Texas, tuition and fees paid by VR cannot exceed in-state tuition and fees. Exceptions to the limitations for tuition and fees require justification and approval by the VR Supervisor.

Customers that are SSI/SSDI recipients are exempt from limitations and required participation in the cost of training services. Refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

For more information refer to VRSM C-409: Maximum Payment for a Training at a College or University.

For approval requirements, see VRSM D-206-3: Out-of-State Purchases and VRSM C-409-5: Private or Out-of-State Training at a College or University.

#### Evaluating Previous Training Performance

If the customer's history includes a record of marginal or poor performance in previous training, before committing to a full training program in the customer's IPE, the VR counselor should consider obtaining additional diagnostic evaluations or other types of assessments, if comparable documentation is not available, to develop a remedial plan and determine whether the customer is likely to be successful (with supports).

Examples of poor training performance include:

* excessive and/or repetitive class withdrawals or drops;
* poor attendance; and
* failing grades.

### C-408-2: Developmental Courses at a College or University

If a customer requires developmental courses (sometimes called remedial courses) to strengthen academic skills, the VR counselor must consider best value and other comparable benefits to provide this training, including:

* adult basic education programs;
* special training;
* tutorial programs; and/or
* developmental courses provided at no cost.

If comparable benefits are unavailable or impractical, VR can pay for developmental courses for a maximum of two semesters or grading periods.

### C-408-3: Content of an IPE for Training at a College or University

In addition to the requirements identified in VRSM B-500: Individualized Plan for Employment and Post-Employment, an IPE that includes training services must also include:

* an employment goal that is directly associated with the sponsored training;
* the specific definition of satisfactory progress such as minimum grades requirements and attendance;
* the credit hours required for each semester or grading period;
* statements of specific customer and VR responsibilities; and
* a statement about the requirement to apply available federal financial aid (for example, the Pell Grant and other funding that does not require repayment) to the cost of training before VR funds are authorized.

The IPE must be written for the entire length of the agreed-upon training at the college or university and can be amended throughout the life of the case.

#### Admission and Registration Procedures

The customer must complete all admission and registration procedures required by the college or university. The customer completes as much as possible, with VR staff providing only minimal coaching and prompting. When needed, the level of coaching and prompting to complete these tasks should be individualized, based on the customer's unique needs and circumstances.

### C-408-4: Required Time Frames for Completion of Training at a College or University

VR customers are expected to complete VR-sponsored training within a reasonable time and in accordance with their college or university degree plan.

VR sponsorship of academic training that exceeds the following time frames requires VR Supervisor approval as soon as it is apparent that the following time frames will be exceeded:

* An associate degree (generally 60 credit hours) must be completed within three years.
* A bachelor's degree (generally 120 credit hours) must be completed within six years (including credit hours from a junior college or community college).
* A master's degree must be completed within three years. (This does not include time to complete bachelor's degree before beginning the master's degree program.)

Timeframes for doctoral degree level training varies. Documentation must show that the customer is participating at a full-time status.

#### Prorated Time Frames

When a customer has spent time in a college or university before VR sponsorship, the VR counselor must consider the credit hours already earned that apply to the current degree plan. The required timeframes for completion are then based on the institution degree plan, which must be based on full-time enrollment, unless the full-time enrollment requirement is justified in a case note and approved. The VR counselor documents the justification for the prorated time frame in a case note in ReHabWorks (RHW) and includes the agreed-upon time frame in the customer's IPE or IPE amendment.

## C-409: Maximum Payment for Training at a College or University

Vocational Rehabilitation (VR) may pay for training when the customer is enrolled in a public, private, or out-of-state institution. To determine the institution’s classification, refer to [College for all Texans—Degree Programs](http://www.collegeforalltexans.com/apps/degreeprograms/).   
  
This subsection and VRSM C-412: Maximum Payment for Training at a Proprietary Institution list the maximum amounts of tuition and fees that VR is permitted to pay per semester or grading period.

#### IPE Requirements

When completing the individualized plan for employment (IPE), VR staff must not include specific rates of tuition and fees. Staff should refer to the rates as "will pay amounts per policy."

For more information on IPE and IPE amendments, refer to VRSM B-500: Individualized Plan for Employment and Post-Employment.

### C-409-1: Public Training Institutions

VR pays the entire amount for in-state tuition and required fees at public training institutions in Texas for eligible customers after the Pell Grant, needs-based financial aid, and any required customer contributions are applied. VR pays the Texas resident tuition rate. Exceptions to exceed the Texas resident tuition rate may be granted with justification and VR Supervisor approval.  
  
VR staff uses the College for all Texans website to verify if the public institution is one of the following:

* Two-Year Community College
* Four-Year College or University
* Technical College
* State College
* Health-Related Institution

#### Study Abroad

If study abroad is required at an in-state public college or university and there is not an option to take virtual or on-campus classes, VR pays for the entire amount of tuition and required fees.

If study abroad is required at a private or out-of-state college or university and there is not an option to take virtual or on-campus classes, VR pays up the maximum amounts as stated in policy. Refer to VRSM C-409-2: Private or Out-of-State Training Institutions and VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

VR must approve the eligible study abroad location which can be based on cost-effectiveness, best value, and value added to the customer’s training program. For information on airfare refer to VRSM C-1402-7: Airfare.

Exceptions to the requirements for study abroad require justification and approval by the VR Supervisor.

### C-409-2: Private or Out-of-State Training Institutions

When a customer chooses to attend a private or out-of-state college, even though a comparable public training institution is available in Texas, the VR counselor:

* documents in a case note why the customer chose a private or out-of-state institution instead of a public institution; and
* follows pay the procedures in the next section to determine the maximum amount that VR may pay to the private or out-of-state institution.

Note: The VR counselor must document clearly and in detail the reason the customer chose a private or out-of-state institution when there is a comparable public in-state institution. Justification may be for reasons such as accommodations for the customer’s disability, additional support out-of-state, or any other justification for choosing a private or out-of-state institution.

Tuition and fees paid to private and out-of-state institutions may not exceed the maximum amount described in the next section unless the VR counselor justifies, and the VR supervisor approves exceptions to the limitations for tuition and fees. For customers who are eligible for Social Security Insurance (SSI)/Social Security Disability Insurance (SSDI) because of a disability, refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

For approval requirements, refer to VRSM C-408-3: Content of an IPE for Training at a College or University and VRSM D-206-3: Out-of-State Purchases.

#### Maximum Amounts for a Private or Out-of-State Training Institution

To calculate the amount that VR may pay toward the cost of the customer's tuition and required fees at a private or out-of-state college, university, and training institution, the VR counselor uses the following procedure:

1. Multiply the number of credit hours the customer is taking per semester or grading period by the maximum payment amount listed in:

* VRSM [C-409-3: Private or Out-of-State Training Institutions: Two-Year College](https://twc.texas.gov/vr-services-manual/vrsm-c-400#c409-1);
* VRSM [C-409-4: Private or Out-of-State Training Institutions: Four-Year College or University](https://twc.texas.gov/vr-services-manual/vrsm-c-400#c409-2);
* VRSM [C-409-5: Private or Out-of-State Training Institutions: Technical and State College](https://twc.texas.gov/vr-services-manual/vrsm-c-400#c409-3); or
* VRSM [C-409-6: Private or Out-of-State Health-Related Institutions](https://twc.texas.gov/vr-services-manual/vrsm-c-400#c409-4).

Note: This is the maximum amount that VR may pay toward the cost of the customer's tuition and required fees at a private or out-of-state college, university, and training institution.

1. Next, calculate the amount of tuition and required fees and deduct the Pell Grant amount and the amount of needs-based financial aid that does not require repayment. From this amount, if the customer is over the basic living requirement (BLR), deduct BLR.
2. If the amount in number two is less than the maximum that VR may pay in number one, VR issues the service authorization (SA) for the amount determined in number two.
3. If the amount in number two is more than the maximum that VR may pay in number one, VR issues the SA for the maximum amount determined in number one.
4. If the amount in number two is zero, VR does not issue an SA.
5. Finally, staff must provide to the customer in writing the amount that VR will pay and the amount that is still owed to the institution. The Form VR3405, Tuition Payment Calculation Worksheet for Private or Out-of-State Training may be used to calculate the amount that VR may pay toward the cost of the customer's tuition and required fees.

### C-409-3: Private or Out-of-State Training Institutions: Two-Year College

VR staff verifies that the private or out-of-state training institution is an established two-year college by finding its classification on the [College for all Texans—Institutions of Higher Education](http://www.collegeforalltexans.com/apps/degreeprograms/) website. Staff must verify private or out-of-state institutions by finding the school’s classification through the school’s website.

Exceptions to the limitations for tuition and fees require justification and approval by the VR Supervisor. For additional information, refer to VRSM D-200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability, refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

As of July 2024, VR pays the maximum rate of $136 per semester hour, which includes the amount of tuition and fees at a two-year private or out-of-state college.

VR pays a maximum of $4,080 per year for certificate training at a two-year college that is not on a semester hour schedule. (The maximum amount for a college or university certificate program is based on established tuition and fee rates for enrollment in 15 credit hours for both the fall and spring semesters.)

These rates are based on one standard deviation above the average 2024–2025 college costs of tuition and fees found on the [College for All Texans](http://www.collegeforalltexans.com/index.cfm?objectid=63188B97-0C47-0020-6DBBBAD96A7DFB83)—Institutions of Higher Education website. VR reviews these rates annually in July.

#### Service Records for Training at a Two-Year College

The following ReHabWorks (RHW) specifications must be used when creating service records for training services:

* Level 1—Training—College and University [86000]
* Level 2—Training—Two-Year Community College [86000-11143]
* Level 3—Training—Two-Year Community College
* Level 4—Tuition and fees

### C-409-4: Private or Out-of-State Training Institutions: Four-Year College or University

VR staff verifies that the private or out-of-state training institution is an established four-year college or university by finding its classification on the [College for all Texans—Institutions of Higher Education](http://www.collegeforalltexans.com/apps/degreeprograms/) website. Staff must verify private or out-of-state institutions by finding the school’s classification through the school’s website.

As of July 2024, VR pays the maximum amount of $394 per semester hour, which includes the amount of tuition and fees at a four-year private or out-of-state university.

Exceptions to the limitations for tuition and fees require justification and approval by the VR Supervisor. For additional information refer to VRSM D-200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

VR pays a maximum of $11,820 per year for certificate training at a four-year college or university that is not on a semester hour schedule. (The maximum amount for certificate programs through a college or university is based on established tuition and fee rates for enrollment in 15 credit hours for both the fall and spring semesters.)

These rates are based on one standard deviation above the average 2024–2025 college costs of tuition and fees found on the [College for All Texans—Institutions of Higher Education](http://www.collegeforalltexans.com/index.cfm?objectid=63188B97-0C47-0020-6DBBBAD96A7DFB83) website. VR reviews these rates annually in July.

#### Service Records for Training at a Four-Year College or University

The following RHW specifications must be used when creating service records for training services:

* Level 1—Training—College and University [86000]
* Level 2—Training—Four-Year College or University [86000-11136]
* Level 3—Training—University—Four-Year Program
* Level 4—Tuition and required fees
* Level 3—Training - University - Graduate Program
* Level 4—Tuition and fees

### C-409-5: Private or Out-of-State Training Institutions: Technical and State College

VR staff verifies that the private or out-of-state training institution is an established technical or state college by finding its classification on the [College for all Texans— Institutions of Higher Education](http://www.collegeforalltexans.com/apps/degreeprograms/) website. Staff must verify private or out-of-state institutions by finding the school’s classification through the school’s website.

Exceptions to the limitations for tuition and fees require justification and approval by the VR Supervisor. For additional information, refer to VRSM D-200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability, refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

As of July 2024, VR pays the maximum amount of $122 per semester hour for training at a state college and $240 per semester hour for training at a technical college, which includes the amount of tuition and fees at a private or out-of-state technical or state college.

VR pays a maximum of $3,660 per year for certificate training at a state college that is not on a semester hour schedule and $7,200 per year for certificate training at a technical college that is not on a semester hour schedule. (The maximum amount for a college or university certificate program is based on established tuition and fee rates for enrollment in 15 credit hours for both the fall and spring semesters.)

These rates are based on one standard deviation above the average 2024-2025 college costs of tuition and fees found on the [College for All Texans](http://www.collegeforalltexans.com/index.cfm?objectid=63188B97-0C47-0020-6DBBBAD96A7DFB83) website. VR reviews these rates annually in July.

#### Service Records for Training at a Private or Out-of-State Technical or State College

The following RHW specifications must be used when creating service records for training services:

* Level 1—Training—College and University [86000]
* Level 2—Training—Technical and State College [86000-11153]
* Level 3—Training—Technical and State College
* Level 4—Tuition and fees

### C-409-6: Private or Out-of-State Health-Related Institutions

VR staff verifies that the private or out-of-state training institution is an established health-related institution by finding its classification on the [College for all Texans—Institutions of Higher Education](http://www.collegeforalltexans.com/apps/degreeprograms/) website. Staff must verify private or out-of-state institutions by finding the school’s classification through the school’s website.

Exceptions to the limitations for tuition and fees require justification and approval by the VR Supervisor. For additional information, refer to VRSM D-200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability, refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

As of July 2024, VR pays the maximum amount of $466 per semester hour, which includes the amount of tuition and fees at a private or out-of-state health-related institution.

VR pays a maximum of $13,980 per year for certificate training at a private or out-of-state health-related institution that is not on a semester hour schedule. (The maximum amount for a college or university certificate program is based on established tuition and fee rates for customers enrolled in 15 credit hours for both the fall and spring semesters.)

These rates are based on one standard deviation above the average 2024-2025 college costs of tuition and fees found on the [College for All Texans—Institutions of Higher Education](http://www.collegeforalltexans.com/index.cfm?objectid=63188B97-0C47-0020-6DBBBAD96A7DFB83) website. VR reviews these rates annually in July.

#### Service Records for Training at a Public Health-Related Institution

The following RHW specifications should be used when creating service records for training services:

* Level 1—Training—College and University [86000]
* Level 2—Training—Public Health-Related Institutions [86000-11129]
* Level 3—Training—Health-Related Four-Year Program
* Level 3—Training—Health-Related Graduate Program
* Level 4—Tuition and required fees
* Level 4—Tuition and fees

### C-409-7: Purchasing Dual Credit Courses

Customers taking dual credit courses at a college or university must meet the same requirements established for classroom courses at that institution. For policies and procedures on purchasing dual credit courses, refer to VRSM [C-1305-14: Dual Credit Courses](https://twc.texas.gov/vr-services-manual/vrsm-c-1300#c1305-9).

### C-409-8: Graduate and other Post-University Training

When a customer attends graduate and/or other post-university training, VR staff verifies the institution’s classification on the [College for all Texans—Institutions of Higher Education](http://www.collegeforalltexans.com/apps/degreeprograms/) website. Staff must verify private or out-of-state institutions by finding the school’s classification through the school’s website.

Public Texas training institutions are exempt from the maximum rate limitation. VR may pay for the entirety of tuition and required fees at public Texas institutions for eligible customers.

The maximum amounts VR pays to a private or out-of-state graduate or other post-university training institution are determined based on the type of institution the customer is attending. For maximum amounts, refer to VRSM C-409-4: Private or Out-of-State Training Institutions: Four-Year College or University or VRSM C-409-6: Private or Out-of-State Health-Related Institutions.

Exceptions to the limitations for tuition and fees require justification and approval by the VR Supervisor. For additional information, refer to VRSM D-200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

## C-410: Correspondence and Distance Learning Courses

Customers taking online, correspondence, or distance-learning courses from a college, university, or proprietary institution must meet the same requirements established for classroom courses at that institution. See VRSM C-409: Maximum Payment for a Training at a College or University and VRSM C-412: Maximum Payment for Training at a Proprietary Institution.

## C-411: Training from Career and Technical or Certified Schools (Proprietary Institutions)

Career and technical or certified schools (proprietary institutions), including correspondence and internet courses, must:

* have been reviewed by the appropriate licensing entity;
* offer approved curricula; and
* hold a license to operate a career school or college.

Proprietary schools must be licensed or certified by TWC or another regulatory agency such as the Texas Department of Licensing and Regulation. To find a list of TWC licensed schools, go to <https://apps.twc.state.tx.us/CSC/directory/search.do>. To find a list of certified schools, go to the [Eligible Training Provider System](https://twc.texas.gov/partners/eligible-training-providers).

TWC can grant exemptions from licensing under TEC Chapter 132, which governs career schools and colleges. For instructions on the exemption process, see VRSM C-413: Training by Paid Instructor or Exempt Schools.

### C-411-1: Assessment for Training at a Proprietary Institution

Customers must meet the minimum standards for acceptance to a proprietary institution that is sponsored by VR and included in the customer's IPE.

Before completing the IPE, the VR counselor assesses the customer's potential to benefit from and successfully complete training. The assessment includes a review of the customer's:

* previous academic achievements (grades, degrees, and certificates);
* existing or new cognitive evaluations;
* ability to manage the related time demands;
* need for assistive technology or accommodations in a training environment; and
* need for non-VR supports for participation.

For more information about completing the comprehensive assessment, refer to VRSM B-400: Completing the Comprehensive Assessment.

#### Out-of-State Proprietary Institutions

Out-of-state proprietary institutions that provide training to a customer must meet all the following criteria:

* The institution must be legally authorized by the state of its physical location to offer postsecondary education and award degrees.
* The institution must be accredited by a regional or national accrediting organization recognized by the US Secretary of Education under the Higher Education Act of 1965 (20 USC §1001 et seq.).
* The institution must offer in Texas only postsecondary distance or correspondence programs of instruction. (That is, there is no physical location in Texas.)

If the institution meets the criteria listed above, it must take the actions listed on the [TWC Out-of-State Distance Education Institutions](https://twc.texas.gov/partners/out-state-distance-education-institutions) page under the "TWC Requirements You Must Meet" section.

If the institution does not meet all the criteria, an explanation of both TWC's licensing and exemption processes is contained on the [TWC Career Schools and Colleges Resources page](https://twc.texas.gov/partners/career-schools-colleges-resources). Follow the [Apply for a certificate of approval](https://twc.texas.gov/partners/applying-career-school-or-college-license) link for more information.

Tuition and fees rates paid by VR cannot exceed maximum payment rates; when training is obtained in another state, payment is governed by the policies and procedures outlined in VRSM C-412: Maximum Payment for Training at a Propriety Institution.

Customers that are SSI/SSDI recipients are exempt from limitations and required participation in the cost of training services. Refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

When a customer chooses to attend a private or an out-of-state proprietary school, even though a comparable training institution is available in Texas, refer to VRSM C-409-5: Private or Out-of-State Training at a College or University for documentation and payment procedure requirements.

### C-411-2: Content of an IPE for Training at a Proprietary Institution

In addition to the requirement identified in VRSM B-500: Individualized Plan for Employment and Post-Employment, an IPE that includes training services must also include:

* an employment goal that is directly associated with the sponsored training;
* the definition of "satisfactory progress";
* the hours required for each semester or grading period;
* statements of specific customer and VR responsibilities; and
* a statement about the requirement to apply available federal financial aid (for example, the Pell Grant and other funding that does not require repayment) to the cost of training before VR funds are authorized.

The IPE must be written for the entire length of the agreed-upon training at the institution and can be amended throughout the life of the case.

#### Satisfactory Attendance and Progress

Customers attending a proprietary institution must meet the institution's requirements for attendance, progress, and grades for each grading period.

For more information on requirements, refer to VRSM C-407-3: Satisfactory Training Progress.

### C-411-3: Required Time Frames of Proprietary Institutions

When a student is enrolled full time, VR sponsorship of training through a proprietary institution must be completed within the time frames established by the institution for full-time enrollment.

Training that exceeds time frames for completion requires approval from a VR Supervisor before further training will be sponsored with VR funds.

#### Prorated Time Frames

When a customer has spent time in a training at a proprietary institution before VR sponsorship, the VR counselor must consider the credits already earned that apply to the current curriculum and adjust the required timeframes for completion of the approved program. The required timeframes for completion are then based on full-time enrollment, unless the full-time enrollment requirement is justified in a case note and approved. The VR counselor documents the justification for the prorated time frame in a case note in ReHabWorks (RHW) and includes the agreed-upon time frame in the customer's IPE or IPE amendment.

## C-412: Maximum Payment for Training at a Proprietary Institution

VR staff verifies that the institution is licensed or certified by TWC on the [Licensed Career Schools and Colleges Directory website](https://apps.twc.texas.gov/CSC/directory/search.do); the [Eligible Training Provider System website](https://www.twc.texas.gov/partners/eligible-training-providers); or another regulatory agency website, such as the [Texas Department of Licensing and Regulation](https://www.tdlr.texas.gov/), before including the training on the IPE.

The maximum amount VR can pay for tuition and fees combined for full-time enrollment at a proprietary institution, after comparable benefits and BLR is applied, is the lesser of:

* $136 per semester hour; or
* $4,080 per year.

As of July 2024, these rates are based on one standard deviation above the averages from College for All Texans public training institutions two-year community college (college cost 2024-2025) average of tuition and fees.

Exceptions to the limitations for tuition and fees require justification, consultation with the State Office Program Specialist for Re-Entry, Work Experience & Proprietary Schools, and approval by the VR Supervisor. For additional information, refer to VRSM D:200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability, refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

#### Service Records for Training at a Proprietary University

The following RHW specifications should be used when creating service records for training services:

Level 1 - Training, Vocational Programs by Proprietary or Certified Schools - MC [86100]

Level 2 – Choose the description that matches the training

#### IPE Requirements

The IPE should not reflect specific rates but should refer to them as "will pay amounts per policy."

For more information on IPE and IPE amendments, refer to VRSM B-500: Individualized Plan for Employment and Post-Employment. For more information about previous rates, refer to the VR Services Manual List of Revisions.

### C-412-1: Out-of-State Training at a Proprietary Institution

When a customer chooses to attend a private or out-of-state proprietary school, even though a comparable training institution is available in Texas, the VR counselor:

* documents the reason for selecting the out-of-state proprietary school that is being compared to the public training institution in a case note; and
* follows the procedures above for determining the amount that can be paid to the institution. This is the amount that VR can pay of the cost of an out-of-state institution.

Customers that are SSI/SSDI recipients are exempt from limitations and required participation in the cost of training services. Refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

For approval requirements see VRSM C-411-2: Content of a IPE for Training at a Proprietary Institution and VRSM D-206-3: Out-of-State Purchases.

## C-413: Training by Paid Instructor or Exempt Schools

Training by a paid instructor or school exempt from the TWC licensing requirement to meet a customer's individualized needs can be purchased with VR funds. For assessment considerations, content of an IPE, and required time frames, refer to VRSM C-411: Training from Career and Technical or Certified Schools (Proprietary Institutions).

### C-413-1: Legal Authorization

TEC §132.002(b) states:

"Schools offering a course or courses of special study or instruction financed or subsidized by local, state, or federal funds or by any person, firm, association, or agency other than the student involved, on a contract basis and having a closed enrollment, may apply to the commission [TWC] for exemption of such course or courses from this chapter [TEC—Chapter 132] and such course or courses may be declared exempt by the commission where the commission finds the course or courses to be outside the purview of this chapter."

### C-413-2: Arranging for a Paid Instructor or Exempt School

The VR counselor arranges for paid instructor training so that a customer has a chance to learn a specific work skill from a qualified individual. This training can be:

* customized to the customer's needs (for example, one-on-one);
* offered in a small-group setting; or
* through a school that has a TEC §132.002(b) exemption (see "Out of State Proprietary Institutions" in VRSM C-411-1).

#### Instructor Qualifications

The trainer and the course must be:

* approved by TWC; or
* specifically exempted in writing by TWC, based on TEC §132.002(b).

Per TWC regulation, all vocational training providers that charge a fee, including individuals that provide training, are defined as "schools."

Requests for approval to use a school that has the TEC §132.002(b) exemption require:

* consultation with the State Office Program Specialist for Re-Entry, Work Experience and Proprietary Schools; and
* approval from the Regional Director or Deputy Regional Director.

This approval is granted individually for the course and is not a blanket approval for an unlicensed school.

#### Fees

When training is obtained through a paid instructor, tuition and fees rates paid by VR must not exceed payment rates that are governed by the policies and procedures outlined in VRSM C-412: Maximum Payment for Training at a Proprietary Institution.

## C-414: Goods and Services that Support Training Services

In addition to sponsorship of tuition and fees, additional goods and services can be included in the customer's IPE or services justification case note, as appropriate, if they are required for the customer to participate in planned training. The additional goods and services include:

* textbooks and supplies (refer to VRSM C-415: Textbooks and Supplies)
* reader services (refer to VRSM C-309: Reader Services)
* assistive technology equipment and/or software (refer to VRSM C-200: Technology Services)
* low-vision devices (refer to VRSM C-703-14: Low-Vision Services)
* vocational rehabilitation teacher services (refer to VRSM C-424: Vocational Rehabilitation Teacher)
* employment assistance specialists (refer to VRSM C-1008: Employment Assistance Specialist Services)
* training-related supplies (refer to VRSM C-415: Textbooks and Supplies)
* transportation (refer to VRSM C-1402: Transportation Services)
* interpreters (refer to VRSM C-305: Interpreter Services)
* personal assistant (refer to VRSM C-1403: Personal Assistant Services)
* room and board (refer to VRSM C-418: Room and Board Services)
* occupational licenses (refer to VRSM C-1406: Occupational Licenses)
* computers (refer to VRSM D-204: The Purchasing Process)
* orientation and mobility training (refer to VRSM C-600: Orientation and Mobility Services)
* referral to community resources (refer to VRSM C-405: Financial Aid and Comparable Benefits)

For more information about content in the IPE and IPE amendment, refer to VRSM B-500: Individualized Plan for Employment and Post-Employment. For information about specific goods and services, refer to content throughout the manual.

## C-415: Textbooks and Supplies

VR may purchase required textbooks and course-related supplies if they are not already included in the cost of tuition and fees. VR pays the entire amount for required books and supplies.

VR must consider the most cost-effective option when purchasing textbooks and supplies.

Options for purchasing textbooks include traditional hardcopy textbooks (new or used) and other formats of textbooks, such as audiobooks, electronic books, and/or e-books.

For additional purchasing information, refer to VRSM D-200: Purchasing Goods and Services. For customers who are eligible for SSI/SSDI because of a disability, refer to VRSM C-406-2: Supplemental Security Income and Social Security Disability Income Recipients.

Tools and equipment that are required for training but will be kept and used by the customer for employment after completing training are purchased according to the processes and procedures in [VRSM C-1407: Tools and Equipment](https://twc.texas.gov/vr-services-manual/vrsm-c-1400#c1407).

### C-415-1: Service Authorization

The SA for textbooks or supplies must be itemized with the description of the quoted amount.

### C-415-2: Reselling Textbooks

If a hardcopy of a textbook is purchased but is not needed for a class, for reference, or for the customer's major or minor field of study, the customer can sell the textbook back to the bookstore. When a textbook is sold back to the bookstore, the customer must provide to the VR counselor a copy of the receipt of sale, which is kept in the case file. The amount that was received from the sale of the book must be applied to the cost of books next semester. The amount on the receipt for that textbook is subtracted from the amount needed for the following semester's required textbooks.

If textbooks are sold back to the bookstore and the customer will no longer be participating in training the following semester, the funds, along with the receipt of sale, must be returned to the VR office.

## C-416: Tutoring Services

Tutoring services might be needed to support the customer's success in approved training programs. When tutoring services are available through the institution at no cost, these resources must be used as a comparable benefit before using VR funds.

If the available resources through the institution do not meet the customer's needs, VR may purchase tutoring services.

### C-416-1: Purchasing Tutoring Services

Before authorizing the purchase of tutoring services, the VR counselor ensures that the tutor has the necessary experience or skills to teach the customer. The VR counselor documents the tutor's relevant experience and/or skills in a case note and ensures that the provider is set up to receive direct payments from VR for VR services. Do not use maintenance to pay for this service.

The VR counselor may authorize

* a payment rate up to $20 an hour for tutorial services.
* the purchase of tutoring supplies as needed.

When there is a clearly documented need to pay more than $20 per hour or pay by semester for tutorial services, the VR Manager must approve the higher payment rate.

## C-417: Supplemental Specialized Academic Support Services

Supplemental specialized academic support services may be needed to support the customer's success in approved training programs. The intent of these services is to provide specialized services focused on specific disabilities to meet the customer's academic needs. The services must be provided by the college or university that the customer is currently attending. The VR counselor must provide a Service Justification case note to justify the vocational need for the specialized support service.

To find out whether a supplemental specialized academic support service is under contract, VR staff consults with the appropriate State Office Program Specialist before completing an SA.

The following RHW specifications should be used when creating service records for non-contracted supplemental specialized academic support services at a two-year community college or university:

Level 1 - Training, College and University [86000]

Level 2 - Training – Two-Year Community College [86000-11143]

or

Level 2 - Training – Four-Year College or University [86000-11136]

Level 3 - Support Services or Specialized Tutoring

## C-418: Room and Board Services

Room and board is a vocational rehabilitation (VR) service that can be provided to customers who are participating in college or university classes or other career and technical training.

### C-418-1: Purchasing Room and Board Services

The VR counselor may approve VR funds to support room and board when:

* the cost is in excess of the customer's normal living expenses\*;
* the funds are required to support the customer's participation in training; and
* the customer is attending training in person.

If the above requirements are met, VR manager approval is not required if:

* the training is not available in the customer's local community (that is, in the same city as the customer's residence or within a 50-mile radius of the customer's residence);
* the customer’s disability-related needs justify the purchase of room and board regardless of the training being in the customer’s local community; or
* the amount is the best-value decision to support the customer’s participation in training regardless of the training being in the customer’s local community. (For example, the cost of room and board is lower than the cost of paying for transportation to and from the training location.)

Any exception to this policy requires VR Manager approval.

\*For the definition of "normal living expenses," refer to VRSM C-1401-1: Legal Authorization.

Additionally, before a service authorization for room and board is issued, the VR counselor must document in ReHabWorks (RHW) the details from bids obtained for room and board. Bids are required only if the cost is greater than $10,000 per grading period. For additional details, refer to VRSM D-205-3: Competitive Bids.

VR does not pay refundable deposits associated with room and board. For more information, refer to VRSM D-206: Purchasing Restrictions.  
The case file must contain:

* documentation confirming that the customer is enrolled in training; and
* a copy of the lease or housing agreement that:
  + must be in the case file prior to authorizing a payment; and
  + may be used in lieu of an invoice to authorize payments.

Room and board services must be included on the customer's Individualized Plan for Employment (IPE) or IPE amendment.

### C-418-2: Room and Board Payments and Prorating

It is preferred that room and board that is paid to an entity other than a public in-state training institution be issued on one SA for the entire grading period and paid monthly. When paying a public in-state training institution, a single (properly pro-rated, when applicable) payment can be made for the entire grading period.

Room and board must be paid directly to the provider. See VRSM D-211: Setting Up and Paying Providers for additional information. However, short-term housing maintenance may be used while a provider is initially being established. VR Manager approval is required to use short-term housing maintenance for these payments. See VRSM C-1401-4: Short-Term Housing Maintenance for additional information.

Services for room and board must be prorated when the service crosses state fiscal years. Refer to VRSM D-212-2: Crossing State Fiscal Years for more information on prorating room and board services.

Room and board can be paid in advance based on the conditions of the lease or rental agreement. See VRSM D-213-2: Advance Payments for additional information.

### C-418-3: Creating a Service Authorization for Room and Board

A service record must be created with the following RHW specifications for room and board.

#### Service Records for Room and Board Paid to a Private Entity or Training Institution

The following RHW specifications should be used when creating service records for room and board paid to a private entity or training institution:

* Level 1 – Multiple Goods and Services Including Child Care; Youth Goods and Services, Booth Rental and Room and Board for Training and Short-Term Housing for Other Services [27099]
* Level 2 – Room and Board for Training, Short Term Housing for Other Services; Meeting Room Space and Booth Rentals [27099-17440]
* Level 3 – Room and Board for Training
* Level 4 – The VR counselor chooses the appropriate other specifications

#### Service Records for Room and Board at a Two-Year Community College

The following RHW specifications should be used when creating service records for room and board services at a two-year community college:

* Level 1 – Training, College and University [86000]
* Level 2 – Training - Two-Year Community College for tuition started on or after 7/1/2019 [86000-11143]
* Level 3 – Room and Board and Other Support Services paid to the Two-Year Community College providing the Training

#### Service Records for Room and Board at a Four-Year College or University

The following RHW specifications should be used when creating service records for room and board services at a four-year college or university:

* Level 1 – Training, College and University [86000]
* Level 2 – Training - Four-Year College or University for tuition started on or after 7/1/2019 [86000-11136]
* Level 3 – Room and Board paid to the Four-Year College or University providing the Training

#### Service Records for Room and Board at a Public Health-Related Institution

The following RHW specifications should be used when creating service records for room and board services at a public health-related institution:

* Level 1 – Training, College and University [86000]
* Level 2 – Training - Public Health Related Institutions for tuition started on or after 7/1/2019 [86000-11129]
* Level 3 – Room and Board paid to the Public Health Related Institution providing the Training

## C-419: Work Readiness Services

Work Readiness Services prepare customers to find work and stay employed by learning and adjusting to the daily workplace routine. The goal is to help customers develop competencies and strategies to succeed in a competitive, integrated workplace. These services allow a customer to achieve an individualized level of work readiness related to disability issues, interpersonal skills training, daily living skills, and issues that interfere with his or her participation in obtaining or maintaining employment. The purpose of Work Readiness Services is to help the customer develop the competencies and essential skills that are necessary to function successfully on the job and in the community. Work Readiness Services benefit customers who have never worked, who have been unemployed for a long time, or who have a sporadic work history.

Work Readiness Services are designed to:

* meet the unique needs of each customer;
* help resolve or manage vocational impediments; and
* increase the customer's self-sufficiency.

Work Readiness Services may be purchased when a customer needs more assistance than VR staff members can provide directly. The services help the customer develop specific skills or complete specific tasks before he or she begins the job search.

Work Readiness Services are suitable for both Pre-Employment Transition Services customers and Basic VR customers. The provider obtains the parent or legal guardian’s signature when a customer is under the age of 18.

When the customer’s referral form indicates the services can be provided remotely, refer to the VR Standards for Providers VR-SFP 3.4.8 Remote Service Delivery for requirements. The service descriptions below will indicate when remote service delivery is allowed.

The premiums may be available for some Work Readiness Services. Premiums are paid after all deliverables for the service have been achieved. For more information about premiums, refer to the VR Standards for Providers (VR-SFP), Chapter 20: Premiums.

### C-419-1: Personal Social Adjustment Training

Personal Social Adjustment Training (PSAT) is designed to teach skills related to acceptable work behaviors and to improve interpersonal skills that inhibit the customer's abilities to successfully obtain and maintain competitive integrated employment. PSAT can be used to reinforce behaviors and skills that the customer previously failed to master. Before PSAT is provided to a customer, a Personal Adjustment Evaluation is completed to identify the goals to be addressed in the PSAT.

This service can be provided remotely when the VR counselor has indicated approval of remote service delivery on the Form VR3121, Referral for Personal Social Adjustment Training and Work Adjustment Training. For information, refer to VR-SFP 3.4.8 Remote Service Delivery.

For additional information, refer to VR-SFP Chapter 13: Work Readiness Services, VR-SFP 13.3 Personal Social Adjustment Training Evaluation and VR-SFP 13.4 Personal Social Adjustment Training.

The VR counselor must sign Form VR3137B, Personal Social Adjustment and Work Adjustment Training Plan, indicating agreement with PSAT goals, objectives, and training hours before training is provided after the evaluation or before additional monthly hours are authorized with a service authorization. For information on acceptable signatures refer to VR-SFP sections 3.2.14 Documentation and VR-SFP 3.2.16 Signatures.

#### PSAT Procedures

The VR counselor completes the Form VR3121, Referral for Personal Social Adjustment Training and Work Adjustment Training, entirely, records areas that the VR counselor wants evaluated, and attaches all information as instructed on the form. The VR counselor indicates when the services can be provided remotely, in a setting where the trainer and student are in the same location, or a combination of both. The attached information provides background information necessary for the provider to effectively work with the customer.

After the personal adjustment trainer completes the Form VR3137A, Personal Social Adjustment Training and Work Adjustment Training Evaluation, the trainer completes Form VR3137B, Personal Social Adjustment and Work Adjustment Training Plan, getting feedback from the VR counselor and the customer to identify measurable goals and objectives.

Planning meetings related to the training plan between customer, provider, customer’s circle of supports, and VR staff may be conducted remotely. For information, refer to VR-SFP 3.4.8 Remote Service Delivery.

Before a PSAT service is provided, the VR counselor must sign the Form VR3137B, approving the goals, objectives, and training time. A service authorization for the PSAT is issued after the VR counselor approves the Form VR3137B. The number of hours of PSAT are authorized for each week monthly.

The VR counselor reviews the Form VR3137B at least monthly, signing approval of the goals and objectives before a service authorization is issued for the additional hours.

The VR counselor must approve Form VR3138, Personal Social Adjustment Training and Work Adjustment Training Report, before payment of the invoice.

### C-419-2: Work Adjustment Training

Work Adjustment Training (WAT) is designed to improve work behaviors and enhance interpersonal skills of the customer while he or she performs competitive integrated employment in a structured environment. WAT cannot be provided remotely. Before WAT is provided to a customer, a WAT evaluation is completed to identify the customer's goals that will be addressed in the WAT.

WAT is for customers who have:

* never worked before;
* had sporadic work histories;
* not worked in a long time; and/or
* behavioral and/or attitudinal issues such as communication with employers, customers, and coworkers; work attire; hygiene; and dress code for the work environment that require remediation before the customer is likely to find and keep employment.

For WAT evaluation, refer to VR-SFP Chapter 13: Work Readiness Services, 13.5.3 Outcomes Required for Payment. For WAT, refer to VR-SFP 13.6.3 Outcomes Required for Payment. For PSAT fees, refer to VR-SFP 13.18 Work Readiness Services Fee Schedule.

WAT staff qualifications are at VR-SFP 13.2.2 Work Adjustment General Staff Qualifications.

WAT must be provided in a work setting where the work performed by the customer produces compensation for both the provider's business and the customer. The customer must be paid at least minimum wage for all hours worked.

The VR counselor signs Form VR3137B, Personal Social Adjustment and Work Adjustment Training Plan, indicating agreement with WAT goals, objectives, and training hours before training is provided after the evaluation or additional monthly hours being authorized with a service authorization.

#### WAT Procedures

A VR staff member completes Form VR3121, Referral for Personal Social Adjustment Training and Work Adjustment Training entirely, recording the areas that the VR counselor wants evaluated, and attaches all information as indicated on the form. The attached information provides background information necessary for the provider to work effectively with the customer.

After the work adjustment trainer completes the evaluation, he or she completes Form VR3137B, Personal Social Adjustment Training (PSAT) and Work Adjustment Training (WAT) Training Plan, using feedback from the VR counselor and the customer to identify measurable goals and objectives. Before a WAT service is provided, the VR counselor signs the Form VR3137B, approving the goals, objectives, and training time. For information on acceptable signatures refer to VR-SFP sections 3.2.14 Documentation and VR-SFP 3.2.16 Signatures.

Planning meetings related to the training plan between the customer, provider, customer’s circle of supports, and VR staff may be conducted remotely. For more information, refer to VR-SFP 3.4.8 Remote Service Delivery.

A service authorization for WAT is issued after the VR counselor approves the Form VR3137B. The number of hours of WAT for each week are authorized monthly. The VR counselor reviews Form VR3137B at least monthly, approving by signature the customer's goals and objectives before a service authorization is issued for the additional hours.

The VR counselor must approve Form VR3138, Personal Social Adjustment Training PSAT) and Work Adjustment (WAT) Training Report before paying the invoice.

### C-419-3: Vocational Adjustment Training

Vocational Adjustment Training (VAT) includes structured classes that help a customer learn and adjust to the daily workplace routine and to address or to manage vocational impediments. VAT allows a customer to develop the competencies and essential skills necessary to function successfully on the job and in the community. There are 9 different curriculums offered in VAT.

Some VAT services may be provided remotely when the VR counselor has indicated approval of remote service delivery on the Form VR5000, Referral for Provider Services. For more information, refer to VR-SFP 3.4.8 Remote Service Delivery. The service definition in the VR-SFP must allow for remote service delivery.

Below is the title and brief description of the service.

* Exploring the "You" in Work—assists the customer in understanding his or her own work personalities, interests, values, and transferable skills.
* Soft Skills for Work Success—focuses on developing essential skills related to effective communication, problem solving, work habits, and work ethics.
* Soft Skills to Pay the Bills–Mastering Soft Skills for Workplace Success—is a curriculum for youth that focuses on communication, enthusiasm and attitude, teamwork, networking, problem solving and critical thinking, and professionalism.
* Entering the World of Work—focuses on skills related to workplace expectations, rules, and laws.
* Preparing for a Job Search—is only for youth and focuses on developing skills essential to preparing for the job search.
* Disability Disclosure Training—assists the customer in making informed decisions about disclosing his or her disability.
* Money Smart: A Financial Education Training—focuses on skills related to money management and finances.
* Public Transportation Training—teaches skills related to using public transportation.
* VAT Specialized—services include both evaluation and training of the customer. It an individualized goal-driven service that teaches skills to overcome or manage impediments to employment. This service is purchased for a customer only when another structured VAT must not meet the customer's needs.
* Exploring Postsecondary Education and Training—assists the customer to understand and explore post-secondary education and training.

The Deaf Premium and Blind Premium are available for all Vocational Adjustment Services. The Deaf Premium does not include VAT-Specialized, for information go to VR-SFP 20.5 Deaf Service Premium. The Mileage Premium is available for all Vocational Adjustment Services; for information go to VR-SFP 20.6 Mileage Premium. Service Authorizations for premiums are issued at the same time the service authorization for the base services is issued.

The references below are to the service definition, process and procedures, and outcomes required for payment and fee for each of the VAT services.

* VR-SFP 13.7 VAT Explore the "You" in Work
* VR-SFP 13.8 VAT Skills to Pay the Bills—Mastering Soft Skills for Workplace Success
* VR-SFP 13.9 VAT Soft Skills for Work Success
* VR-SFP 13.10 VAT Entering the World of Work
* VR-SFP 13.11 VAT Job Search Training—for Pre-Employment Transitional Services Customers Only
* VR-SFP 13.12 VAT Disability Disclosure Training
* VR-SFP 13.13 VAT Money Smart—A Financial Education Training
* VR-SFP13.14 VAT Public Transportation Training
* VR-SFP 13.15 VAT Specialized Evaluation
* VR-SFP 13.16 Vocational Adjustment Training Specialized
* VR-SFP 13.17 VAT Exploring Postsecondary Education and Training

In addition to VR Standards for Providers contractors, Transition Educator providers and Nontraditional providers may provide VAT services. Refer to VRSM C-1005: Non-Contracted Providers for information about the requirements of Nontraditional providers and Transition Educator providers.

For VAT-Specialized Evaluation and VAT-Specialized, the VR counselor signs the Form VR3135B, Vocational Training Specialized Training Plan, indicating agreement with the VAT goals, objectives, and training hours before training is provided after the evaluation or before additional monthly hours are authorized with a service authorization. Planning meetings related to the training plan between customer, provider, customer’s circle of supports and VR-Staff may be conducted remotely. For more information, refer to VR-SFP 3.4.8 Remote Service Delivery.

For information on acceptable signatures refer to VR-SFP sections 3.2.14 Documentation and VR-SFP 3.2.16 Signatures.

The VAT staff qualifications can be found at VR-SFP 13.2.3 Vocational Adjustment Trainer Staff Qualifications.

VAT services may not be purchased more than once for a customer without management approval. If it is necessary to purchase a VAT service more than once, a Form VR3472, Contracted Service Modification Request, must be completed and approved by the director of VR.

#### Transition Educators and Nontraditional Providers Fees

Transition Educator providers and Nontraditional providers may provide VAT services. Transition Educator providers and Nontraditional providers must provide the services as outlined in the VR Standards for Providers and in the service authorization. Refer to VRSM C-1005: Non-Contracted Providers for information about the requirements of Nontraditional providers and Transition Educator providers.

##### Fee Chart for Nontraditional Providers

|  |  |
| --- | --- |
| **Service** | **Fee** |
| Disability Disclosure Training | $411.00 |
| Money Smart—A Financial Training | $616.50 |
| Soft Skills to Pay the Bills—Mastering Soft Skills for Workplace Success | $411.00 |
| Public Transportation Training—Individual | $22.50 per hour |
| Public Transportation Training—Group | $11.40 per hour |
| Exploring the "You" in Work | $205.50 |
| Soft Skills for Work Success | $308.25 |
| Entering the World of Work | $205.50 |
| Preparing for the Job Search—For Students with Disabilities Only | $411.00 |
| Exploring Postsecondary Education and Training | $205.50 |

##### Fee Chart for Transition Educator Providers

|  |  |
| --- | --- |
| **Service** | **Fee** |
| Disability Disclosure Training | $548.00 |
| Money Smart—A Financial Training | $822.00 |
| Soft Skills to Pay the Bills—Mastering Soft Skills for Workplace Success | $548.00 |
| Public Transportation Training—Individual | $30.00 per hour |
| Public Transportation Training—Group | $15.20 per hour |
| Exploring the "You" in Work | $274.00 |
| Soft Skills for Work Success | $411.00 |
| Entering the World of Work | $274.00 |
| Preparing for the Job Search—For Students with Disabilities Only | $548.00 |
| Exploring Postsecondary Education and Training | $274.00 |

#### VAT Procedures

VR staff completes Form VR5000, Referral for Provider Services, in its entirety, noting the areas that the VR counselor wants emphasized in the training, and attaches all information as indicated on the form. The VR counselor indicates when the services can be provided remotely, in a setting where the trainer and student are in the same location, or a combination of both. A service authorization for the service and any associated premiums is issued. The attached information provides background information necessary for the provider to work effectively with the customer.

After the Vocational Adjustment trainer completes the training service with the customer, he or she completes the form associated with that VAT service and submits it with an invoice. The VR counselor approves the VAT form required for the specific VAT service and ensures that all required outcomes for payment have been achieved before payment of the invoice.

The service provider is required to maintain attendance records, curricula, lesson plans, and other documentation as required in the contract and in the VR Standards for Providers and must produce those materials for TWC staff upon request.

For information about the process for using Transition Educator providers or Nontraditional providers, including how to prepare and set up the providers in ReHabWorks, refer to VRSM C-1005: Non-Contracted Providers.

### C-419-4: JobTIPS Student Online Program

JobTIPS Student is an online program that offers real-world examples as well as assistance to help teens and adults transition to the workplace. The VR counselor may purchase JobTIPS Student to support the customer in the job search.

The JobTIPS Student online program:

* includes videos and pictures demonstrating what to do and what not to do in a variety of situations; the videos and pictures support the program content;
* contains printable materials, including worksheets, cue cards, summaries, visual schedules, graphic organizers, and assessments that facilitate practice opportunities to master and generalize important job-related skills;
* instructs the student as to the steps to take and provides the rationale behind each behavioral and social exchange to help the customer learn to understand another individual's perspective and thereby understand the reasons for the thoughts and actions of others;
* uses step-by-step instructions and extensive visual and interactive supports to break down employment situations into specific actions and behaviors; and
* provides learning resources, guided exercises, graphic organizers, role-playing scenario cards, video tutorials, and visual prompts to help students with any learning style.

JobTIPS Student online program core sections include the following:

* Determining Interest: provides an opportunity to explore interests by examining the types of social and environmental demands associated with certain jobs by taking an interest quiz and by reading job descriptions.
* Finding a Job: guides the customer through the process of finding a job, from networking to conducting internet searches and navigating job fairs.
* Getting the Job: provides detailed instructions on how to obtain references and how to complete résumés, cover letters, applications, and how to prepare for the interview process.
* Keeping the Job: guides the customer through the demands associated with keeping a job, such as how to appropriately communicate, socialize, and cope in the work environment.

VR may purchase a license for a customer to access JobTIPS Student online programs.

## C-420: Apprenticeship Opportunities and On-the-Job Training

Refer to VRSM C-1007-5: Apprenticeship Opportunities for information about this service.

## C-421: Work Experience Services

Work Experience services include Work Experience Placement and Work Experience Training. These services allow a customer to be placed within a business or organization in the community to complete a short-term (12 weeks or fewer), part-time work experience to learn skills that are transferable to future long-term competitive integrated employment. Work Experience Services can be used with students and youth with disabilities, adults, and in trial work. A customer's work experience can be in a volunteer position, internship, or temporary short-term employment in which wages are paid by the employer or purchased by Vocational Rehabilitation (VR) via Wage Services.

Work Experience Services can be purchased for customers:

* with limited or no work history;
* who need to gain experience related to the vocational training or degree they have completed; and/or
* with acquired vocational barriers that limit their capacity to continue to work in a field in which they were previously employed.

A customer must have unexpired employment authorization documents to participate in a short-term paid-work setting. For more information, see VRSM B-204-2: Customer Identification and Authorization for Employment.

For details on how Work Experience Services can benefit a customer, refer to VR-SFP Chapter 14: Work Experience Services.

When a single work experience must exceed 12 weeks to meet the customer's individualized needs, the VR counselor must document the reason for the extension in a case note and obtain approval from the VR Supervisor. The case note must include the goals to be achieved and the number of additional weeks that are needed to meet the customer's needs. The VR Supervisor must document the required approval in a case note in ReHabWorks (RHW).

The following premiums are available for Work Experience Services. Refer to the links below for additional information:

* VR-SFP 20.11 Blind Premium
* VR-SFP 20.10 Brain Injury Premium
* VR-SFP 20.6 Mileage Premium

Service authorizations for premiums must be issued at the time the service authorization for the base service is issued

### C-421-1: Legal Authorization

34 CFR §361.42(e)(2) Assessment for determining eligibility and priority for services

"(e) Trial work experiences for individuals with significant disabilities. (1) Prior to any determination that an individual with a disability is unable to benefit from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability or that the individual is ineligible for vocational rehabilitation services, the designated State unit must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

(2)(i) The designated State unit must develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experiences, which must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

(ii) Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings.

(iii) Trial work experiences must be of sufficient variety and over a sufficient period of time for the designated State unit to determine that—

(A) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(B) There is clear and convincing evidence that due to the severity of the individual's disability, the individual is incapable of benefitting from the provision of vocational rehabilitation services in terms of an employment outcome; and

(iv) The designated State unit must provide appropriate supports, including, but not limited to, assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences."

### C-421-2: Work Experience Referral

Before referring a customer for Work Experience Services, the customer's individualized plan for employment (IPE), trial work plan (TWP), or IPE amendment must include Work Experience Services as a service. For more information, refer to VRSM B-310: Trial Work Services, VRSM B-400: Completing the Comprehensive Assessment, and VRSM B-500: Individualized Plan for Employment and Post-Employment. Students with disabilities who are potentially eligible can also participate in Work Experience Services when a service justification is completed.

To initiate Work Experience Placement Services with a provider, the VR counselor completes Form VR1600, Work Experience Referral. The referral must identify the date, time, and location for the work experience planning meeting.

To initiate Work Experience Training with a provider, the VR counselor completes the Form VR1600, Work Experience Referral indicating the goals to be addressed by the Work Experience Trainer.

When a customer will receive both Work Experience Placement and Work Experience Training, only one Form VR1600, Work Experience Referral is necessary.

The VR counselor must complete all sections of the Form VR1600, leaving no blanks. The VR counselor indicates when Work Experience Placement can be provided remotely, in a setting where the trainer and student are in the same location, or a combination of both.

### C-421-3: Work Experience Placement

VR counselors can purchase Work Experience Placement from a contracted provider when a customer needs to gain work experience in realistic work environments involving work that is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The Work Experience Placement specialist helps the customer to locate and obtain a work experience site that meets the criteria determined and documented on the Form VR1601, Work Experience Plan and Placement Report.

Planning meetings related to the training plan between the customer, provider, customer’s circle of supports, and VR staff may be conducted remotely. For more information, refer to VR-SFP 3.4.8 Remote Service Delivery.

Wage services can be purchased simultaneously with Work Experience Placement when a VR counselor wants to sponsor the payment of the customer's gross wage, worker compensation insurance and associated costs. See VRSM C-1408: Wage Services for Work Experience through WorkQuest, for additional information.

See VR-SFP Chapter 14: Work Experience Services for more information on staff qualifications, service definition, process and procedure, and outcomes required for payment and fees.

Any request to change a Work Experience Service Description, Process and Procedure, or Outcomes Required for Payment must be documented and approved by the VR Director using the Form VR3472, Contracted Service Modification Request, before the change is implemented.

Summer Earn and Learn (SEAL) placements are not purchased as a Work Experience Placement service as described in VR-SFP Chapter 14: Work Experience Services. For more information, refer to VRSM C-1306-1: Summer Earn and Learn.

The VR counselor:

* completes Form VR1600, Work Experience Referral, leaving no blanks, and attaching, as applicable, medical or psychological reports, case notes, vocational testing, or employment data collected by VR staff that will assist the provider in working with the customer;
* will indicate on the Form VR1600, Work Experience Referral, when the services can be provided remotely, in a setting where the trainer and student are in the same location, or a combination of both;
* through discussion with the Work Experience specialist and the customer, completes Form VR1601, Work Experience Plan and Placement Report, electronically at the Work Experience Placement meeting;
* prints Form VR1601, Work Experience Plan and Placement Report, for required signatures from the VR counselor, Work Experience specialist, and the customer;
* ensures VR staff sends the service authorization and electronically fillable forms to the Work Experience specialist so the forms can be completed, with the information about the placement obtained for the customer;
* monitors the customer's progress;
* provides any needed instruction or intervention necessary to foster the customer's success;
* reviews and approves Form VR1601, Work Experience Plan and Placement Report, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
* ensures that the invoice is paid.

Work Experience Placement services can be purchased without purchasing Work Experience Training.

VR will not pay any provider for Job Placement Services, including Supported Employment services, if a customer is hired into permanent employment by the work site during or after any Work Experience. Job Skills Training can be purchased when the customer begins a permanent employment placement, if necessary.

Nontraditional providers and Transition Educator providers can be used when all requirements outlined in VRSM C-1005: Noncontracted Providers have been met.

When working with nontraditional providers and Transition Educator providers, the VR-SFP sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 14: Work Experience Services, and section 14.3 Work Experience Placement must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 14 do not apply. The nontraditional provider and transition educator provider fee are listed below.

#### Fee Chart for Nontraditional Providers and Transition Educator Providers

|  |  |
| --- | --- |
| **Service** | **Fee** |
| Work Experience Placement by Nontraditional Providers | $440.00 |
| Work Experience Placement by Transition Educators | $600.00 |

### C-421-4: Work Experience Training

VR counselors can purchase Work Experience Training services provided by a Work Experience trainer when a customer needs:

* monitoring to ensure the customer is meeting the work site expectations and has the supports and accommodations necessary to be successful; and/or
* more training and support than is occurring at the work experience site.

Work Experience Training may be purchased without the purchase of Work Experience Placement.

The counselor, customer, provider, and the employer are all be involved in the decision to allow remote Work Experience Training at a worksite. The employer must agree to allow use of the technology, internet and/or devices to be used by the customer at the work experience site. The use of the technology, internet and/or devices should not exclude or stigmatize the customer. Remote Work Experience Training must be supplemented with in person Work Experience Training away from the job site.

See VR-SFP Chapter 14: Work Experience Services for more information, including staff qualifications, service definition, process and procedures, and outcomes required for payment and fees.

Work Experience Training can be purchased to support the customers in the Summer Earn and Learn program and customers who are placed in a Work Experience program arranged by VR staff or other external entities.

The VR counselor:

* completes Form VR1600, Work Experience Referral leaving no blanks and attaching, as applicable, medical or psychological reports, case notes, vocational testing, or employment data collected by VR staff that will assist the provider in working with the customer;
* ensures Form VR1600 or service authorization comments indicate whether the training can be done as a combination of remote and in-person training for a customer, or if the training should all be done in person;
* ensures that VR staff sends the service authorization to the provider;
* monitors the customer's progress with the customer, Work Experience Specialist and with the SEAL provider or business, as applicable;
* provides any needed instruction or intervention necessary to foster the customer's success;
* reviews and approves Form VR1604, Work Experience Training Report, ensuring that all outcomes required for payment are achieved and that the staff qualification were held by the individual providing the service to the customer; and
* ensures that the invoice is paid.

Transition Educator providers and Nontraditional providers may provide Work Experience Training services. Transition Educator and Nontraditional providers are required to provide the services as outlined in the VR Standards for Providers and in the service authorization.

Nontraditional providers and Transition Educator providers can be used when all requirements outlined in VRSM C-1005: Noncontracted Providers have been met.

When working with nontraditional providers and transition educator providers, the VR-SFP sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 14, 14.4 Work Experience Training must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 14 do not apply. The nontraditional provider and transition educator provider fees are listed below.

#### Fee Chart for Nontraditional Providers

|  |  |
| --- | --- |
| **Service** | **Fee** |
| Work Experience Training – Individual | Negotiated up to $22 an hour |
| Work Experience Training – Group | Negotiated up to $11 an hour per customer |

#### Fee Chart for Transition Educator Providers

|  |  |
| --- | --- |
| **Service** | **Fee** |
| Work Experience Training – Individual | Negotiated up to $30 an hour |
| Work Experience Training – Group | Negotiated up to $15 an hour per customer |

### C-421-5: Creating a Service Record for Work Experience in ReHabWorks

A service record must be created in ReHabWorks with the following specifications for Work Experience Services. See VR-SFP Chapter 14: Work Experience Services. Service Records for Work Experience service:

* Level 1 – Employment Services and Assessments [87100]
* Level 2 – Work Experience Services - CONTRACT REQUIRED PRE-ETS ELIGIBLE [87100-61601]

The VR counselor chooses the appropriate specifications for Level 3 and 4 based on the core service to be provided.

## C-422: Project SEARCH

Project SEARCH is an international initiative that supports partnerships among businesses (employers), local school districts, VR agencies, and other entities that serve individuals with developmental disabilities. Project SEARCH promotes successful long-term employment of VR customers in jobs that are stable, meaningful, integrated, and competitively compensated.

The program takes place in business settings where immersion in the workplace facilitates the teaching and learning process as well as the acquisition of employability and marketable work skills. Project SEARCH customers participate in three internships to explore a variety of career paths. The customers work with a team that includes family and partnering agencies to create an employment goal and support the customers during this important transition from school to work.

Project SEARCH services are provided through a collaborative process in which the Project SEARCH team—the VR provider, host business, school district, long-term support organization, and VR counselor—work together to help the customer achieve the goals of the internship and placement. The use of a memorandum of understanding (MOU) between the Project SEARCH team members may be used to outline the roles and responsibilities.

#### Legal Authorization

"…to heighten emphasis on the provision of services to students and youth with disabilities to ensure that they have meaningful opportunities to receive the training and other services they need to achieve employment outcomes in competitive integrated employment. WIOA expands not only the population of students with disabilities who may receive services but also the kinds of services that the VR agencies may provide to youth and students with disabilities who are transitioning from school to postsecondary education and employment." —Title I of the Act, as amended by the Workforce Innovation and Opportunity Act (WIOA) (29 USC §720 et seq.)

#### Project SEARCH Requirements

To start a Project SEARCH site, a onetime fee is paid to the National Project SEARCH office. Either the school district covers the fee, or local community partners raise the funds. These funds pay for the team's training on the Project SEARCH model.

Project SEARCH service authorizations to the Employment Services Provider (ESP) should be issued using Pre-employment Transition Services (Pre-ETS) funds for those eligible customers until they have obtained employment. Regular VR funds must be used to purchase Benchmarks A–C.

Planning is important to ensure that the appropriate amount of money is budgeted for each benchmark.

For the fee structure provided to ESPs, refer to VR-SFP Chapter 16: Project SEARCH Services, VR-SFP 16.5.4 Project SEARCH Services Fees.

#### IPE Requirements

Project SEARCH customers must have an IPE that states their participation in the program and all additional services that the VR counselor approves for participation (for example, transportation assistance and purchase of work uniforms).

### C-422-1: Steps to Establish a Project SEARCH Site

To start a Project SEARCH program, the VR counselor contacts Project SEARCH Statewide Coordinator by sending an email to the VR Pre-ETS mailbox. After contact with the Project SEARCH Statewide Coordinator, VR staff members ensure the following partners agree to start a program:

* Education: the local independent school district (ISD)
* Long-term support: the local intellectual and developmental disabilities (IDD) authority.

The team, comprising VR, the ISD, and local authorities, and possibly the host business if it has already been identified, can begin without an identified host business or Employment Services Provider (ESP). The team, not VR, selects the ESP based on interviews with all team members. VR schedules interviews for interested ESPs that have a current VR Project SEARCH contract.

The national Project SEARCH office is contacted with a request to start a program by the Project SEARCH Statewide Coordinator. Project SEARCH requires that a local partner hold a licensing agreement with its office, stating that the team will follow its model. The ISD typically holds the license; VR does not hold this license.

Once the national Project SEARCH office approves the license, it schedules training for the team. After the formal training from the national office begins, the office supports the team by setting up monthly meetings for planning and maintaining the program. While the ISD and the ESP are involved in the daily operations of the program, VR staff members assigned to the team must maintain regular, at least monthly, communication through emails or conference calls in addition to the monthly planning meetings.

### C-422-2: Intern Selection Process

The Project SEARCH team interviews applicants through an assessment day. A rubric system is used to determine whom will be offered acceptance into Project SEARCH for the upcoming school year at the host business. When VR has not yet determined a student's eligibility for VR services, the student may be selected for Project SEARCH, pending a VR eligibility decision.

### C-422-3: Asset Discovery

VR customers must have been determined eligible for VR services before they begin Asset Discovery.

The service authorization for the Asset Discovery phase should be issued before the school year ends to allow the ESP time to meet with all the customers. This service must be completed prior to Skills Training beginning.

### C-422-4: Skills Training

Since each Project SEARCH team determines the length of the rotations at the host business (eight–12 weeks), it is important that the team create a calendar showing when rotations begin and end. This ensures that VR staff members know when to issue service authorizations for skills training to the ESP.

Project SEARCH Skills Training is based on experiential learning at a host business with support from the business and Project SEARCH team and is most effective when provided in person. When a host business will not allow interns or staff onsite for safety or other reasons, the Project SEARCH team can develop an alternate training method and the VR counselor authorizes the training method on the referral form. Remote services must follow VR-SFP 3.4.8 Remote Service Delivery.

### C-422-5: Job Placement

Form VR3363, Project SEARCH Job Placement Services Plan, must be developed by the end of the third rotation or at any time during the rotations that the team determines job placement opportunities are available to the customer because of skills gained in the internships. Once the Form VR3363, Project SEARCH Job Placement Services Plan is complete, the VR counselor issues Benchmark A service authorization for job placement services.

More than one service authorization may be open at the same time for internship rotations and job placement. The VR counselor attends the monthly steering committee meetings and the employment planning meetings each rotation to ensure that he or she is in regular communication with the Project SEARCH team and knows when service authorizations are needed.

If the customer needs job coaching to be successful in his or her employment, the ESP must provide the service and may not bill separately.

The customer must work 90 days in the same position. If a customer loses a job before the 90-day benchmark, the customer's progression towards completion of the benchmark ends. When the customer becomes employed again, the day count will start at day 1 for the new position.

The 90-day count for successful closure will start over anytime a customer:

* Loses their job;
* Changes employers;
* Changes positions with same employer;
* Receives a promotion; or
* Quits their job voluntarily.

Each benchmark is paid only once for each customer between Active Status (customer has an IPE) and Closure Status of a VR case. On a case-by-case basis, when the VR counselor determines the provider should be paid for making a second placement a Form VR3472 must be approved by the VR Director prior to the service authorization being issued.

For additional information on Asset Discovery, Skills Training, and Project SEARCH Job Placement, see VR-SFP Chapter 16: Project SEARCH.

### C-422-6: Measurable Skill Gains (MSG) Related to Project SEARCH

For an MSG to be recognized for customers that participate in Project SEARCH, the customer must:

* Be enrolled in school
* Have an IPE goal that matches the training areas of their rotations
* Have Project SEARCH documented on the IPE as a service

#### Documenting Project SEARCH in RHW

The customer’s training information must be documented in ReHabWorks (RHW) and the Form VR3362, Project SEARCH Progress Report, must be in the case file to ensure adequate reporting of Measurable Skill Gains (MSG). Refer to VRSM A-505: Documenting Measurable Skill Gains for additional information.

For each Project SEARCH rotation, a Semester/Grading Period record must be entered identifying the rotation completed.

For additional information on entering training information in RHW, please see the ReHabWorks User Guide B-300: Education History.

## C-423: Other Training

Other training must specifically meet the customer’s vocational rehabilitation need and be consistent with the IPE and vocational objectives.

Other training services may include instruction in the following areas:

* Adult education and literacy programs
  + Basic reading, writing, and math
  + Preparing to take a high school equivalency assessment approved by the Texas Education Agency (TEA) (that is, the GED test, HiSET exam, or TASC test)
  + English as a second language
  + High school credit courses
  + Meeting adult continuing education objectives below the college credit level

Note: As a comparable benefit, available programs can be found in Texas at adult education and literacy programs funded by the TWC. Local education agencies also offer high school credit courses.

* Driver training;
* Postsecondary education programs not at the college credit level;
* The educational prerequisites for vocational skills training;
* [Teacher alternative certification program approved and accredited by TEA;](https://tea.texas.gov/texas-educators/preparation-and-continuing-education/educator-preparation-home)
* [Educator Preparation Programs (EPPs) approved and accredited by TEA;](https://tea.texas.gov/texas-educators/preparation-and-continuing-education/educator-preparation-home)
* Communication training for the deaf; and
* Coping strategies training for the deaf or hard of hearing and blind.

Comparable services and benefits and required customer participation in the cost of services must be applied to the cost of all training services before VR funds are used. Refer to VRSM C-405: Financial Aid and Comparable Benefits.

The VR Services payment amount is based on published or current community rates. VR counselors may not approve payment for these services when the customer is:

* a resident of a state institution; or
* entitled to free services.

Before considering the purchase of other training services, the unit purchasing specialist works with the requesting staff to verify that the provider has the necessary qualifications, credentials, and/or licenses before requesting the vendor be setup and linked. Refer to VRSM Part C – Vocational Rehabilitation Services for available VR services that could meet customers’ needs first, and to the applicable policy for qualification requirements. Refer also to VRSM D-211: Setting Up and Paying Providers.

### C-423-1: Adult Basic Education

TWC or other governmental agency programs provide adult basic education with federal funds. VR counselors must not encumber VR funds for this activity.

#### High School Equivalency Tests

VR may pay the cost of high school equivalency testing for assessments approved by the TEA. As of January 29, 2016, approved assessments for Texas are the GED test, HiSET exam, and TASC test. VR counselors must review the TEA website to compare assessments and determine the best option for the customer.

### C-423-2: Criss Cole Rehabilitation Center Training

The Criss Cole Rehabilitation Center (CCRC), a component of the Vocational Rehabilitation (VR) program, provides cost-effective, comprehensive rehabilitation center training services. VR counselors refer customers to these services, as appropriate. Customers who want to attend CCRC must complete a tour of the center as part of the admission process.

For more information on the CCRC admissions process, refer to VRSM C-503: CCRC Admissions Process.

#### Rehabilitation Center Training Outside of the CCRC

If a customer is requesting rehabilitation center training outside of the CCRC, the VR counselor must provide the customer with information about CCRC and recommend that the customer complete a tour of CCRC. If a tour is not available, or if the VR counselor and customer decide that a tour is not in the best interest of the customer, the VR counselor must clearly document in ReHabWorks (RHW) the circumstances and reason for making the decision. If a VR counselor recommends rehabilitation center training outside of the CCRC, the following must be documented in ReHabWorks (RHW) case notes:

* The fact that the customer completed a CCRC tour with a CCRC staff member or the reason the customer did not complete a tour
* VR counselor justification and explanation for recommending rehabilitation center training services outside of CCRC
* VR Manager approval

## C-424: Vocational Rehabilitation Teacher

VR helps Texans who are blind or visually impaired to live as independently as possible and to acquire and maintain employment.

The vocational rehabilitation teacher (VRT):

* encourages the customer's emotional adjustment to blindness;
* teaches alternative and nonvisual techniques as well as prevocational and job readiness skills; and
* shows the customer how to apply these skills to a vocational goal to achieve an employment outcome and live an employment lifestyle.

The VRT may work with:

* employers;
* VR counselors and other VR staff members;
* families;
* educators;
* community providers; and
* others who are supportive of the customer's work and employment lifestyle goals.

### C-424-1: Legal Authorization

34 CFR §361.48(b)(11)

"(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice…

(11) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind."

### C-424-2: VRT Employment Assistance Services

The VRT supports the customer's ability to find employment. VRT services require coordination with the VR counselor through all phases of the rehabilitation process, particularly during the eligibility and comprehensive assessment phases.

### C-424-3: Eligibility Decision

The services of a VRT contribute to the eligibility decision by helping the customer and the VR counselor assess the customer's employability and identify the customer's independent living (IL) and work-related needs. VRT services are only for customers who are blind or visually impaired.

### C-424-4: Trial Work

The services of a VRT contribute to the eligibility decision, particularly when the customer meets the first three eligibility criteria but has a disability that is a substantial impediment to employment and is severe enough that the VR counselor cannot assume that the customer would benefit from VR services. For more information, refer to VRSM B-300: Determining Eligibility.

If the VR counselor doubts that the customer can benefit from VR services, the VR counselor must use the trial work process to obtain the information needed to make an eligibility decision.

VRT services during pre-eligibility trial work include:

* assessment;
* evaluative training;
* documentation of difficulties noted during training;
* follow-up on the ability to learn and use new skills;
* customer follow-through on assignments; and
* consideration of the impact of any secondary disabilities on VRT services.

The VRT has the option to:

* provide all services as an assessment; or
* complete training recommendations and provide training, if a customer has a pre-eligibility trial work plan.

Note: A customer's case can be closed due to the severity of the customer's disability only if there is clear and convincing evidence that he or she is not capable of finding employment, including supported employment. The information documented by the VRT is vital to this process.

### C-424-5: Customer Referral Process

VR and Transition counselors make referrals to a Vocational Rehabilitation teacher (VRT) to assess the customer's ability to participate in training and to identify VRT services needed to assist the customer in achieving their employment goal.

#### Referrals

Customers who are blind or visually impaired and who have been identified as having significant functional limitations should be referred to the VRT for services. All exceptions for not being referred to VRT for services must be documented in a case note by the VR counselor.

Customers who plan to receive surgery or treatment that is expected to improve their vision above legal blindness and that is more than 90 days in the future must not be referred to a VRT unless the customer demonstrates critical needs before surgery.

A service record is created for the referral for VRT services. The reason for the referral or any special instructions for assessment and training should be documented in the Specification Description section of the service record and, if necessary, discussed during the staffing session.

Once the first contact has been made by phone or in person, the VRT accepts the service record by updating it from "Requested" to "Assessment" status in RHW.

#### VRT Assessment Process and Procedures

The VRT starts the assessment and identification of the customer's needs at the first contact with the customer.

* When the initial contact is by phone, the VRT completes the assessment in person with the customer.
* When in-person contact is restricted, remote methods can be used to complete the assessment.

Important: Remote methods are used only when in-person contact is restricted. When the Centers for Disease Control and Prevention (CDC), federal, state, and/or local governments issue health and safety protocols such as social distancing, remote methods can be used to complete the assessment. VRT assessments must be completed in-person during all other times of regular agency operations.

The assessment provides information about:

* the customer's adjustment to blindness and his or her acceptance of alternative techniques;
* the customer's current level of employment lifestyle skills;
* the customer's ability to learn skills and benefit from training;
* specific training needs and issues;
* the customer's employment goal;
* the potential effect of VRT services on achieving a vocational outcome; and
* the customer's interest in touring or attending CCRC.

#### Assessment Focus and Employment Outcome Process

Although the VRT does not determine the customer's employment outcome, the assessment must be focused on an employment outcome. If the assessment occurs before an employment outcome is known, the assessment must focus on the customer's:

* emotional adjustment to blindness;
* employment lifestyle skills;
* employment lifestyle in general; and
* vocational skills such as ability statement, personal data sheet, strategy for disclosure of disability, soft skills, and job search skills.

Bulk rehabilitation VRT supplies (VRSM C-407: Rehabilitation Teacher Supplies) may be provided during assessment for evaluative purposes. When VRT supplies are provided during assessment, the documentation should describe in detail what skill or ability is being assessed and how the provided item, device, or equipment aided in the assessment.

Teaching equipment and supplies that must be purchased by the VR counselor cannot be purchased or provided before the Active phase.

For more information, see VRSM D-200: Purchasing Goods and Services.

#### Employment Lifestyle Assessment Checklist Process

The Employment Lifestyle Assessment Checklist (on the VR Teachers Toolkit Intranet page) is a guide and is not put into a case note. Items on the checklist that are relevant to the customer's training needs are noted in assessment case notes, but some items on the checklist may not be relevant. The checklist does not have to be retained after the assessment is completed. For instructions on using the Employment Lifestyle Assessment Checklist, see Checklist Instructions, also in the VR Teachers Intranet Toolkit.

#### Assessment Documentation

The VRT writes an assessment case note titled "VRT Assessment Srvs" for each assessment contact. Case notes are written in narrative form using the six core areas as headings. If no training needs are identified in a core area, the absence of training needs should be stated rather than omitted from the assessment.

#### Recommending Training Services Before VRT Assessment Completion

If the need becomes apparent, the VRT may recommend VRT services at any time before the VRT assessment is completed. This allows the VR counselor to move forward in developing the customer's plan by adding VRT services to the IPE.

To recommend VRT services before the VRT assessment is complete, the VRT:

* writes the recommendation in a "VRT Assessment Srvs" case note and communicates this action in writing to the VR counselor through email, at a staffing session, or by other means; and
* completes the assessment in a timely manner.

When the assessment is complete, the VRT documents training recommendations in a "VRT Training Recommendations" case note.

#### VRT Training Recommendations Process

When the assessment is completed, the VRT enters a separate case note of training recommendations at that time.

#### VRT Training Recommendations Documentation

When making VRT training recommendations, the VRT

* uses a single VRT Training Recommendations case note;
* writes recommendations of training goals that are based on and support the customer's anticipated employment outcome;
* writes recommendations in a list or bulleted format using all six core areas as headings;
* writes a recommendation if the customer expresses an interest in touring or attending CCRC;
* provides an estimated time frame for completing VRT services;
* lists the equipment that will be provided;
* updates the service record from "Assessment" to "Active" status if the IPE has been implemented (Otherwise, the service record stays in "Assessment" status; VRT training should not occur before the IPE is developed, and further VRT services should not occur until IPE development.); and
* notes later changes in routine VRT Training Srvs case notes.

### C-424-6: VRT Comprehensive Assessment

The VRT's assessment leads to the training recommendations. These recommendations provide critical information to the VR counselor and customer in the development of the customer's IPE. This information can be used to determine:

* an appropriate employment outcome; and
* training needs to develop skills that support a successful employment outcome.

The VRT's assessment focuses on the following three primary areas of VRT services:

* The customer's emotional adjustment to blindness
* The alternative skills that the customer needs to live an employment lifestyle
* The prevocational and job readiness skills that the customer needs to obtain or maintain employment

### C-424-7: Vocational Rehabilitation Teacher Services

#### Vocational Services

The VRT:

* shares information with the VR counselor about the customer's emotional adjustment to blindness; motivation; and problem solving, organizational, and employment lifestyle skills;
* provides training to help the customer develop and use an ability statement, disclosure strategy, and personal data sheet to complete job applications;
* provides training to help the customer organize and identify a wardrobe for work and provides alternative techniques related to personal appearance and hygiene, if needed;
* goes with the VR counselor to meet employers and/or tour work sites;
* helps with job analyses;
* provides alternative skills training based on known or anticipated job duties;
* provides training, together with the VR counselor, for interviewing skills, résumé development, and career exploration;
* role-plays with the customer for job interviews;
* orients the customer to the workplace, if needed; and
* helps the customer to develop work site skills and/or to obtain needed modifications.
* VRTs provide an array of services to customers in the six core skill areas below.

#### Adjustment to Blindness

The VRT assists the customer to be:

* comfortable as a blind individual and with using the word "blind";
* able to blend into society and cope with negative stereotypes of blind people;
* empowered to take control of his or her life using alternative techniques; and
* knowledgeable about his or her specific eye condition and related blindness issues.

#### Employment Lifestyle for Daily Activities

The VRT helps the customer to master the alternative and nonvisual daily activity skills that he or she needs to function independently at work, in the community, and at home.

#### Travel Skills

The VRT:

* provides recommendations for Orientation and Mobility (O&M) services;
* provides instruction in basic orientation, applying the customer's knowledge of current cane skills;
* provides training in:
  + cane storage;
  + protective techniques; and
  + trailing and guiding techniques (in the customer's home environment only); and
* helps the customer identify employment transportation options and resources.

All other O&M training needs should be addressed by an O&M specialist. O&M services promote independent travel skills for individuals who are blind. O&M training prepares customers to travel independently with competence and confidence. Orientation refers to the process of applying the available senses to establish a customer's position and relationship within the environment. Mobility is the act of moving in the environment with the use of an established tool to aid in travel. Tools include white canes, dog guides, and electronic travel aids.

Note: When coordinating mini-training with CCRC Outreach, the VRT may help with outreach direction. Outreach mini-trainings focus on attitude adjustment rather than skills mastery.

#### Communication

The VRT helps the customer to develop:

* skills to communicate with others using braille and assistive technology;
* effective note-taking methods for employment purposes;
* the ability to dial a standard-size phone;
* the ability to access and record phone numbers;
* methods for planning and accessing schedules and appointments;
* keyboarding skills; and
* basic computer skills, if the customer has proficient keyboarding skills.

#### Tech Screener Services

Tech screeners are VRTs and rehabilitation assistants (RAs) who have received tech- screener training that has been provided or approved by the VRT program specialist. Tech screeners help customers who match the following profile and who are likely to benefit from tech screener referral and services. In these cases, the customer:

* might need to use a computer as part of his or her vocational goal;
* has the cognitive and physical skills for self-directed training;
* appears motivated and willing to use Talking Typing Teacher (TTT) software independently; and
* agrees to practice using TTT according to a weekly schedule with an agreed-on completion date.

Note: Tech screeners also may help customers when there is not enough information about the customer's basic keyboarding and computer skills to justify an Assistive Technology Unit evaluation and training or the purchase of equipment or software.

The tech screener makes recommendations for keyboarding training based on the results of the tech screener assessment. Recommendations might also include basic computer skills training.

For more information, see VRSM D-200: Purchasing Goods and Services.

#### Support Systems

The VRT helps the customer gain the knowledge, skills, and confidence to access available and appropriate resources, including advocacy groups, support groups, mentors, and community resources to maintain an employment lifestyle.

#### What the VRT Does Not Do

The VRT does not:

* establish or change the vocational goal with the customer;
* make the final determination about the customer's readiness for employment; or
* obtain employment for the customer.

### C-424-8: Teacher and Counselor Staffing Sessions Procedures

The VRT and the VR counselor work together to:

* develop a team approach for services with each customer;
* exchange frequent and regular communication during the provision of VRT services; and
* ensure that comprehensive VRT services are provided in a timely manner.

#### Session Focus

The session is focused on mutual cases, including:

* new referrals and training recommendations on new customers;
* the customer's training progress;
* any customer issues requiring immediate attention;
* updates regarding customer employment and expected closure date;
* discussion of VRT service record closure; and
* changes to the VRT's training recommendations or the customer's IPE.

#### Frequency

The VR counselor and the VRT decide together how often they should meet to review the status of the case. They may meet formally and informally, but must meet often enough to keep each other current on the customer's case.

The VR counselor or VRT document the review of the case in case notes. Deviation from the process is at the discretion of the manager.

### C-424-9: VRT Training Process

Based on customer needs and VR counselor input, the range of VRT training services can include:

* activities to evaluate the customer's ability to learn skills and benefit from training;
* supportive counseling for adjusting emotionally to blindness;
* training in the use of alternative and nonvisual skills to perform employment and lifestyle daily activities;
* training in communication skills, including braille training, keyboard training, and limited assistive technology training;
* training in limited travel and transportation skills;
* VRT employment-assistance training;
* information, referral, and advocacy; and
* adaptive supplies and equipment.

#### Providing Vocational Rehabilitation Teacher Skills Training

After the VRT makes training recommendations, he or she determines whether the IPE has been implemented and that VRT services are included. VRT training may be initiated once the case is in "Active" phase, and the VRT service record status can be updated to "Active." Services provided before IPE development must be titled "VRT Assessment Services."

Adaptive equipment may be provided during training. All purchases must be coordinated with the VR counselor. Some purchases are subject to income criteria, and this determination is made by the VR counselor. A written justification is needed for the purchase of any adaptive equipment. For more information about adaptive equipment, see VRSM C-407: Rehabilitation Teacher Supplies.

For more information, see VRSM D-200: Purchasing Goods and Services.

#### Braille Training

Braille is an essential skill for most customers who are blind. The VRT and VR counselor are responsible for encouraging customers who cannot access print efficiently and effectively to learn braille. To make an informed choice regarding braille training, customers are offered the opportunity to learn braille after they have a braille assessment using nonvisual techniques. Information on components of a braille assessment can be found in Best Practices for Braille Training that can be found on the Blind and Visual Impairment Services intranet page.

#### Interruption of VRT Services

When VRT services are interrupted, the VRT:

* updates the service record to "Interruption" status;
* enters a case note titled "VRT Interrupted" status, documenting the reason for the interruption and when services are expected to resume; and
* periodically checks on the customer to determine when services should resume.

Interruption status is not appropriate if no identified services remain to be provided; instead, the service record should be closed.

### C-424-10: Completion of VRT Services

VRT services are completed when:

* all goals on the VRT Training Recommendations have been completed; and
* the VR counselor and the VRT agree that all VRT services needed by the customer have been provided.

The VRT service record is closed when the VRT and VR counselor agree that all recommended VRT services have been provided. The VRT then updates the service record status to:

* "Services Provided or Successful" if the VRT services were provided; or
* "Services Not Provided or Unsuccessful" if no VRT services were provided; and
* writes a "VRT SRVS Completion" case note noting the VR counselor's agreement to close the service record as well as other pertinent information.

### C-424-11: VRT Case Services Management Procedures

The VRT documents all customer contacts, including all attempts to contact and other pertinent information in case notes using the six core skill headings as needed to document VRT services provided and customer progress.

The following five titles are available in RHW for VRT case notes:

* VRT Assessment Srvs
* VRT Training Recommendations
* VRT Training Srvs
* VRT SRVS Completion
* VRT

The case note title can be edited by beginning with "VRT" and choosing "Add to Topic" to enter additional information. Five examples of edited titles follow:

* VRT Attempt to Contact
* VRT Customer No Show
* VRT Interrupted
* VRT and VRC Staffing
* VRT Tech Screener Services

#### Case Transfers

For transfers within in the field:

* the VRT service record may be closed if additional VRT services are needed (This should be reflected in the staffing and "VRT SRVS Completion" case notes.); or
* the VRT may delegate the service record to another VRT by:
  + contacting the VRT to whom the service record is being delegated;
  + providing an update on VRT services; and
  + documenting this action in a case note.

#### Transfers to CCRC

When a customer is transferred to CCRC, the VRT service record may be closed or put in interrupted status by the field VRT.

#### Action List

For information about Action Lists, see ReHabWorks Users Guide, Chapter 6: Case Actions and Actions List, 6.3.4 Getting an Action List for a Specific Action Type.

#### In-House Service Records

For information about in-house service records, see:

* service records for in-house providers (see ReHabWorks Users Guide: E-200: Case Service Record, E-203-8-12: Creating, Updating, and Canceling Line Items for In-House Services; and
* the checklist for the in-house service records.

The VR counselor updates the service record status regularly to reflect progress in the case. For example, "Active" would indicate training.

One service record at a time is used for VR teacher services. Duplicate service records are closed as "Not Accepted."

### C-424-12: Rehabilitation Supplies and Adaptive Equipment

#### Rehabilitation Teacher Supplies Procedures

Rehabilitation teacher supplies are known also as "bulk supplies" or "consumable supplies." They are defined as high-usage, low-cost supplies such as watches, bold-line paper, writing guides, and timers. These supplies:

* are ordered from commercial sources;
* exclude items that cost $100 or more per single item;
* are ordered by and shipped to VR offices; and
* are stored at the local office for distribution to customers for demonstration or training later on an as-needed basis.

#### Adaptive Equipment

Adaptive equipment is defined as durable items or devices ordered for a customer (for example, flashlights, talking color-identifiers, talking money-identifiers, and braillers). Adaptive equipment is:

* available only if the least restrictive adaptations do not meet customer needs;
* purchased per customer in RHW; and
* used by customers and, when no longer needed, returned.

The VR counselor documents the justification for purchase of an item before it is ordered. If the value of the equipment exceeds $500, a "customer" inventory tag is attached to the equipment and Form VR2014, Rehabilitation Equipment, Item, and Bus Pass Receipt and Agreement, is signed by the customer.

Adaptive demonstration equipment is defined as agency-owned equipment lent to customers for demonstration and/or training purposes only (for example, closed-circuit televisions, electronic book readers, netbooks, and braillers). The equipment is added to the office inventory account, and a state inventory tag is attached.

For more information, see VRSM D-200: Purchasing Goods and Services.

#### Recommending Counselor Purchase of Adaptive Equipment

The VRT may create an action or email for the VR counselor to recommend the purchase of equipment that is not considered a bulk or consumable supply. Once the VR counselor agrees, the VRT arranges the coordination of the equipment purchase.

Note: Justification must be documented in RHW for all purchase recommendations.

For more information, see VRSM D-200: Purchasing Goods and Services.

#### Maintaining Inventory Levels in the Local Office

VR staff follows these the steps below to maintain inventory levels in the local office:

* Order in bulk to maintain one to two months' inventory level supply of high-usage rehabilitation supplies.
* Order smaller quantities regularly to maintain stock levels rather than ordering large quantities to restock depleted items.
* If large quantities of rehabilitation supplies are needed for such special events as group classes or awareness presentations, a service authorization must be submitted in advance to ensure delivery.

#### Accountability Procedure

Accountability for adaptive supplies and equipment issued to customers is verified by:

* documentation in the VRT case notes;
* review of the case file by the coordinator or manager; and
* maintenance of an established inventory level of supplies in the local office.

#### Receipt and Agreement Form

Although not mandatory, Form VR2014, Rehabilitation Equipment, Item, and Bus Pass Receipt and Agreement, may be used to document receipt of VRT training supplies with a value of less than $500. Form VR2014, which requires the customer's signature acknowledging receipt of the equipment and indicating agreement to conditions for its use, is useful in helping the customer understand his or her responsibility related to depleted or damaged equipment.

#### Texas Confidence Builders Model

Texas Confidence Builders Model involves philosophy with supporting techniques for creating the foundation for how staff members work with blind and visually impaired customers and how to deliver services. The model incorporates the belief that with the proper training and a positive attitude, individuals with disabilities can live productive, independent lives and become successfully employed in a field of their choice. The six core skill areas that are addressed are as follows:

* Adjustment to Blindness
* Independent Living Skills
* Travel Skills (orientation and mobility)
* Communication Skills
* Support Systems
* Vocational Skills

See the Texas Confidence Builders Model brochure (PDF) found under Brochures and Publications on the Intranet page for more information.

## C-425: Deafblind Field Training Services

Deafblind services are offered to blind customers who have a secondary disability of deafness or hearing impairment. Customers are referred to Deafblind Services by:

* VR counselors;
* CCRC staff;
* Transition counselors; and
* Independent Living Services for Older Individuals Who Are Blind caseworkers.

### C-425-1: Services Provided

As in-house service providers, deafblind specialists provide such services as:

* meeting with customers to evaluate their needs related to their dual sensory loss;
* making recommendations to caseload-carrying staff about:
  + communication issues and options;
  + diagnostics and evaluations;
  + adaptive devices and other accommodations for work, independent living, and vocational or academic training;
  + specialized training options;
  + ongoing support services, such as Medicaid waiver programs;
  + training options for teens and young adults who are deafblind; and
  + support services, resources, and adaptive devices for teens and young adults for use in the educational environment;
* attending admission, review, and dismissal meetings and participating in transition planning in collaboration with the transition counselor;
* facilitating communication and identifying interpreter services; and
* initiating orders for recommended adaptive devices, with the approval of the caseload-carrying staff member.

### C-425-2: Referrals to Deafblind Services

Customers are referred to Deafblind Services when:

* hearing loss is medically documented;
* hearing loss is suspected; or
* the customer is functioning as a person who is deafblind.

If it is suspected that a customer may have hearing loss or if the customer has a documented hearing loss, the VR counselor refers him or her to the deafblind specialist before scheduling audiological or hearing-aid evaluations. The deafblind specialist may let the customer know about information to share with his or her audiologist regarding the functional impact of the combined vision and hearing loss and suggest questions to ask the audiologist about certain hearing-aid features and considerations.

### C-425-3: Referral Procedure

The VR counselor makes a referral to the deafblind specialist by:

* entering a secondary disability code of Deafblindness (08) under the category of Sensory Communicative Impairments for the customer to be referred; and
* completing a referral to the deafblind specialist in RHW.

### C-425-4: Customer Contact

Upon receipt of referral information, the deafblind specialist:

* contacts the customer;
* schedules an appointment with the customer in his or her home or business;
* evaluates the customer's needs during the home or work appointment;
* discusses immediate needs and evaluation findings at that time; and
* verifies that the customer meets the definition of deafblindness as described by the Rehabilitation Services Administration.

### C-425-5: Case Notes

The deafblind specialist writes case notes to document customer contacts and other pertinent details. A follow-up phone contact or email may be added to the contact reports.

The case notes typically contain:

* customer contact participants;
* evaluation findings;
* overall recommendations;
* the rationale for recommendations; and
* recommendations regarding secondary disability coding, if needed.

If the deafblind specialist recommends that the secondary disability coding be amended to reflect the customer's sensory communicative impairment more accurately, the deafblind specialist:

* enters a case note to recommend that the caseload-carrying staff member change the secondary disability coding and explain the reason a change is needed; and
* creates an action and delegates it to the caseload-carrying staff member to alert him or her to the case note which recommends that the secondary disability coding be changed.

### C-425-6: Continued Service

The deafblind specialist makes periodic phone contacts and/or written contacts with the customer and VR counselor to monitor progress, discuss service coordination, and help as requested and needed.

### C-425-7: Completion of Deafblind Services

The deafblind specialist closes the RHW service record when services are:

* complete; or
* no longer desired.

Following case closure or closure of the service record, the deafblind specialist may provide limited services as a professional courtesy to help a customer maintain independence and to minimize the customer's need to reapply for VR services. These services are documented as a courtesy service in the case file.

For more information, including information about community-based apartment-living and residential-training services, refer VRSM C-505-3: Deafblind Training.

# Vocational Rehabilitation Services Manual C-500: Criss Cole Rehabilitation Center

## Introduction

The Criss Cole Rehabilitation Center (CCRC) is a comprehensive vocational rehabilitation (VR) training facility operated by Texas Workforce Commission (TWC) Vocational Rehabilitation (VR). It is located in Austin, Texas, at 4800 N. Lamar Boulevard.

The mission of CCRC is to work in partnership with customers and staff toward the accomplishment of independence and employment. CCRC provides evaluation, training, and related services in residential, classroom, and community settings.

This chapter is organized into the following sections:

* Pre-application Considerations—Use this information to assist the customer in making an informed choice about how CCRC services can be useful in reaching the customer's work and living goals.
* Admissions Process—When the customer makes the decision to seek admission to CCRC for General Programs or Specific Services, use this information to complete the referral and to coordinate services with Admissions from customer acceptance to arrival.
* CCRC General Programs—This section provides general program information.
* CCRC Training Services—This section provides detail on the proficiency, career focus, and deafblind training programs.
* Post-CCRC Plans—Documentation of services provided and recommendations at CCRC will be posted in the customer's case folder in ReHabWorks (RHW).

This chapter also includes sections on available resources and commonly asked questions.

## C-501: Legal Authorization

Although the Workforce Innovation and Opportunity Act (WIOA) does not specifically address VR training delivered in a dedicated residential facility, all WIOA regulations related to customer rights, eligibility, and service provision cited in the Vocational Rehabilitation Services Manual (VRSM) apply to CCRC.

## C-502: Pre-application Considerations

### C-502-1: Eligibility

To be eligible for CCRC services, customers must:

* be legally blind or deafblind;
* be age 18 or older;
* have a permanent address to return to during and after training; and
* be referred for VR services.

To be eligible for acceptance, customers must be able to:

* fully participate in an eight-hour training day, five days a week;
* manage daily personal care, health, and medication;
* attend scheduled classes and demonstrate progress;
* transfer skills from one setting to another; and
* behave in socially appropriate ways and live cooperatively in an adult residential setting.

### C-502-2: Expectations of CCRC Customers

VR counselors are encouraged to share the following information with customers when discussing a referral to CCRC:

* Participating in the CCRC training program is similar to attending a college. Customers work with their field VR counselor, CCRC VR counselor, and CCRC instructors to choose programs or courses to meet their vocational goals and individual needs.
* CCRC customers participate in evaluative training activities. These activities give customers opportunities to demonstrate knowledge and functional skills. Customers' time in programs may vary, based on individual needs.
* CCRC VR counselor compiles the evaluative training recommendations for each customer and schedules the customer for classes.
* Customers, CCRC VR counselor, and referring staff members use information gathered during all training activities to develop training goals.
* Progress training meetings are scheduled on a regular basis with customers, CCRC VR counselor, and referring staff members.
* Customers have the option to complete training programs nonvisually using sleep shades. Sleep shades help customers minimize their dependence on vision and overcome their fear of blindness. Instructors discuss program and training options with customers during tours, on the first day of classes, and throughout the training program.
* Customers are expected to apply skills of daily living as they are learned.
* Customers are expected to complete the training program.

For additional information regarding CCRC expectations, contact the CCRC admissions coordinator or CCRC director.

## C-503: CCRC Admissions Process

### C-503-1: CCRC Tour

Highly individualized tours are available to provide customers and their families with general information about CCRC and the programs provided. Customers have an opportunity to:

* participate in a tour of the physical facility;
* meet with staff for individual consultations and to get answers to specific questions;
* participate in CCRC classes; and
* meet with current CCRC customers.

Food and lodging are provided during the tour. Transportation to and from the airport or bus station is available upon request.

A CCRC tour prior to admission is mandatory for customers referred for services at CCRC.

### C-503-2: Referrals to the Training Program

The following information outlines steps from the customer's initial referral to his or her arrival at CCRC. For current deadlines, see the CCRC admissions calendar located on the Criss Cole Rehabilitation Center Intranet page. The VR counselor contacts the CCRC admissions coordinator for assistance or to review individual customer circumstances.

#### CCRC Referral Packet

In the CCRC Referral Packet, all customers must provide:

* documentation of legal blindness with best correction from a medical eye professional, such as an optometrist, ophthalmologist, or low-vision specialist, when referred to the Proficiency or Career Center Program;
* documentation of hearing loss from an audiologist and documentation of vision loss from a medical eye professional when referred to the Deafblind Training Program;
* general physical information from a medical professional within the past 12 months; and
* tuberculosis test results within the past 12 months.

Information from psychological reports is not required, but can be helpful.

#### Special Circumstances Referral Information

Certain information is required for all customers. Additional information is required for customers with special circumstances.

If the customer is on parole or probation, he or she submits:

* the name, address, and phone number of the parole or probation officer; and
* court documents indicating conditions of parole or probation.

If the customer has had a substance or alcohol issue at any time in the past, he or she submits the Substance Abuse/Alcohol Abuse Contract.

If the customer has a mental health diagnosis, the VR counselor submits a mental health stability statement from the customer's mental health provider stating that the customer:

* is stable;
* can manage his or her mental health issues independently;
* can manage his or her prescribed medication independently; and
* can participate in an intensive rehabilitation training program.

If the customer has bloodborne pathogen-related illness, the VR counselor contacts the CCRC admissions coordinator before submitting any referral information to ensure protection of confidential information as mandated by federal law.

For additional information on protection of bloodborne pathogen-related illness information, see VRSM A-200: Customer Rights and Legal Issues.

If a customer has diabetes, the diabetes education reports must be submitted documenting that the customer can independently manage his or her diabetes, to include testing, medication, identifying, and ordering.

If a customer has a hearing loss or deafness, then a current audiological report is needed.

Personal attendant services required by customers must be arranged before the customer's admission date and coordinated with the CCRC admissions coordinator.

If the customer does not have a permanent residence, the VR counselor submits written documentation from the residential provider or family member that includes:

* the customer's name;
* address;
* phone number; and
* a statement that the customer can return to this residence at any time.

If the customer has a guardian assigned by the court, the VR counselor submits:

* legal guardianship papers;
* Form VR2050, CCRC Parent or Guardian Consent Form; and
* Form VR2051, CCRC Medical Authorization Form.

If the customer is attending the College Prep Summer program and is under age 18, the VR counselor submits Form VR2050, CCRC Parent or Guardian Consent Form, and Form VR2051, CCRC Medical Authorization Form. (The referral process may occur before age 18, but the customer must have reached the age of 18 before starting the program.)

The VR counselor contacts the CCRC admissions coordinator with any questions regarding documentation requirements for customers with special circumstances.

The VR counselor sends all information to CCRC Admissions by email to [ccrc.admissions@twc.texas.gov](mailto:ccrc.admissions@twc.texas.gov), by fax to 512-377-0317, or by mail to:

CCRC Admissions Office  
101 E. 15th Street, Suite 6804  
Austin, Texas 78778

The referring VR counselor updates the RHW population indicator to include CCRC and submits a referral through the Referral Services List located in the RHW CCRC menu. Once this referral has been saved, a case action will be generated to CCRC Admissions for their review.

CCRC Admissions acknowledges the referral request and subsequent statuses in RHW by:

* placing the referral in a Pending Status upon receiving initial RHW referral;
* placing the referral in an Accepted Status when all necessary referral information has been received for the CCRC Referral Packet;
* placing the referral in a Scheduled Status when a specific date for the service has been determined (the admissions coordinator mails an acceptance packet to the customer); and
* placing the referral in an Active Status for CCRC upon arrival; or
* placing the referral in a Not Accepted Status when the referral does not meet the admissions criteria, or when the referral declines, cancels or no shows on admissions date.

#### Computerized Criminal History Checks

CCRC requires that a computerized criminal history check (CCHC) be completed on all referrals. Once a customer is referred, CCRC admissions staff runs a CCHC, regardless of VR status.

CCHC reports contain criminal action occurring in the state of Texas. CCHC reports show either no criminal action or criminal action matching the name and date of birth submitted. CCHC reports are often incomplete and difficult to interpret. CCRC admissions staff members can consult with their supervisory chain and the TWC Office of General Counsel if they need help to interpret the results. They can send questions regarding CCHC reports to [ogc@twc.texas.gov](mailto:ogc@twc.texas.gov).

Staff must document results in the customer's electronic record in RHW. Staff must not document any details of the CCHC report in the case note; staff must include only the date the CCHC was requested, the date the CCHC was run, and the impact of the results on the customer's acceptance into CCRC. Staff must indicate on the case note whether the customer is not accepted or if there is some restriction on the customer's acceptance based on the CCHC.

For procedures on maintaining and storing a customer's CCHC, in addition to releasing customer records and information to the customer and other parties, see VRSM A-200: Customer Rights and Legal Issues, A-206-4: Release of Customer Records and Information.

Transportation is coordinated by the referring VR counselor in the field and CCRC Admissions Department.

#### Active Status at the Criss Cole Rehabilitation Center

When a customer arrives for the CCRC Training Program, Admissions places the customer in Active Status for CCRC training. Upon Active Status the customer is assigned a VR counselor at CCRC who manages the case.

The VR counselor in the field office mails the complete customer paper file to the assigned VR counselor at CCRC within 15 days of the admission date. After the paper case file is delivered to the receiving office at CCRC, receiving staff must update the paper file location in RHW using the Paper File Transfer option in the Case Management menu of the customer.

Note: The customer's case is not transferred to the assigned VR counselor at CCRC.

Upon completion of the customer's CCRC training the VR counselor in the field resumes responsibility for the case management.

The VR counselor at CCRC mails the complete customer paper file to the assigned VR counselor in the field within 15 days of the completion date. After the paper case file is delivered to the receiving VR office in the field, receiving staff must update the paper file location in RHW using the Paper File Transfer option in the Case Management menu of the customer.

## C-504: CCRC General Program

The following outlines the sequence of services provided to customers from arrival through completion of training.

### C-504-1: Orientation

The purpose of the CCRC orientation is to familiarize customers with the philosophy, guidelines, and procedures of CCRC.

### C-504-2: Evaluation

The purpose of the initial assessment is to provide each customer an opportunity to demonstrate the skills they already possess and identify additional/new skills that will assist them in reaching their rehabilitation goals.

### C-504-3: Program Planning

Program planning occurs following assessment. CCRC staff develops recommendations, which are shared with the customer and referring staff to determine the most appropriate next step for the customer. Referring staff members are encouraged to participate in the program planning process and are provided with follow-up documentation. The recommended next steps may include:

* further assessment;
* full-time CCRC training; and
* alternative training options, other than CCRC training.

### C-504-4: Training

Customers participate in visual or nonvisual training in one or more of the following categories:

* Proficiency Training Program
* Career Focus Training Program
* Deafblind Training Program

### C-504-5: Progress Reviews

The customer and CCRC VR counselor meet periodically throughout the customer's training program with referring staff to review training progress. Progress reports are posted in RHW.

### C-504-6: Graduation

Upon completion, the customer is recognized for his or her accomplishments during a graduation ceremony. Family, friends, and TWC staff are invited to attend.

## C-505: CCRC Training Services

The following subsections describe the training services provided.

### C-505-1: Proficiency Training

The Proficiency Training Program is individualized training that builds skills based on the customer's current capabilities and vocational goals. The customer can choose from a variety of classes; the length of training is based on the customer's needs.

* Core Classes: All General Program customers are required to participate in all recommended core classes (Adaptive Skills, Orientation and Mobility, Technology, Career Guidance, and Industrial Arts).
* Need/Elective: Available by customer request or to meet individual customer situations

### C-505-2: Career Focus Training

The Career Focus Training Program is individualized training that prepares the customer for employment by developing, implementing, and applying employment readiness skills and capabilities based on the customer's personal career goals. This includes self-employment, Employment Boot Camp, the Work Experience program, and the Business Enterprise of Texas program.

### C-505-3: Deafblind Training

The Deafblind Training Program provides training options within CCRC, at the Sierra Ridge apartments in Austin or in the local home community. Customers receive training tailored to meet the specialized needs of individuals who are deafblind to obtain housing and employment.

For additional information, see the:

* CCRC Policy Manual located on the CCRC Intranet page; and
* CCRC Customer Training Programs intranet page.

Throughout the training program, the customer is encouraged to make the connection between what is being learned and how to apply new skills in the home, community, and work environments, such as traveling independently if they take trips home during training.

### C-505-4: Outreach

CCRC provides outreach services in the field, including mini-training, career guidance, and college preparation, to allow customers to make informed choices about how CCRC may serve their rehabilitation, training, and educational needs.

## C-506: Residential Services

All students are expected to follow the guidelines outlined in the Student Handbook (found under Brochures and Publications on the Intranet page) provided during the admissions process.

All rooms at CCRC accommodate two residents. Customers living in the CCRC residential hall are expected to share a room with another customer of the same gender. Exceptions may be made to sharing rooms, such as customers with a dog guide, customers who require an accessible room, and roommates of different genders who are legally married. Preference for residential services is given to customers living outside Austin.

CCRC serves meals cafeteria-style to customers at no cost. Special dietary arrangements can be made upon request.

Sierra Ridge residents are expected to provide their own meals.

Sierra Ridge residents and day students are expected to make their own arrangements for transportation to and from CCRC for CCRC training.

## C-507: Post-CCRC Plans

Documentation of the customer's training services and next step plans are provided in RHW.

Case transfer from CCRC to the field is via RHW.

If a customer moves to another region before completing the CCRC program, the case is transferred back to the referring field VR counselor or transition counselor and VR or program coordinator before any decision is made about case transfer.

## C-508: Resource Information

The following information resources are available on TWC's Criss Cole Rehabilitation Center website:

* CCRC brochure —Describes CCRC services using a picture format. Useful in educating the public about CCRC. (English, Spanish, large print, braille, and regular print versions are available.)
* CCRC calendar—CCRC summary of important dates updated annually. A listing of CCRC services and general procedural information related to CCRC admissions.
* CCRC Student Handbook—Provides specific information about CCRC programs. A handbook is sent to each customer before arrival for CCRC programs. (English, Spanish, large print, braille, and regular print versions are available.)
* CCRC Policy Manual—Provides policies and procedures for the facility and training program.
* Outreach services—Provides information on CCRC outreach services that are provided in the regional offices, including mini-trainings.
* Deafblind Services Unit web page—Provides information about deafblind services offered by TWC-VR.

## C-509: Frequently Asked Questions

For answers to commonly asked questions, please see CCRC Frequently Asked Questions located on CCRC Intranet page.

# Vocational Rehabilitation Services Manual C-600: Orientation and Mobility Services

## Introduction

The In-house Orientation and Mobility (O&M) instructor prepares Vocational Rehabilitation (VR) customers who are blind/visually impaired to travel independently with competence and confidence. O&M tools may include white canes, sleep shades, and dog guides.

"Orientation" refers to the process of applying the customer's working senses to establish his or her position and relationship to the environment.

"Mobility" refers to the act of moving in the environment with the use of an established tool to aid in travel.

"White cane," for the purpose of O&M services, specifically refers to a rigid, non-folding, long, fiberglass white cane with a metal tip.

Notes:

* All sections in VRSM C-600: Orientation and Mobility Services apply to “In-house” O&M instructors (O&M instructors employed by TWC-VRS).
* Section VRSM C-602: Contracted Orientation and Mobility Services applies to contracted O&M services only.

If a counselor has determined that an exception will facilitate a customer’s progress and there is not an approval exception listed in policy, counselors are encouraged to staff the request through their chain of management to the Deputy Division Director for Field Services for consideration. VRSM clearly states when no exceptions are allowed.

## C-601: Legal Authorization

Per 34 CFR §361.48(b)(11), Orientation and Mobility services are available to individuals who are blind.

Per Human Resources Code §91.002(2), "blind" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

## C-602: Contracted Orientation and Mobility Services

For detailed information regarding contracted O&M services, see VR Standards for Providers, Chapter 5: Orientation and Mobility Services, or contact the state office Orientation and Mobility program specialist. For contract-related issues, contact the VR regional program support specialist (RPSS) in your region.

## C-603: Services Provided by Orientation and Mobility Instructors

### C-603-1: Role of the Orientation and Mobility Instructor

Orientation and Mobility (O&M) are core skills that help customers who are blind or visually impaired to achieve an effective employment outcome. Both the VR counselor and the O&M instructor should encourage customers who do not travel efficiently and effectively to learn O&M skills.

Independent travel skills are learned non-visually with a white cane so that the customer develops the necessary skills and confidence to travel safely and independently, regardless of available visual information. In rare exceptions, an aluminum cane might be needed to fit nonmetal tips such as a roller tip. Exceptions must be clearly justified and documented in a case note in ReHabWorks.

In all cases, use of a customer's remaining vision may be transferred to training when the O&M instructor believes it would be helpful to the learning process, usually after nonvisual skills are mastered.

O&M instructors may teach customers travel skills, including (list is not inclusive):

* white cane skills;
* compass directions;
* stairs;
* indoor self-familiarization;
* auditory skills;
* grocery, mall, airport, and rural travel;
* sidewalk travel;
* in a residential neighborhood, skills such as
  + recovery techniques;
  + turning at corners;
  + numbering systems;
  + soliciting directions;
  + drop-offs;
  + crossing at stop-sign-controlled intersections;
  + crossing light-controlled intersections with light traffic; and
  + bus travel;
* in a small business area, the following additional skills:
  + analyzing and crossing at light-controlled intersections (four-way plus sign-shaped, three-way T-shaped, and offset) with heavier traffic;
  + advanced recovery skills; and
  + traveling in heavier pedestrian areas and unfamiliar areas;
* problem solving;
* independent travel;
* transportation;
* for downtown travel, in addition to the skills listed above, exposure to a variety of different environments to help build confidence in skills already learned (the sounds of downtown travel are very different from those in small business areas, and the customer must learn them to prepare for travel independence in all areas for employment options); and
* travel at night.

In teaching these skills, O&M instructors may work with:

* VR counselors and other VR staff;
* families;
* educators;
* community providers; and
* others who support the customer's work and independent-living goals.

### C-603-2: Orientation and Mobility Employment Outcome Services

Prior to beginning O&M training services, the VR counselor must include O&M services on the customer's IPE. O&M instructor services support the customer's ability to achieve an employment outcome. O&M instructor services must be coordinated with the VR counselor through all phases of the rehabilitation process, including:

* sharing information with the VR counselor regarding the customer's emotional adjustment to visual impairment and acquisition of motivational, problem-solving, organizational, and independent-living skills;
* accompanying the VR counselor to employer contacts or work site tours and assisting with job-travel analysis;
* providing nonvisual skills training based on the customer's known or anticipated job-travel responsibilities and researching travel methods for employment assistance; and
* providing transferable skills so that the customer can apply skills to unfamiliar areas.

### C-603-3: Orientation and Mobility Instructor and Vocational Rehabilitation Counselor Staffing Sessions

Staffing sessions purpose is to:

* develop a team approach for services with each customer;
* provide frequent and regular communication between the O&M instructor and VR counselor during the provision of O&M services; and
* ensure that comprehensive O&M services are provided in a timely manner.

Staff sessions focus on:

* cases selected by the O&M instructor and VR counselor;
* customer's training progress;
* any customer issues requiring immediate attention; and
* any changes to the O&M instructor's plan or the customer's individualized plan for employment (IPE).

### C-603-4: Customer Referral Process

If a customer requires O&M services, the VR counselor refers the customer to the O&M instructor or a contracted O&M service provider.

Customers who are blind must be referred to the In-House O&M instructor or a contracted O&M service provider for assessment, unless there is pending eye surgery or the customer recently completed training at the Criss Cole Rehabilitation Center (CCRC). Visually impaired customers with severe functional limitations may also be referred if O&M services are needed.

Customers demonstrating immediate critical needs before surgery may be referred to the O&M instructor, depending on availability.

A service record must be created in ReHabWorks to begin the process referring a customer to an O&M instructor.

### C-603-5: Orientation and Mobility Assessment Report

The O&M assessment provides critical information to the VR counselor and customer in the development of the customer's IPE. This information can help determine training needs and the potential length of training. A white cane and blindfold may be used for evaluation purposes.

The O&M assessment focuses on the alternative skills needed to live independently and obtain or maintain employment.

Except for assessment-only requests, O&M services cannot begin before the case is moved into either a Pre-Trial Work Experience or the IPE is completed in RHW.

O&M instructors provide assessments that may include such areas as:

* the customer's home and immediate surrounding area;
* public areas, such as a bank, church, doctor's office, or college campus;
* commercial areas, such as a store or mall;
* transit systems, such as paratransit or taxis (if available);
* public transportation, such as buses (if available);
* rural areas (if applicable);
* residential areas (described as light vehicular and pedestrian traffic with some stop signs);
* small business areas (described as heavier traffic and simple traffic lights);
* downtown areas (described as heavy vehicular and pedestrian traffic with complex traffic lights);
* commercial transportation systems such as buses, trains, and airplanes (if applicable); and
* travel using low-vision devices (if applicable).

When the assessment is completed, the In-House O&M instructor will enter a case note in ReHabWorks by choosing the "O&M" drop-down title and typing "Assessment" in the Add to Topic line.

The O&M assessment must include the following information:

* Customer's current level of travel
* Specific travel skills needs and issues
* Summary of independent travel abilities at the time of the assessment
* Dates of assessments
* Number of training hours recommended

After the O&M assessment is entered into a case note, the O&M instructor determines with the VR counselor if and when training should begin.

### C-603-6: Assessment Focus and Employment Outcome

Although the O&M instructor does not determine the customer's employment outcome, the O&M instructor's assessment is completed with independent functional travel as the ideal goal. Travel skills are critical to an employment outcome, but different employment outcomes require different skill levels.

If the assessment is developed before an employment outcome is known, the assessment focus is on independent functional travel and its general application to employment.

### C-603-7: Orientation and Mobility Training Process

Based on customer needs and the O&M instructor's input, the range of training services must include:

* training in the use of nonvisual skills;
* employment assistance for independent functional travel needs;
* adaptive supplies for travel, such as a white cane and blindfold; and
* use of problem-solving skills for customers to build confidence in travel and realize an opportunity for independence.

An O&M instructor cannot have more than 25 customers in active training at any time. The O&M instructor must notify by email VR counselors and assigned regional program support manager (RPSM) of the total number of customers in active training monthly. Any customer who is receiving an O&M assessment or is enrolled in O&M training is in active training.

### C-603-8: Orientation and Mobility Services Monthly Progress Report

#### In-House

During active training, the O&M instructor must complete and enter into a case note in ReHabWorks by using the drop-down title "O&M" and typing "Monthly Progress Report" in the Add to Topic line. The monthly progress report must include at least the following:

* Customer's progress for the report month
* Number of hours worked with the customer for the month
* Training dates
* Recommendations for next steps
* Any issues or concerns with training, or changes in initial recommendations

#### Completion of O&M Services

When O&M services are completed, the O&M instructor completes a "Summary Report" case note in ReHabWorks by using the "O&M" drop-down title, then typing "Summary Report" in the Add to Topic line. The Summary Report must include a description of how O&M services helped the customer reach his or her O&M goals and/or a description of why a goal was not reached.

The O&M instructor will close the service record when the O&M instructor and VR counselor agree that no further services are needed.

### C-603-9: Providing Additional Services after Service-Record Closure

#### In-House

If additional services are needed after the service record is closed, a new RHW service record is required, with the VR counselor specifying what O&M skills are needed.

If services extend beyond 30 days, the O&M instructor must provide a monthly progress report by entering a case note in ReHabWorks using the drop down "O&M" and typing "Monthly Progress Report" in the Add to Topic field until service needs are completed.

#### O&M Case Services Management and/or Case Notes

The O&M instructor must document all customer contacts and other pertinent information in ReHabWorks case notes by choosing the "O&M" drop-down title, then typing a title of the subject content of the case note in the "Add to Topic" field. Examples of "Add to Topics" include:

* Assessment
* Monthly Progress Report
* Summary Report
* Service Record Closure
* Customer Contact

For detailed information regarding contracted O&M services, see VR Standards for Providers, Chapter 5: Orientation and Mobility Services.

### C-603-10: Action List

For more information on searching action lists, see the ReHabWorks User Guide, Chapter 6: Case Actions and Action Lists on the intranet.

#### Ordering Rehabilitation O&M Instructor Supplies

For information on ordering O&M instructor supplies, see VRSM D-200: Purchasing Goods and Services.

### C-603-11: Recommending Purchase of Equipment

The O&M instructor may recommend the VR counselor purchase equipment that is not immediately available or the O&M instructor may recommend a purchase by:

* creating a service record in RHW for the items; and
* delegating the purchase to the VR counselor.

The O&M instructor must determine before the purchase how the VR counselor would prefer to complete the purchase.

A service justification must be provided for all purchase recommendations unless the case is in employment phase in RHW. If the case is in employment phase in RHW an IPE amendment is required.

### C-603-12: Customer or Staff Purchases from Control Account 40

For information on ordering O&M instructor supplies, see VRSM D-200: Purchasing Goods and Services.

### C-603-13: Guidelines for Electronic Travel Aids

Examples of electronic travel aids include the following:

* Laser cane
* Mowat sensor
* Sonic guide
* Global Positioning System
* Talking compasses

### C-603-14: Maintaining Inventory Levels in the Local Office

Staff must use the following procedures to maintain inventory in local offices:

* Order in bulk to maintain one month's supply of high-use rehabilitation supplies for the office.
* Order small quantities regularly to maintain stock levels, rather than allowing stock to be depleted and ordering large quantities.

### C-603-15: Accountability

Accountability for adaptive supplies and equipment issued to customers is verified by:

* documentation in the O&M instructor case notes;
* review of the case file by the VR Supervisor or VR Manager; and
* maintenance of an established inventory level in the field office.

## C-604: Field Orientation and Mobility Interns

Internships are typically initiated by O&M-accredited universities. The state office O&M program specialist in charge of coordinating internships contacts the appropriate full-time O&M instructor to determine if he or she is available to supervise an intern. The state office O&M program specialist approves supervision of interns.

O&M instructors approved to work with O&M interns must hold a current certification from one of the following:

* Academy for Certification of Vision Rehabilitation and Educational Professionals (ACVREP); or
* National Blindness Professional Certification Board (NBPCP).

The O&M instructor must:

* observe 12 lessons taught by the intern; and
* supervise the intern for the entire internship.

# Vocational Rehabilitation Services Manual C-700: Medical Services and Equipment

## C-700: Medical Services and Equipment

Medical services, which are also referred to as "physical restoration," are available to eligible Vocational Rehabilitation (VR) customers through the Texas Workforce Commission's (TWC) Vocational Rehabilitation Services (VR) when these services are expected to decrease, help manage, or stabilize physical barriers so that eligible customers can secure, keep, advance in, or return to competitive integrated employment. These services include corrective surgery or physical therapeutic treatment, dentistry, various types of therapy, and other medically related rehabilitation services that are likely, within a reasonable time frame, to correct or substantially modify a stable or slowly progressing physical or mental impairment that constitutes a substantial impediment to employment.

### C-700-1: Legal Authority

The Code of Federal Regulations (CFR) states:

"(39) Physical and mental restoration services means -

(i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

(ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;

(iii) Dentistry;

(iv) Nursing services;

(v) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(vi) Drugs and supplies;

(vii) Prosthetic and orthotic devices;

(viii) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel who are qualified in accordance with State licensure laws;

(ix) Podiatry;

(x) Physical therapy;

(xi) Occupational therapy;

(xii) Speech or hearing therapy;

(xiii) Mental health services;

(xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment;

(xv) Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

(xvi) Other medical or medically related rehabilitation services."

(Authority: 34 CFR 361.5(39) (40); §§12(c) and 103(a)(6) of the Rehabilitation Act of 1973, as amended; 29 USC. 709(c) and 723(a)(6))

## C-701: Professional Medical Services

Federal law requires that medical services (including corrective surgery or treatment) that are sponsored or supported by Vocational Rehabilitation services (VR) must:

* have a direct effect on the customer's functional ability to perform the employment goal or the services must support other needed vocational rehabilitation services; and
* be likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

34 CFR 361.5(39) (i)

VR is the payer of last resort.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in VRSM D-203-2: Best Value Purchasing.

After the customer's primary and/or secondary benefit coverage has been applied and the customer's ability to pay has been determined, VR may pay to the provider an amount equal to the customer's co-payment, coinsurance, or deductible due. VR payment does not exceed the amount allowed by the insurance coverage or the allowable VR rate or VR contract rate, whichever is less.

### C-701-1: Restrictions

When approval for any procedure, service, food, or device is required, the review and approval must be completed and documented in ReHabWorks (RHW) before including the services on the customer's individualized plan for employment (IPE) or IPE amendment.

The following medical services are not authorized:

* ongoing general medical care for health maintenance;
* emerging technology and temporary, experimental, or investigational medical services (terminology codes, also called T-codes);
* maternity care; and
* medical or surgical treatment associated with:
  + active tuberculosis;
  + sexually transmitted diseases;
  + cancer;
  + organ transplantation (except for the treatment of individuals with end-stage renal disease, subject to management review and approval, as set out below); or
  + human immunodeficiency virus infection (HIV) or acquired immunodeficiency syndrome (AIDS).

A corneal transplant, also known as keratoplasty, is a surgical procedure in which a damaged or diseased cornea is replaced by donated corneal tissue. Corneal tissue is not considered an organ; therefore, corneal transplants are not considered organ transplants and are not restricted.

Management exceptions to this list are not allowed.

#### End-Stage Renal Disease

Federal guidelines at 34 CFR 361.5(39) (xv) mandate certain vocational rehabilitation services for customers with end-stage renal disease. These customers' cases must be reviewed by the:

* local medical consultant (LMC);
* VR manager;
* state program specialist for physical disabilities; and
* VR medical director.

### C-701-2: Medical Services Required Review, Consultation, and Approvals Policy

Medical consultants provide support to VR staff throughout the VR process.

For limitations on consultant services and more information about the roles of various consultants, refer to VRSM B-101-7: Consultants.

#### Medical Director

The following require consultation with the medical director:

* Medical services with payments exceeding the Maximum Affordable Payment Schedule (MAPS);
* Medical services or devices with unlisted MAPS codes;
* Payment for co-surgeons;
* Actions contrary to the LMC's advice; and
* Services, procedures, and programs with special requirements.

VR staff must consult with the VR Manager prior to requesting a consultation with the medical director. The medical director will provide a recommendation to the VR counselor. Any decision contrary to the medical director’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

#### State Ophthalmological Consultants

The state ophthalmological consultant is an ophthalmologist. VR staff must direct ophthalmological and surgical questions to their attention. When a consultation is required, the state ophthalmological consultant will provide a recommendation to the VR counselor. Any decision contrary to the state ophthalmological consultant’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

#### State Optometric Consultants

State optometric consultants are optometrists and clinical low-vision specialists. Low-vision, vision therapy, and related optometric questions are directed to their attention. When a consultation is required, the state optometric consultant will provide a recommendation to the VR counselor. Any decision contrary to the state optometric consultant’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

#### State Physical Medicine and Rehabilitation Consultant

The state physical medicine and rehabilitation (PM&R) consultant reviews cases and provides guidance on the physical status and prognosis of customers with brain injuries and customers in the ESBI (Employment Supports for Brain Injury) program to help VR counselors determine a customer’s ability to return to work and participate in the VR process. When a consultation is required, the state PM&R consultant will provide a recommendation to the VR counselor. Any decision contrary to the state PM&R consultant’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

#### State Neuropsychological Consultant

The state neuropsychological consultant reviews cases and provides guidance on the mental status and prognosis of customers with brain injuries and customers in the ESBI program to help VR counselors determine a customer’s ability to return to work and participate in the VR process. When a consultation is required, the state neuropsychological consultant will provide a recommendation to the VR counselor. Any decision contrary to the state neuropsychological consultant’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

#### Regional Dental Consultant

A regional dental consultant (RDC) is required for all dental services. The regional dental consultant will provide a recommendation to the VR counselor. Any decision contrary to the regional dental consultant’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

#### Local Medical Consultant

The following require review and consultation by an LMC:

* Surgical services, with the exception of eye surgeries, and
* Procedures requiring local and general anesthesia.

Some services, procedures, and programs with special requirements require LMC review and consultations. Refer to VRSM C-703: Policies for Services, Procedures, and Programs with Special Requirements and the particular service to determine the approvals, consultations, and documentation required. When a consultation is required, the local medical consultant will provide a recommendation to the VR counselor. Any decision contrary to the local medical consultant’s recommendation requires consultation with the VR Manager prior to requesting consultation with the medical director. The medical director will provide a recommendation to the VR counselor. Any decision contrary to the medical director’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

Eye surgeries with complex procedures may need more consultation. VR staff may contact the state office program specialist for blind services at [BVI\_staffing@twc.texas.gov](http://mailto:BVI_staffing@twc.texas.gov/).

For more information, refer to VRSM C-703-36: Eye Surgery and Treatment for Eye Conditions.

#### Medical Services Procedures

When medical services are being considered, the following procedures must be followed:

1. The vocational rehabilitation counselor (VR counselor) documents in a case note how the customer's substantial impediments to employment will be addressed by the proposed medical services to allow the customer to return to, obtain, maintain, or advance in competitive integrated employment.
2. The VR counselor or the designee submits all required documentation for required reviews, consultations, and approvals to the appropriate source for review and approval.
3. All required reviews, consultations, and approvals are documented in RHW.
4. If a consultation was completed by one of the medical consultants, the VR counselor reviews the consultant’s recommendations. If in agreement, the VR counselor proceeds with providing the recommended medical services. If the VR counselor does not agree with the consultant’s recommendations and wants to proceed with a decision contrary to the medical consultant’s recommendation, the VR counselor proceeds with obtaining approval from the Deputy Division Director of Field Services Delivery.
5. After confirming documentation of all required reviews, consultations, and approvals, medical services must be included in the customer's IPE or IPE amendment.
6. The VR counselor provides counseling and guidance to ensure that the customer understands the recommended treatment and the customer's responsibilities throughout the physical restoration process.

Note: If VR staff obtain additional information or records that may influence a recommendation after the case has been sent or reviewed by the medical director or state consultant, reach out to the appropriate email box to provide the additional information.

For additional information about the customer's medical condition, treatment options, and potential employment impact, consult the Medical Disability Guidelines located on the Medical Services Intranet page.

The VR counselor uses the following procedures when authorizing medical services.

1. Review the customer's medical records related to the reported disability.
2. Obtain a written recommendation for planned medical services.
3. Obtain the current procedural terminology codes from the surgeon or physician for the recommended procedures.

#### Steps for Completing VR-sponsored Surgeries

Before developing the IPE, if the recommendations include VR-sponsored surgeries (excluding eye treatments or surgery), VR staff must:

1. obtain the completed a Form VR3110, Surgery and Treatment Recommendations;
2. have the LMC review the Form VR3110;
3. have the LMC complete a Form VR3101, Consultant Review, before creating the IPE for medical services;
4. consult with the VR program specialist for physical restoration for medical services that:
   * are not listed in MAPS;
   * use codes listed as $0; or
   * use codes ending in "99" or the letter "T"; and
5. document the outcome of the LMC in a case note in RHW.

Note:

* When eye surgery or treatment is recommended, refer to VRSM C-703-36: Eye Surgery and Treatment for Eye Conditions for surgery process.
* When dental services require review and approval, the VR counselor completes each of the steps that are listed above and asks the regional dental consultant to complete the Form VR3101, Consultant Review, before services are approved.

If the provider requests authorization for services that exceed the MAPS rates, the VR counselor must consult with the VR medical director.

Justification of a payment rate that exceeds the MAPS rate must show that the:

* customer is an established patient of the medical provider;
* a limited number of medical providers exists in the geographical area where the customer resides;
* surgery or procedure is complicated and requires the special expertise of the medical provider; or
* rate is the best value to VR.

If requesting a state ophthalmological or state optometric consultant review, the VR counselor:

* completes Form VR2351, Request for MAPS Consultation for Visual Services, which states the name of the appropriate consultant, explains the reason for the request, and lists all the codes and dollar amounts associated with the request;
* includes all pertinent background materials (such as eye exams, other medical reports, and provider comments and recommendations) as well as invoices or other documentation submitted by the provider;
* emails information to the VR Medical Services program specialist for physical restoration at [vr.mapsinquiry\_blindservices@twc.texas.gov](mailto:vr.mapsinquiry_blindservices@twc.texas.gov); and
* takes responsibility for:
  + documenting the consultant's response in the customer's case records;
  + ensuring that the service is provided in accordance with the consultant's recommendations if the VR counselor agrees with the recommendations. If the VR counselor would like to proceed with a decision contrary to the consultant’s recommendation, the VR counselor proceeds with obtaining approval from the Deputy Division Director of Field Services Delivery; and
  + processing payment for the completed service in accordance with all programmatic and purchasing requirements.

Local field office staff must coordinate any medical services that are provided in an in-office or facility setting that only requires local anesthesia. These types of medical services may include medical evaluation and treatment in a physician's office, including surgical consultations pre- and post-surgery and other physical restoration procedures provided in an office setting with local anesthesia, therapy services, durable medical equipment, and prosthetic or orthotic services.

Exception: The local field office staff may coordinate a laboratory or radiology diagnostic test at a hospital or facility if the diagnostic test is ordered by a physician in conjunction with a medical evaluation and the laboratory or radiology order does not allow time for MSC coordination of the requested diagnostic test. In that case, the local field office staff obtains guidance from the MSC before issuing the service authorization.

Note: For the purpose of VR service delivery, local anesthesia is considered a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection that is used during in-office procedures with no anesthesia staff present and does not require a separate billing from an Anesthesiologist or certified registered nurse anesthetist (CRNA).

### C-701-3: Coordinating with the Medical Services Coordinator

If the VR counselor determines the case should be coordinated by the MSC, the designated medical services coordinator (MSC) coordinates all customer physical restoration services that will be provided in a hospital, ambulatory surgical center, post-acute brain injury facility, or medical school where local/monitored anesthesia care (MAC) or general anesthesia will be used during the surgery or procedure.

#### Role of the Medical Services Coordinator

The MSC must coordinate:

* any hospital inpatient and outpatient medical services when local/MAC or general anesthesia is used;
* ambulatory surgical center services when local/MAC or general anesthesia is used;
* residential and non-residential employment supports for brain injury (ESBI); and
* treatment at medical schools.

The MSC coordinates all durable medical equipment for the first two weeks following discharge for in-region cases and the first 30 days for out-of-region cases. Medications for discharge must be coordinated between the rehabilitation assistant (RA) and VR counselor team and the MSC before the customer's discharge.

For MSC-coordinated services, the VR counselor sends a complete courtesy case of required information to the designated MSC. For out-of-region customer medical services, the VR counselor sends the courtesy case to the designated in-region MSC (Home MSC), who will:

* manage out-of-region cases as per regional policy for coordination of the service; and
* notify the counselor of the case assignment.

When out-of-region services are completed, the Service MSC notifies the Home MSC and the VR counselor that the services have been completed. The Service MSC then transfers the medical services coordination of the case back to the Home MSC for additional services that must be provided in the home region.

When coordinating medical services, the MSC must:

* serve as the VR point of contact with the medical provider to coordinate the services;
* review and verify comparable benefits and release of information forms submitted by the RA and VR counselor team;
* obtain a cost estimate for medical services and notify the counselor;
* issue service authorizations for service and all anticipated ancillary services;
* obtain admission or start dates for services and notify the customer as directed by the VR counselor;
* verify customer admission, discharge, and completion of service;
* notify the VR counselor of case-coordination issues or medical complications requiring authorization of additional services;
* coordinate discharge durable medical equipment needs for the customer; and
* coordinate medications for discharge between the RA and VR counselor team and the MSC before the customer's discharge.

The MSC also must:

* pay medical provider bills and send paid bills to the VR counselor;
* obtain customer treatment records and send records to the VR counselor; and
* document in RHW the MSC case actions related to the coordination of medical services, including:
  + comparable benefit verification information with contact name and date;
  + specific medical service coordinated, including the provider name, admission or start date of service, and number of units or days authorized;
  + for surgery cases, the name of the surgery, surgeon, hospital or facility, and admission and surgery date;
  + verification of discharge date, end date of service, and customer completion of service;
  + a list of ancillary providers required for coordination of the primary medical service;
  + customer medical complications and requests for additional services or an extension of services;
  + the reason for delay in the coordination of medical services;
  + the VR counselor contact information to discuss medical coordination case issues; and
  + the medical provider contacts to coordinate and pay for medical services.

#### Process at Completion of Medical Services

The VR counselor:

* contacts the customer at the time of hospital discharge to ensure that the customer understands postoperative instructions and is aware that he or she must notify the physician and the VR counselor if there are signs and/or symptoms of a potential medical complication;
* provides monitoring and support to the customer during rehabilitative treatment to assess progress and compliance with the treatment regimen;
* obtains verbal or written information about changes in functional limitations or work capacity from the service provider;
* identifies the customer's long-term and ongoing medical needs after VR sponsorship of physical restoration services ends and discusses with the customer the plans for meeting those needs; and
* documents how the impediment to employment has changed because of the physical restoration service by using one of the following:
  + Form VR3106, Work Restriction Checklist
  + A functional capacity evaluation
  + Clinic or progress notes
  + An RHW case note

Exception: Intercurrent illness and dental treatment do not require assessment of residual functional limitations.

### C-701-4: Necessary Unplanned Medical Services

The VR counselor or MSC must not authorize payment for any vocationally necessary medical service that has not been approved by means of a service authorization before the provision of the service. If additional medical services are necessary, the provider must ask the VR counselor or the MSC to request a service authorization before providing the additional services.

Exceptions: Invoices to VR for vocationally necessary medical services that were provided without prior VR approval should be infrequent and must be for immediate services that were required for a customer's safety and welfare.

Refer to VRSM D-204: The Purchasing Process for more information about processing after-the-fact service authorizations.

### C-701-5: Treatment of Medical Complications

#### Legal Authority

The definition of physical and mental restoration services as stated in the CFR is as follows:

"(39) Physical and mental restoration services means—

(xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment."

34 CFR §361.5(39) (xiv)

#### Policy

If the customer does not recover sufficiently from medical complications within a reasonable period, and the VR counselor concludes that the customer is no longer able to participate in VR services, the VR counselor must refer the customer to other comparable benefits for additional services and support.

After reviewing and documenting the circumstances of the case closure with the manager and the MSC, the VR counselor must notify the following individuals in writing if the decision is made to close the customer's case:

* Customer
* Customer's family
* Hospital representative
* Attending physician

If the closure reason is "disability too severe," the VR counselor refers to VRSM B-600: Closure and Post-Employment Services for required closure procedures for all closure reasons.

#### Procedure

The MSC is responsible for confirming that the customer is discharged from the hospital or facility as planned and in accordance with the number of days documented on the service authorization. If the customer is not discharged as planned because of medical complications, the MSC and the VR counselor follow the procedures in the Medical Services Required Practices Handbook located on the medical Services Intranet page.

The MSC is the point of contact with the hospital or facility with respect to the authorization of additional hospital days and medical treatment. The VR counselor assesses the prognosis for recovery within a time frame that will permit the customer to participate in VR services that lead to employment and, when necessary, consults the LMC.

### C-701-6: Comparable Services and Benefits for Restoration Services

#### Legal Authority

Federal law requires state VR programs, when providing VR services, to determine whether comparable services and benefits exist and are available to the individual. Specifically, 34 CFR §361.53, entitled "Comparable services and benefits," states:

"(a) Determination of availability. The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that prior to providing an accommodation or auxiliary aid or service or any vocational rehabilitation services, except those services listed in paragraph (b) of this section, to an eligible individual or to members of the individual's family, the State unit must determine whether comparable services and benefits, as defined in §361.5(c)(8), exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay—

(1) The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;

(2) An immediate job placement; or

(3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional."

#### Policy

When a customer is determined to be eligible for services, all available comparable services and benefits must be used for planned physical restoration before using VR funds.

The VR counselor:

* assesses the availability of comparable services and benefits;
* advises the customer to apply for them; and
* assists the customer with the applications, as needed.

An identified comparable service or benefit is used unless:

* the use of the comparable service or benefit would result in an interruption or delay in the provision of VR services to a customer who has been determined to be at medical risk, based on medical evidence provided by an appropriate qualified medical professional; and
* the treating physician who has an established relationship with the customer does not have privileges to perform the service at the hospital or facility where the comparable benefit is available.

If comparable benefits are verified, VR may pay the customer's portion, to include the deductible, coinsurance, and/or co-pay amount, if the customer's portion does not exceed the maximum amount allowed by:

* MAPS;
* the contracted payment rate; or
* the retail or negotiated lower price (for non-MAPS, noncontract items).

The VR counselor must ensure that consideration is given to the customer's participation in cost of services. Payment of the customer's portion by VR should be considered only when:

* the customer demonstrates financial need; and
* payment of the customer's portion is less than what VR would pay in the absence of a comparable benefit.

If the comparable benefit is:

* major medical insurance, a health maintenance organization, or preferred provider organization, then VR may pay the customer's portion (co-payment, coinsurance, and unmet deductible) not to exceed the MAPS rate, contract rate, or retail price, as applicable;
* Medicare, then VR may pay the customer's portion (co-payment, coinsurance, and any unmet deductible) not to exceed the MAPS rate, contract rate, or retail price, as applicable; or
* Medicaid, then VR pays nothing. VR does not supplement a Medicaid payment for a specific service or procedure. However, if Medicaid does not cover a service that VR has determined is vocationally necessary, VR can cover the cost of the approved service.

#### Explanation of Benefits

When a customer has health insurance, Medicare, or Medicaid, the provider first submits a timely claim to these entities, as applicable, for payment of the provided medical services. An Explanation of Benefits (EOB) is sent to the medical provider to document the payment made per benefit coverage and the patient's payment responsibility (the customer's portion). The medical provider submits to VR a copy of the EOB with the provider's invoice so that the VR payment responsibility can be determined.

If the comparable benefit denies the service, then the VR counselor reviews the EOB to determine the reason for the denial. If the service was denied for insufficient documentation, the VR counselor contacts the medical provider and requests that the provider resubmit the claim with proper documentation. VR is not responsible for payment of services when a medical provider fails to file the claim with the comparable benefit in a timely manner.

### C-701-7: Professional Medical Providers

#### Policy

Medical treatment must be provided, as appropriate, only by a Texas licensed and/or certified:

* physician;
* surgeon;
* anesthesiologist;
* assistant surgeon;
* chiropractor;
* radiologist;
* pathologist;
* physician's assistant;
* nurse practitioner;
* physical therapist;
* occupational therapist;
* speech therapist; and/or
* registered nurse anesthetist.

A physician's assistant (PA) and a nurse practitioner provide medical services under the licensure and supervision of a physician. However, they may evaluate and treat a customer, as well as issue a report, without a physician's co-signature.

For additional information about required qualifications of health care providers, refer to VRSM D-200: Purchasing Goods and Services.

#### Procedure

The medical provider must send documentation along with the invoice for payment that the medical service was provided. Examples of acceptable documentation include:

* medical report or office notes;
* operative report;
* therapy evaluations and progress notes; and
* diagnostic test reports.

If a medical evaluation is purchased, the evaluation report must address the following:

* Medical history
* Reported symptoms
* Review of body systems
* Clinical examination findings
* Diagnoses of medical conditions
* Recommended treatment

### C-701-8: Payment to Medical Providers

The following conditions apply to payment for professional medical services:

* Payment for medical treatment must be the professional's usual fees or the MAPS maximum payment rate for the medical service, whichever is less.
* If the medical professional's usual fee exceeds the MAPS maximum payment rate, the VR counselor verifies that the medical professional providing the service will agree to accept the VR allowance in MAPS as payment in full before coordinating services.
* If the medical provider requests payment that exceeds the MAPS rate for the medical service, the VR counselor must consult with the VR medical director.
* The VR counselor consults with the VR program specialist for physical restoration if the VR counselor is requested to authorize medical services not listed in MAPS.
* Medical providers are not paid maintenance or a per diem.

### C-701-9: Professional Surgical Services Policies

#### Surgeon

The surgeon's fee usually includes postoperative office visits for a specified period. The period should be verified for each individual customer and surgery.

A medical complication that results from the surgery directly or is inherent in the condition under treatment is a part of the physical restoration service.

VR uses a multiple surgical procedure discount when calculating the surgeon's fee per MAPS. Refer to the Medical Services Required Practices Handbook located on the Medical Services Intranet page for the payment method.

#### Co-Surgeons

Two surgeons may not be paid as co-surgeons on the same case at the same time except when the surgery requires the collaboration of two or more surgical specialties.

For approval of co-surgeons, the VR counselor:

* obtains a separate Form VR3110, Surgery and Treatment Recommendations, or Form VR3109, Eye Surgery and Treatment Recommendations, from each surgeon;
* verifies that the identified surgeons have different specialties required by the proposed surgery;
* verifies that the current procedural terminology (CPT) codes identifying the surgical procedures are different for each surgeon; and
* consults with the VR medical director to pay for co-surgeons.

#### Surgical Assistant

A licensed physician, licensed PA, licensed surgical assistant, or registered nurse first assistant may be paid as a surgical assistant. The VR counselor refers to the Medical Services Required Practices Handbook located on the Medical Services Intranet page for the payment method.

#### Anesthesiology Services

A fee for the administration of anesthesia during a surgical procedure is paid to an anesthesiologist or a certified registered nurse anesthetist (CRNA). When a CRNA administers anesthesia under the supervision of an anesthesiologist, the supervising anesthesiologist may be paid for supervising the CRNA. The VR counselor refers to the Medical Services Required Practices Handbook located on the Medical Services Intranet page for the payment method.

A fee for anesthesia may not be paid to a physician or surgeon who administers a local anesthetic agent when performing an office procedure.

### C-701-10: Telehealth for Medical Services

When considering telehealth options for customers, refer to VRSM D-221: Telehealth Options.

## C-702: Clinical Settings Policies

Physical restoration services include a range of medical services provided in a variety of clinical settings such as hospitals, outpatient facilities, and doctors' offices.

VR is the payer of last resort.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in VRSM D-203-1: Best Value Purchasing.

With respect to VR's responsibility for payment, after the customer's primary and/or secondary benefit coverage has been applied and the customer's ability to pay has been determined, VR may pay to the provider an amount equal to the customer's co-payment, coinsurance, or deductible due. VR payment does not exceed the amount allowed by the insurance or the allowable VR rate or VR contract rate, whichever is less.

Refer to VRSM D-220: Health Care Facilities - Required Qualifications for additional information about required qualifications of health care facilities.

### C-702-1: Ambulatory Surgery Center Services

Generally, medical procedures performed in an ambulatory surgery center (ASC) are less complicated than procedures performed in a hospital and do not require an overnight stay. The MAPS codes that are used to pay the surgeon and the ASC are the same except for the code for the facility, which is "FAC" (for example, "69930 FAC"). The VR counselor obtains a copy of the operative report and/or the discharge summary before authorizing payment.

### C-702-2: Hospital or Medical Facility Services

Hospitals or medical facilities must have a written contract with TWC to receive payment for provided services. The TWC Contract Management Unit (CMU) maintains all hospital and medical facility contracts. The hospital or medical facility contract defines the business relationship with VR as well as the rate of payment for services, which may include:

* inpatient hospital services;
* outpatient hospital services;
* residential employment supports for brain injury;
* nonresidential employment supports for brain injury; and
* medical records.

When hospital or medical facility services are necessary, the VR counselor selects a hospital or facility that has a TWC contract, if possible. If a physician selects a hospital or facility for a medical service that does not have a TWC contract, the medical services coordinator must contact the physician's office to determine whether the physician has hospital and facility privileges at a TWC-contracted hospital and if the surgery or procedure can be moved to the TWC-contracted hospital.

### C-702-3: Necessary Medical Services at Non-Contracted Hospital or Medical Facility

If a customer needs a medical service at a hospital or medical facility that does not have a TWC contract, the assigned MSC must contact the CMU to develop a single-customer contract with a negotiated payment rate for the medical service before authorizing the service. A Form VR3423, Exception to Contracted Hospital Purchase must be completed to initiate the approval process.

The VR counselor may refer to VRSM D-210-3: Exceptions to Hospital Contracts for a list of required processes and procedures.

### C-702-4: Selecting the Appropriate Facility

The customer's treating physician can provide guidance on whether a contracted hospital or noncontracted ASC will best meet the customer's needs. In either case, the VR counselor considers the:

* availability of comparable services and benefits to pay for all or part of costs;
* best value;
* customer's informed choice; and
* proximity of the facility to the customer's home and family.

If hospitalization is necessary, the VR counselor uses a hospital with which TWC has a contract. When selecting a hospital, the VR counselor and the customer must consider the:

* specialized services available (for example, for traumatic brain or spinal cord injuries or ear, heart, brain, or orthopedic surgery);
* composition of the patient population (for example, a comprehensive medical rehabilitation program primarily serving elderly stroke patients might not be appropriate for treating a young customer with a spinal cord injury);
* availability of additional services (for example, driver's evaluation and training, vocational evaluation, specialized orthotics, rehabilitation engineering); and
* availability and/or access to follow-up and aftercare.

### C-702-5: Hospital or Medical Facility Payments

Hospital and medical facility services are paid at the current payment rate established by the TWC contract and may not exceed the contract rate. Hospital services are paid based on a percentage of the hospital's usual and customary billing. Before authorizing payment, the VR counselor:

* consults the hospital contract comments in RHW to obtain the hospital's current payment rate; and
* obtains appropriate documentation that a medical service was provided.

For more information, see VRSM C-703-32: Specialized Physical Restoration Programs.

The following documentation is required for payment of a hospital or medical facility bill:

* Name of provider
* Documentation of service
* Record of hospital inpatient surgery or treatment
* Record of hospital inpatient diagnostic tests (laboratory, radiology, pathology)
* Record of hospital outpatient treatment, therapy, or diagnostic test
* Treatment, therapy, or diagnostic test report
* Information about employment supports for brain injury facility residential program progress (or staffing notes)
* Information about employment supports for brain injury facility nonresidential program progress (or staffing notes)
* Discharge summary and/or operative report

### C-702-6: Reduced Payment Agreement

When the customer's circumstances warrant, hospital contracts allow for payments to be less than or more than the contracted rate. A special reduced-payment agreement may be negotiated with a hospital under the terms of the hospital contract when the customer:

* is having a procedure with a projected high cost;
* is undergoing a series of surgical procedures; or
* has medical complications following surgery and is therefore having a hospital stay beyond the generally expected time frames associated with typical recovery.

The MSC consults with the VR Manager and completes the Form VR3422, Reduced Payment Agreement. The Form VR3422 is signed by both the MSC and an authorized hospital representative and a copy is placed in the customer's paper case file. The MSC then notifies the state office program specialist for physical disabilities.

### C-702-7: Length of Hospital Stay—Required Review

If the treating physician expects the recommended hospitalization to exceed 14 days, excluding inpatient comprehensive rehabilitation services and employment supports for brain injury, the VR counselor consults with the VR Manager and then consults with the state office program specialist for physical disabilities to ensure that the proposed treatment or surgery is an appropriate physical restoration service within the scope of VR services. VR Manager approval is required prior to authorizing hospitalization that will exceed 14 days.

When a customer requires hospitalization beyond the length of time to which VR originally agreed and VR payment will not continue, the VR counselor drafts the written notification and sends it to the VR Manager for approval. The VR counselor sends the approved written notification to:

* the customer;
* the hospital;
* the attending physicians; and
* all other parties concerned.

### C-702-8: Other Hospital Services

Hospital services that are not covered include:

* television rental;
* telephone calls;
* gourmet meals;
* cots; and
* guest trays and a private room, unless:
  + the physician orders it as medically necessary; and/or
  + no other room is available.

#### Blood

If a customer needs a blood transfusion, the VR counselor discusses with the customer donations from family and friends for replacement, if the physician has not done so. The VR counselor purchases blood when replacement from family and friends is not possible. When a medical procedure is scheduled, every effort should be made to obtain blood donations before the procedure.

#### Social Work Charges

VR pays hospital charges for social work services at the hospital contract rate when the services are prescribed by attending physicians.

These services are provided by contracts in either a residential or a nonresidential program.

## C-703: Policies for Services, Procedures, and Programs with Special Requirements

Listed below are physical restoration services or procedures that have special requirements. The VR counselor reviews the requirements throughout this chapter before including any of the services in the customer's individualized plan for employment (IPE) or IPE amendment.

The services are:

* adaptive or assistive technology;
* back surgery and steroid injections;
* bilateral total knee replacement (simultaneous);
* breast implant removal;
* cardiac catheterization or angiography;
* chiropractic treatment;
* cochlear implant;
* comprehensive medical treatment for spinal cord injury;
* dental treatment;
* discograms;
* electrical bone stimulators;
* eye surgery and treatment for eye conditions;
* eyeglasses and contact lenses;
* functional capacity assessments (FCA);
* functional electrical stimulation (FES) devices;
* hearing aids;
* home health and nursing-home care;
* intercurrent illness;
* low-vision aids
* medical assistive devices and supplies;
* nursing-home care;
* occupational therapy;
* orthoses and prostheses (see also FES devices, above);
* osteomyelitis;
* outpatient services;
* pain treatment;
* physical therapy;
* prescription drugs and medical supplies;
* procedures for pregnant customers;
* severe (morbid) obesity surgery;
* post bariatric surgery case management;
* speech therapy and speech training;
* spinal cord stimulator or dorsal column stimulator;
* weight loss programs;
* wheelchairs; and
* wound care.

These services or procedures are purchased when it is likely that they will enhance a customer's employability or capability to perform activities of daily living that will facilitate employment.

VR is the payer of last resort.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in VRSM D-203-2: Best Value Purchasing.

With respect to VR's responsibility for payment, after the customer's primary and/or secondary benefit coverage has been applied and the customer's ability to pay has been determined, VR may pay to the provider an amount equal to the customer's co-payment, coinsurance or deductible due. VR payment does not exceed the insurance allowed amount or the allowable VR rate or VR contract rate, whichever is less.

### C-703-1: Back or Neck Injections or Neurotomy

The following procedures for back or neck pain require review by the LMC, consultation with the VR Manager, and consultation with the State Medical Director:

* Epidural steroid injections of the spine
* Facet injections of the spine
* Medial branch blocks
* Radiofrequency neurotomy

### C-703-2: Back or Neck Treatment

Back or neck surgery requires:

* review by the LMC;
* consultation with the State Office Program Specialist for physical disabilities; and
* VR Manager approval.

Spinal fusion surgeries involving three or more levels require:

* review by the LMC;
* consultation with the VR Manager; and
* consultation with the State Medical Director.

Back, neck, and spinal fusion surgeries may be purchased for a customer if the following criteria are met:

* The medical records must show evidence of:
  + abnormal radiographic imaging and clinical findings that correlate to the customer's symptoms;
  + a course of conservative treatment was completed if the treating physician has determined that conservative treatment is a reasonable treatment option for the customer's medical condition; or
  + other potential causes of the customer's symptoms have been ruled out; and
* The back or neck surgery is expected to remove the substantial impediment to employment by enhancing a customer's employability or capability to perform activities of daily living that will facilitate employment.

### C-703-3: Breast Implant Removal

Sponsorship of breast implant removal requires review by the LMC, consultation with the VR Manager, and consultation with the State Medical Director.

### C-703-4: Breast Reduction Surgery

To be approved, macromastia must be determined to be a substantial impediment to employment. Before surgery can be considered, there must be documentation that less-invasive therapeutic measures were tried first, including proper brassiere support, prescription medication, and/or physical therapy. Symptoms must be shown to have persisted despite reasonable therapeutic efforts. Reduction mammoplasty for macromastia may be purchased for a customer meeting the following criteria:

* Persistent functional impairment in two or more body areas, such as:
  + neck pain;
  + pain in the trapezius muscles (upper shoulder) and/or pain in the lateral cervical group of muscles (back of neck);
  + pain from brassiere straps cutting into shoulders;
  + upper back pain;
  + painful kyphosis documented by X-ray; and
  + chronic skin breakdown despite treatment;
* Evaluation by an orthopedic or spine surgeon noting that the customer's symptoms are primarily due to macromastia.

Breast reduction surgery requires review by the LMC, consultation with the VR Manager, and consultation with the State Medical Director.

### C-703-5: Cardiac Catheterization or Angiography

Cardiac catheterization may not be authorized as a diagnostic test before the IPE is written.

When stents are placed during a cardiac catheterization, the procedure is considered a medical service and is beyond the scope of a diagnostic procedure. All medical procedures, including cardiac catheterization that includes the placement of stents must be included as a planned service on the IPE.

Angiography should not be authorized before the IPE is written.

LMC review, consultation with the VR Manager, and consultation with the State Medical Director are required before authorizing cardiac catheterization and/or angiography.

### C-703-6: Chiropractic Treatment

Chiropractic treatment may be purchased for a customer only under the following conditions:

* A board-certified orthopedic or physical medicine and rehabilitation physician has submitted a written recommendation for the maximum number of allowed chiropractic treatments.
* The number of sessions does not exceed 12 sessions within 90 consecutive days, with a potential 8 additional sessions if symptoms are improving, for a total of 20 sessions. Additional sessions require consultation with the VR Manager and consultation with the State Medical Director.
* Only chiropractic manipulative treatment is purchased (MAPS 98940, 98941, or 98942).

### C-703-7: Cochlear Implant and Bone Anchored Hearing Aid Surgery

Surgery for a cochlear implant or a bone anchored hearing aid (BAHA) may be authorized when it is expected to correct or substantially modify a stable or slowly progressive hearing impairment that constitutes a substantial impediment to employment and/or training that is required for a specific employment outcome.

Documentation must address how the surgery will correct or modify substantially, within a reasonable period, the hearing impairment that constitutes a substantial impediment to employment.

TWC must use comparable benefits when possible when planning services related to hearing aids, cochlear implants, and BAHA for customers aged 18 and younger. To this extent, TWC may pay for any deductible, co-payments, and/or coinsurance for the provision of these goods and services if the total cost (insurance paid amount plus VR funds paid toward cost) does not exceed allowable VR contract rates.

Additionally, before planning surgical services, the customer must have:

* been diagnosed with a significant hearing loss and be unable to use a hearing aid effectively in the ear to be implanted;
* a stable or slowly progressive hearing impairment;
* good overall general health, as evaluated by a general history and physical examination;
* no evidence of problems that would preclude surgery or the aural rehabilitation program, including middle ear infection;
* for cochlear implant surgery:
  + an optimal inner ear structure, including an accessible cochlear lumen that is structurally suited to taking an implant; and
  + no evidence of lesions in the auditory nerve and acoustic areas of the central nervous system;
* for BAHA surgery, good inner ear function; and
* been evaluated by an otologic surgeon who is qualified to perform cochlear implant and BAHA surgeries.

The evaluation report completed by the otologic surgeon must include:

* diagnosis;
* recommendations for treatment; and
* prognosis.

The VR counselor must ensure that:

* the consultation with an LMC has occurred;
* for cochlear implant candidates, an effective aural rehabilitation program following surgery is available; and
* through counseling and guidance, the customer:
  + understands the prescribed treatment program and is willing and able to follow through;
  + acknowledges potential side effects; and
  + accepts that the device:
    - may be supplemented by a hearing aid in the other ear and/or use of other assistive listening devices; and
    - can create the perception of sound, but will not restore normal hearing.

A courtesy packet is sent to the following for consultation before planning the surgery:

* the VR program specialist for the deaf and hard of hearing (for all caseloads except Blind and Visual Impairment (BVI) caseloads); or
* the state office manager for blind services field support (for BVI caseloads).

The courtesy case packet includes the:

* medical, audiological, speech, and language evaluations and other reports as specified;
* justification of how the surgery will correct or substantially modify the substantial vocational impediment within a reasonable period;
* Form VR3101, Consultant Review (completed by the local medical consultant); and
* Form VR3110, Surgery and Treatment Recommendations (completed by the otologist performing the surgery).

Refer to the checklist on the Deaf and Hard of Hearing intranet page for a complete list of items to be included in the courtesy packet.

After the VR program specialist for the deaf and hard of hearing or the state office manager for blind services field support reviews the courtesy packet, a case note documenting the consultation is entered in RHW.

VR Manager approval is required for cochlear implant and bone-anchored hearing aid surgery.

All medical services related to the provision of cochlear implants and BAHA must be performed by licensed and/or certified:

* otologists; and
* audiologists.

### C-703-8: Dental Surgery and Treatment

To be allowable, dental corrective surgery or therapeutic treatment must be likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive physical impairment that constitutes a substantial impediment to employment.

Dental treatment may be provided as:

* a means to address an intercurrent illness (for example, abscess or infection);
* a component of maxillofacial surgery; or
* needed treatment, as determined by the regional dental consultant, that allows the customer to participate in planned services within a reasonable period.

Dental treatment outlined above requires:

* regional dental consultant review; and
* VR Manager approval.

Routine dental care is not covered under VR. To be allowable, expenses for dental treatments must be shown to be directly related to a customer's employment goals as outlined in the IPE. The VR counselor must consider comparable benefits and ensure that least-cost, least-invasive procedures are considered first.

### C-703-9: Diabetes Insulin Pumps

VR does not purchase insulin pumps for the medical management of diabetes.

### C-703-10: Discograms

VR usually does not pay for a discogram, because the test has been found to be of limited diagnostic value. To approve a discogram, the VR counselor:

* obtains written justification for the discogram for the requesting physician;
* obtains review by the LMC;
* consults with the VR Manager; and
* submits the written justification along with the pertinent medical records to the State Medical Director for review and consultation.

### C-703-11: Dynamic Splinting Devices

Dynamic splinting devices may be prescribed for joint stiffness or contracture of the knee, elbow, wrist, finger, or toe. These devices are spring-loaded and adjustable to provide a low-load prolonged stretch while the customer is asleep or at rest. Dynamic splinting devices include, but are not limited to, such products as Dynasplint, EMPI Advance, LBM Pro-Glide, SaboFlex and Ultraflex. Consult with the program specialist for physical disabilities for the current clinical criteria and best value considerations.

### C-703-12: Electrical Bone Stimulators

An electrical bone stimulator may be authorized for a customer only when:

* the customer has:
  + a previous failed spinal fusion;
  + a multilevel spinal fusion; or
  + nonunion of a fracture six months or more from the initial fracture date;
* the customer has a prescription from the treating physician;
* the LMC determines that the request meets medical criteria for sponsorship; and
* best-value principles have been applied (that is, rent or purchase).

### C-703-13: Eyeglasses and Contact Lenses

To purchase single vision, bifocal, or trifocal glasses or contact lenses, the counselor obtains a prescription from an ophthalmologist or optometrist.

Frames must be the least expensive serviceable type available. The customer may supplement the additional cost for frames if their cost exceeds the MAPS maximum.

Lenses may have tint and/or be impact-resistant only when specified in the prescription.

Glasses may be purchased if needed to complete diagnostic studies.

Before purchasing contact lenses, the VR counselor:

* compares the cost of contact lenses with the cost of glasses; and
* applies best-value principles.

Note: Irlen lenses are not an approved purchase at this time.

### C-703-14: Low-Vision Services

A potential candidate for low-vision services is a customer whose vision cannot be normalized by conventional prescription glasses or contacts. Because expanding the provider base of low-vision specialists statewide is an ongoing need, the VR counselor contacts [the state office physical restoration program specialist](mailto:vr.rhw.maps@twc.texas.gov) if he or she learns of a new potential service provider. The VR counselor contacts the physical restoration program specialist also for information about how VR purchases low-vision services.

The primary goal for low-vision specialists and for VR is to ensure that customers have the opportunity for optimum visual functioning for vocational, educational, and independent living goals. However, because VR uses tax revenue for case service expenditures, the division must purchase the least expensive optical low-vision devices that meet the vocational needs of the customer. However, in some cases, the most expensive device might be the only one that meets the needs of the customer.

Note: The visual acuity to be used is the best corrected distance acuity. Best correction is the best visual acuity with a simple refraction (glasses or contact lenses), not with a low vision aid, such as a telescopic aid. An ophthalmologist or optometrist must:

* measure the visual acuity using the distance Snellen chart; or
* measure and then convert the measurement in writing to the distance Snellen equivalent.

#### Low-Vision Provider Base

#### Procedure

While no licensure or certification for low-vision specialists exists, a growing network of service providers in the state exists who are well-trained, experienced, and provide excellent services. Some ophthalmological practices have a low-vision specialist on staff, but most low-vision specialists are licensed optometrists. Many are active members of the low-vision section of the Texas Optometric Association and have collaborated with VR via the state optometric consultant in the development of these guidelines.

#### Optical and Nonoptical Low-Vision Devices

#### Policy

A wide range of services and items is available for people with low vision, from low-tech and low-cost approaches (for example, modifications in lighting, magnification, and contrast) to high-tech optical devices with higher costs (for example, single and compound optical systems). Only the optical devices are purchased through MAPS.

Other nonoptical items such as independent living aids, magnifiers, closed-circuit televisions (CCTV), and adaptive computer hardware and software are acquired and/or purchased as a non-MAPS specification in RHW (that is, warehouse supply, commercial requisitions, or contract purchases). The VR counselor contacts Customer Procurement and Client Services Contracting (CPCSC) to determine which purchasing mechanism to use.

#### Specific Referral Information for the Low-Vision Specialist

VR counselor can maximize the effectiveness of services by providing the low-vision clinician with information about the customer's:

* level of visual functioning for specific tasks and activities;
* specific visual problem areas as experienced in school, independent living, and/or on a job; and
* goals for greater independence in these areas.

Specificity of information is critical for the low-vision specialist to be able to direct the examination in terms of activities related to the customer's IPE goals. General referral information typically results in only general recommendations; specific referral information can produce pertinent recommendations related to the customer's IPE goals. It is recommended that a customer bring samples of materials that he or she wants to access visually to his or her meeting with the specialist.

#### The Low-Vision Evaluation

The CCS provides customer information to the low-vision provider before scheduling a low-vision evaluation. This preliminary step is critical in helping the provider to give VR information about how the customer's visual functioning relates to his or her planned goal.

Once the referral information has been provided and the customer's visual needs have been communicated, an initial low-vision evaluation is scheduled for the customer using MAPS Code DBS01 (low-vision evaluation—diagnostic/medical and functional components).

The DBS01 evaluation is a combination of:

* a diagnostic and medical component that must include a comprehensive medical history and eye examination (92014) with automated visual fields measurements (92083); and
* a low-vision refraction and magnification assessment with an individualized evaluation of the customer's functional use of residual vision in relation to the rehabilitation goal.

The second component is the unique component of the DBS01 low-vision evaluation. Because VR pays for this service, the information must be detailed in the provider's written report.

Note: The costs for the medical services component of the DBS01 evaluation are often covered by comparable benefits resources such as health insurance policies and Medicare. However, the functional component is rarely a covered service by any comparable benefits resource, and VR is the only financial participant to assist the customer with the costs. Comparable benefits for evaluations, if available, can be considered after the IPE is written.

From the evaluation, the low-vision clinician provides answers to the following questions about the customer's visual functioning:

* Is the current diagnosis consistent with the clinical findings?
* Can vision be improved with conventional corrective lenses?
* If so, what is the best corrected distance acuity in both eyes, with conventional lenses?
* What is the customer's near acuity, both single-letter identification and reading?
* Is this customer monocular or binocular?
* Does this customer have a problem with contrast sensitivity, and if so, how does this affect visual functioning and reaching rehabilitation and/or habilitation goals?
* Are there significant peripheral or central visual field losses?
* If so, how do these affect visual functioning and reaching rehabilitation and/or habilitation goals?
* Can distance vision be improved with telescopes, and if so, is a telescopic correction practical for this customer's vocational and/or daily living goals?

#### Subsequent Low-Vision Evaluation Visits

#### Procedure

As rehabilitation and habilitation goals are refined, low-vision revisits may be indicated to determine further the types of nonprescription and/or prescription optical devices that could help the customer perform desired tasks and activities. The level of service required depends on the amount of time needed to accomplish subsequent evaluations.

It is important that the customer demonstrate the ability to use recommended optical devices at an acceptable level of efficiency. Unless the customer finds using the optics to be more efficient than not using them, it is unlikely that the devices will be used.

Examples include the following:

* Brief low-vision office visit—15 minutes (use MAPS 97535 x one unit). Usually, this visit is included in dispensing an optical device and is indicated for training a customer with a stock low-vision prescription.
* Intermediate low-vision office visit—30 minutes (use MAPS 97535 x two units). This level of service is mainly for working with the customer and a device that may be considered as a recommended prescription.
* Extended low-vision office visit—45 minutes (use MAPS 97535 x three units). An additional clinical evaluation after the first or subsequent visit may be indicated. Typically, the purpose is to finalize a prescription for an optical device, to continue the low-vision assessment because of complicating medical conditions or poor responses by the customer, or to provide a supplemental evaluation related to specific vocational, educational, or independent living tasks being addressed.

#### MAPS Codes for Reimbursement for Optical Devices and Professional Services

Reimbursement to the low-vision specialist for prescribing, dispensing, and training for an optical low-vision device is based on the wholesale supplier's price apart from the specialist's professional service with the customer. A minimum processing fee (calculated as a designated percentage of the device's base cost) is added to the cost of the device to cover the low-vision specialist's costs, such as handling the prescription-ordering, verifying, shipping, and stocking.

VR reimburses the provider for professional time spent with the customer in designing a system of optical devices and in training the customer to use the system. This reimbursement method reflects the time and effort spent the low-vision clinician spent in developing an effective treatment for the VR customer.

#### Categories of Optical Devices and Price Ranges

The Low-Vision Packet for Eye Glasses and Low-Vision Recommendations is available by request from [the physical restoration program specialist](mailto:vr.rhw.maps@twc.texas.gov). The electronic version is in a printable format that may be shared with low-vision providers that recommend specific eyeglasses prescriptions and low-vision aids to ensure that both VR staff members and providers are sharing a common terminology and fee structure.

#### Handheld, Stand, and Other Stock Nonspectacle-Mounted Optical Devices

Handheld, stand, and other nonspectacle-mounted optical devices, known as V2600 devices, are nonprescription devices that can be purchased directly from a supplier as non-MAPS rehabilitation supplies or as a MAPS purchase through a low-vision specialist at the wholesale supplier's price plus 25 percent to the low-vision specialist.

These items are readily available and can be purchased over the counter by the public. VR staff may purchase these directly from a wholesale supplier as the least costly option. When purchased through a low-vision specialist, an additional 25 percent processing fee is paid on all stock items (including handheld magnifiers, handheld telescopes, stand magnifiers, and fit over filters for glare control and contrast enhancement). The base price is the cost that appears in the price list of a national supplier. Local VR offices have supplier price lists that can be used to verify that the service provider's charges do not exceed the MAPS maximum allowable payment.

A minimum of professional time is needed to train a customer to use these devices. For each classification of devices in the V2600 category, one DBS05 fitting fee can be authorized. For example, if the VR counselor approves one magnifier and one illuminated magnifier on the same date for the same customer, the VR counselor may authorize a total of two DBS05 fees (one for the non-illuminated magnifier and one for the illuminated magnifier).

Examples of devices include the following:

* V2600, illuminated stand magnifier (supplier's price + 25 percent)
* DBS05, dispensing fee
* V2600, handheld illuminated magnifier for home use (supplier's price + 25 percent)
* V2600, illuminated stand magnifier for workplace use (supplier's price + 25 percent)
* VR05, dispensing fee
* V2600, non-illuminated handheld magnifier (supplier's price + 25 percent)
* V2600, handheld telescope (supplier's price + 25 percent)
* DBS05, dispensing fee x 2

#### Single Lens, Spectacle-Mounted Low-Vision Devices

V2610 devices are prescribed and include all spectacle microscopes, microscopic bifocals (+5 diopters and over), doublet and triplet microscopes, Unilens, and prismatic half eyes. These devices are reimbursed at the supplier's price plus a 30 percent prescriptive service fee. Additionally, the low-vision specialist is reimbursed for a 92354 fitting fee for each single element low-vision device to cover the design, evaluation, and training costs involved. The VR counselor does not authorize an exam or evaluation, because the fitting fee covers the office visit and training. An additional exam may be provided and billed only if there is an additional goal that is being pursued and another prescription that is being considered.

Examples of these devices include the following:

* V2610, single element low-vision prescription (supplier's price + 30 percent); and
* 92354, fitting fee.

#### Spherical and Cylindrical Bifocal Microscopes

The low-vision clinician often must design and special order a prescription for the customer in bifocal or trifocal form, which includes cylinder, prism, and other special optics parameters. The reimbursement for these devices is per the V-codes as listed in MAPS.

Note: The 30 percent prescription service fee applies to V2610 items only.

Examples of these devices include the following:

* Monocular microscope with cylinder
  + V2025, deluxe frame for microscope
  + V2114, over +12D with cyl, per lens
  + V2100, plano lens/balance
  + V2699, polycarbonate lenses/pair
  + V2741, yellow contrast tint/per lens
  + 92354, single element fitting fee
* High add microscopic bifocal with cylinder
  + V2025, deluxe frame for microscopic bifocal
  + V2208, OD lens (-7 with -3 cyl)
  + V2211, OS lens (-10 with -4 cyl)
  + V2220, OD bifocal over +5D or greater
  + V2220, OS bifocal over +5D or greater
  + 92354, single element fitting fee

#### Telescopic and Other Compound Lens Systems

The more sophisticated and complex low-vision prescriptions are the bioptic, telemicroscopic, and reversed telescopic optical systems. These are spectacle mounted, include the customer's prescription, and often must include the use of filters. Advanced clinical skills and extended time are required for correct fitting. Extensive training is required for effective and efficient use of these prescriptive optical devices. Prisms for field awareness are also included in this category.

A fitting fee (92355) plus a 40 percent prescription service fee above the supplier's price are allowed for this category of devices. The VR counselor does not authorize an exam, because the fitting fee covers the office visit and training.

Note: The 40 percent prescription service fee applies to V2615 items only.

Examples of these devices include the following:

* V2615, bioptic 3x/monocular telescope (supplier's price + 40 percent)
* 92355, fitting fee for bioptic

#### Prism Awareness Systems

Custom prism awareness systems are unique ophthalmic prism designs. The low-vision specialist must provide the invoice from the lab that created the optics.

One example of this coding is an invoice for $400 for the prism, a $160 (40 percent) processing fee, $100 for the deluxe frame, and a $240 fitting fee. This allows for a maximum reimbursement of $900 for this system.

For prism (visual fields) awareness systems using Fresnel prisms (pronounced fre-NEL), V codes are used for the distance correction. Examples of the codes are as follows:

* V2101, right eye single vision
* V2101, left eye single vision
* V2025, deluxe frame
* V2784, polycarbonate lens (per lens)
* V2718, Fresnel prism / OS (per lens)
* V2718, Fresnel prism / OD (per lens)
* V2714, tint (both lenses)
* 92354, fitting fee

#### Additional Guidance: Team Effort Leads to Successful Low-Vision Services

Discovering what works visually for a customer is a collaborative undertaking of multiple parties: the customer, the low-vision specialist, the customer's regular eye doctor, and VR staff. Shared communication is particularly important with low-vision services because the desired outcome of enhanced visual functioning is subjective in nature, and ultimately, success relies on the feedback from each customer.

If a customer is being followed by an ophthalmologist, the VR counselor confirms that no medical factors exist that might negate referral for low-vision services. The VR counselor links the low-vision specialist with the customer's ophthalmologist and requests that reports and recommendations be shared with the medical doctor.

Visual deficits such as progressive conditions and fluctuating loss of vision (for example, caused by diabetic retinopathy), diplopia (double vision), hemianopsia (visual field losses), and severe photophobia (light sensitivity) can complicate visual functioning and the customer's success with optical devices. However, these factors do not negate the need for low-vision services relevant to the customer's functional problems.

### C-703-15: Functional Capacity Assessment

A functional capacity assessment (FCA) is a comprehensive series of physical tests to determine a customer's ability to perform such functional tasks as walking, lifting, and stooping.

In most cases, an FCA is not required to determine the presence of an impairment and eligibility for services. Existing medical records should be used when possible. An FCA may be necessary at the completion of a physical restoration service to determine objectively a customer's physical capability to return to a specific job or achieve a specific employment goal.

To purchase a FCA, the VR counselor:

* obtains a prescription from the customer's physician or evaluating specialist; and
* verifies that the physician has provided medical care or evaluation of the customer within the past three months.

A licensed physical therapist, occupational therapist, or chiropractor must supervise the assessment directly. The assessment must include:

* a range of motion evaluation;
* a strength evaluation; and
* an endurance evaluation.

The licensed physical therapist, occupational therapist, or chiropractor completing the assessment must report the results of the FCA to the prescribing physician or evaluating specialist and the VR counselor. If needed, the VR counselor consults with the prescribing physician if the customer's safe work-capacity and work restrictions are unclear. The treating doctor who prescribed the FCA can review FCA report and communicate a release to work for final work restrictions. An FCA evaluation report is not a release to work.

### C-703-16: Gym Memberships and Home Exercise Equipment

Because of the potential risk of injury during unsupervised exercise, VR does not purchase gym memberships or home exercise equipment, including home equipment for water therapy or strengthening.

### C-703-17: Home Health Care Services

Providers of home health care must be licensed by the [Texas Department of State Health Services](https://www.dshs.texas.gov/).

Home health care that exceeds 30 sessions requires VR Supervisor approval.

Note: This policy does not apply to rehabilitation technology education services provided in the home.

Home health care services may be provided following VR-sponsored surgery if the following criteria are met:

* The customer is homebound or finds that leaving home requires considerable effort to go to the postoperative office visits and/or rehabilitative therapy.
* A physician order identifies the need for home health care.
* Home health care services are the best value to VR.

VRSM C-703-26: Rehabilitative Therapies, Outpatient Services has information about limitations.

### C-703-18: Intercurrent Illness

When a short-term illness or condition hinders VR services, the VR counselor provides acute medical care as necessary. This supplemental service is limited to such acute conditions as:

* infections or abscesses;
* pneumonia;
* appendicitis;
* ectopic (tubal) pregnancy;
* simple fractures; or
* minor injuries.

These conditions usually are short-term and do not alter the existing IPE. They may be documented as supplemental services with a service justification case note unless the case is in employment phase in RHW. If the case is in employment phase in RHW an IPE amendment is required.

### C-703-19: Mammograms, Pap Tests, and Colonoscopy

VR does not purchase mammograms, Pap tests, and colonoscopies for general cancer screening. Mammograms may be purchased if required by the surgeon for VR-sponsored breast reduction surgery. A Pap test may be purchased if it is required by the surgeon for VR-sponsored gynecological surgery. A colonoscopy may be purchased if it is required by the surgeon for a related VR-sponsored surgery. In each instance, the sponsored corrective surgery must be likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive impairment that constitutes a substantial impediment to employment.

### C-703-20: Medical Assistive Devices and Supplies

Medically assistive devices and supplies may be purchased for a customer if the device or supplies are needed to meet the goals of the customer's VR program as set out in the IPE.

Before purchase, the VR counselor assesses and documents the following:

* Functional need in line with VR goals
* Expected functional improvement with device or technology
* Duration of use
* Issues related to use, such as compliance monitoring and maintenance
* Best value option has resulted in the following:
  + A less expensive option has been ruled out
  + Rental versus purchase has been evaluated

#### Medical Devices with Unlisted MAPS

New medical devices are usually designated as "investigational" or "experimental" because of nonexistent or limited independent research showing that the device is safe and effective for its designated purpose. These items usually have unlisted MAPS codes. TWC does not authorize the use of investigational or experimental medical devices.

See VRSM D-200: Purchasing Goods and Services, D-210: Medical and Psychological Services (MAPS).

### C-703-21: Orthoses and Prostheses

The VR counselor provides an orthosis or prosthesis to enhance a customer's employability or capability to perform activities of daily living that will facilitate employment.

#### Required Medical Examinations for Orthoses and Prostheses

Customers that have ongoing medical conditions that could affect the future ability to successfully use the orthotic or prosthetic device, such as diabetes or cancer (use Form VR3112, Cancer Diabetes Disability Medical Report), will need to have documentation from the appropriate medical provider indicating that the customer is compliant with treatment recommendations and that there is a good prognosis for successful orthotic or prosthetic use and return to employment.

For orthoses, a physician's examination is required before the purchase of an initial orthosis or if there is difficulty using the current orthosis.

For prostheses, an examination by a physician with a specialty in orthopedics or physical medicine and rehabilitation is required before the purchase of the first prosthesis.

If the customer has difficulty using his or her current prosthesis because of medical issues or problems with the residual limb, an orthopedic or physical medicine and rehabilitation specialist evaluation is required before planning the purchase of a second prosthesis. This specialty evaluation requirement for a prosthesis replacement does not apply to the following situations:

* The fit and use of the current prosthesis is compromised by damaged prosthetic components.
* A poor socket fit exists because of changes in weight or the normal physiologic changes that occur to the residual limb because of ambulation and activity with an initial prosthesis.

All providers of orthoses and prostheses must:

* be currently licensed by the Texas Board of Orthotics and Prosthetics;
* perform all measurements, fittings, alignments, and final checkouts;
* fabricate or directly supervise the fabrication of these devices; and
* provide final delivery and instructions for use.

Payments for orthoses or prostheses may not exceed MAPS.

#### University of Texas Southwestern (UTSW) Reviews

If the cost to VR for the prosthesis equals or exceeds $12,500 and the letter of specification contains no unlisted MAPS codes, the following is required:

* consultation with a VR Manager first; and
* University of Texas Southwestern (UTSW) technical review of the letter of specification.

#### Orthotic and Prosthetic Review Committee (OPRC)

If the letter of specification contains a prosthetic component with an unlisted MAPS code, consult with the VR Manager and then send the letter to the State Office Orthotic and Prosthetic Review Committee (OPRC). The component must be approved for purchase by the OPRC regardless of the cost.

An OPRC review is required even when the customer's comparable benefit is expected to pay for the major portion of the cost of the prosthesis or orthosis.

A letter of specification for a prosthetic that has an unlisted MAPS code does not require a secondary technical UTSW review.

If the L-code for a device or component is not listed in MAPS when the service record is generated, the OPRC must approve the purchase of the specialized device or component regardless of cost. OPRC approval for the purchase of a specialized device or component does not require an additional technical review by UTSW. Use the following procedures to submit a case to the OPRC for approval.

#### Purchasing Orthoses and Prostheses

The VR counselor purchases the most basic orthotic or prosthetic device that allows a customer to meet his or her vocational needs. More technologically advanced devices or components may be purchased only if required by the customer's vocational needs as stated in the IPE. An orthosis or prosthesis is a medically prescribed item. The VR counselor is not required to obtain competitive bids. Payments for orthoses or prosthesis may not exceed MAPS.

See the Counselor Desk Reference, Chapter A2 Amputations for guidance.

Orthoses include:

* corsets;
* orthopedic shoes;
* braces; and
* splints.

Prostheses include:

* transhumeral (above elbow);
* transradial (below elbow);
* hand or fingers;
* hip disarticulation (full leg);
* transfemoral (above knee);
* transtibial (below knee); and
* foot or toes.

To purchase an orthosis or prosthesis for a customer, the VR counselor:

* obtains a physician's written prescription (a prescription is not required for the repair or replacement of a prosthetic or orthotic component);
* if purchasing a prosthesis, completes the Form VR3601, Upper Extremity Amputation Checklist or the Form VR3602, Lower Extremity Amputation Checklist and sends the identified section of the Checklist to the prosthetist for completion;
* obtains a letter of specification from the orthotist/prosthetist that includes:
  + Healthcare Common Procedure Coding System (HCPCS) codes;
  + the number of units;
  + item descriptions; and
  + itemized charges;
* obtains from the prosthetist or orthotist the medical or vocational justification for the components or devices selected. For a replacement, the VR counselor requests from the prosthetist or orthotist an identification of problems with the customer's current prosthesis or orthosis. The letter must describe the design and components of the current device fully. The letter must also:
  + identify problems that have limited the customer's ability to use the current device; and
  + explain the necessity and rationale of the proposed device;
* develops a service record for a recommended orthosis or prosthesis using the letter of specification;
* determines the need for a technical review of the letter of specification by the UTSW Medical Center Prosthetics—Orthotics Program or an approval by the VR OPRC for a specific component with an unlisted MAPS code; and
* determines whether the cost to VR for the prosthesis equals or exceeds $12,500 and the letter of specification contains no unlisted MAPS codes. If both of those circumstances exist, a UTSW technical review of the letter of specification is required.

If the letter of specification contains a prosthetic component with an unlisted MAPS code, then the component must be approved for purchase by the OPRC, regardless of cost. An OPRC review is required even when the customer's comparable benefit is expected to pay for the major portion of the cost of the prosthesis or orthosis.

A letter of specification prosthetic that has an unlisted MAPS code does not require a secondary technical UTSW review.

#### Procedure for University Southwestern medical Center UTSW Technical Review

To submit a letter of specification for a prosthetic for UTSW review, the VR counselor:

* uses the UTSW cover sheet that is found on the Medical Services intranet page, follows the instructions, and attaches required information; and
* documents in RHW the need for the required review and the submission date of the cover sheet and required information.

Upon receipt of the UTSW technical review report, the VR counselor shares the report with the prescribing prosthetist.

The VR counselor:

* discusses with the prosthetist the recommended changes to the letter of specification as identified by the UTSW review; and
* requests a revised letter of specification if the prosthetist agrees with the changes.

The VR counselor issues a service authorization for fabrication of the orthosis or prosthesis and verifies receipt before payment.

If an amended letter of specification cannot be negotiated, the prosthetist may submit additional information and the VR counselor may request a UTSW follow-up review of the case. The additional information must be substantive and pertain specifically to the customer. It should not be generic information or the same information provided in the original documents. The VR counselor requests the UTSW follow-up review using the procedure outlined above at an additional cost. Only one UTSW follow-up review is allowed. Questions about the UTSW report should be directed to the Medical Services team.

#### Procedure for Purchasing an Orthosis or Prosthesis with an Unlisted MAPS Code

If the L-code for a device or component is not listed in MAPS when the service record is generated, the OPRC must approve the purchase of the specialized device or component regardless of cost. OPRC approval for purchase of a specialized device or component does not require an additional technical review by UTSW. The VRC uses the following procedures to submit a case to the OPRC for approval.

The VR counselor:

* prepares a packet using the OPRC cover sheet that is found on the Medical Services intranet page, follows the instructions, and attaches all required information;
* documents in RHW the need for the required review and the submission date of the cover sheet and required information;
* reviews the OPRC decision entered in a case note in RHW (The decision includes a review and report of the state prosthetic consultant and is based on the medical and/or vocational necessity of the component.);
* gives the prosthetist a copy of the TWC state prosthetic consultant's report for review;
* submits a request for another review if the VR counselor, prosthetist, or orthotist has additional pertinent information that might affect the OPRC decision;
* contacts Medical Services to issue a service authorization for the fabrication of the orthosis or prosthesis if the component is approved by OPRC; and
* verifies the receipt of orthosis or prosthesis before payment.

#### Functional Electrical Stimulation Devices

Purchase of functional electrical stimulation (FES) for walking is limited to customers with spinal cord injury who have met the clinical criteria. The VR counselor must consult with the State Medical Director for a recommendation prior to purchase.

The VR counselor selects the most basic orthotic device that allows the customer to perform his or her tasks in the work environment. VR may consider the purchase of lower extremity FES devices (for example, the Bioness L300 or the WalkAide) only for customers:

* who have spinal cord injuries that meet specific clinical criteria in accordance with Centers for Medicare and Medicaid Services guidelines and who have had their cases reviewed by the State Medical Director;
* who can demonstrate a clear vocational need for the FES devices as compared to ambulation with an ankle foot orthosis or a knee ankle foot orthosis;
* who can demonstrate the ability to provide for the monthly maintenance and needed supplies; and
* whose case favors best value purchasing.

To request review of an FES device for a VR customer with spinal cord injury, the VR counselor:

* consults with the VR Manager;
* consults with the state office program specialist for physical disabilities about the clinical criteria; and
* submits a courtesy case to [vr.medicalservices@twc.texas.gov](mailto:vr.medicalservices@twc.texas.gov) for the State Medical Director to review.

Managers may not make exceptions to any part of the FES devices policy.

#### Warranties, Repair, and Maintenance of Orthoses and Prostheses

The provider agrees to replace, without cost to VR, defective parts and materials within 90 days of the customer's receiving the completed orthosis or prosthesis, excluding:

* evidence that the device or component has been altered by anyone other than the provider; or
* changes in the customer's condition that affect use of the device.

#### Manufacture Warranty

When an orthosis or prosthesis requires repair, the VR counselor determines whether any of the repair cost and/or component replacement cost is covered by warranty before using VR funds. The provider must honor the manufacturer warranties and pay all costs associated with warranty replacement.

#### Extended Warranty

The customer must pay all costs associated with extended warranties.

#### Maintenance

Before the purchase of an orthosis or prosthesis, the VR counselor discusses with the customer his or her responsibility to maintain, repair, and/or replace the orthosis or prosthesis. The VR counselor must discuss with the customer issues pertaining to specific maintenance costs of advanced technological components, such as the microprocessor knee unit.

#### Repair

The VR counselor authorizes repair of the current orthosis or prosthesis unless the repair cost is more than 60 percent of the replacement cost. A prosthetist must submit the manufacturer's written repair estimate for advanced technological components, such as a microprocessor knee unit.

Labor charges are calculated at prevailing hourly rates for individual providers and must not exceed $50 per hour.

#### Gait Training

The VR counselor purchases gait training for a customer with an above-knee prosthesis if the customer:

* has not used a prosthesis previously;
* will have a prosthesis that is different from the customer's previous prosthesis; or
* has not used a prosthesis for a prolonged period.

A prosthetist may provide training in the use of a below-knee prosthesis. If the prosthetist recommends additional training, the VR counselor arranges for prosthetic training from a qualified physical or occupational therapist.

A qualified physical or occupational therapist also may provide training in the use of an upper-extremity prosthesis.

### C-703-22: Osteomyelitis of the Extremities

Osteomyelitis is a bone infection that can cause an unstable medical condition with an uncertain prognosis. This condition may require complicated and extensive medical treatment.

VR considers sponsoring medical treatment for osteomyelitis only when:

* amputation of an extremity is recommended as a curative treatment; or
* the osteomyelitis condition occurs as a complication of a VR-sponsored surgery.

This requires review by the LMC, consultation with VR Manager, and consultation with the State Medical Director.

To authorize osteomyelitis treatment that is not a curative treatment, review by the LMC, consultation with the VR Manager, and consultation with the State Medical Director is required.

### C-703-23: Pain Treatment

Pain treatment may be purchased on a short-term basis only to improve a customer's functional ability that is necessary to achieve a well-defined employment goal set out in the customer's IPE. Since VR does not sponsor long-term medical treatment for chronic medical conditions, the VR counselor informs the customer that long-term pain treatment must be provided by comparable benefits or by the customer.

When a customer reports functional limitations related to chronic pain, the VR counselor:

* considers an orthopedic, neurological, or physical medicine and rehabilitation evaluation to determine whether the pain source can be treated with conventional physical restoration services;
* considers a functional capacity assessment followed by job placement services if no physical restoration treatment options exist and the customer wants to work despite the pain;
* screens for and coordinates treatment for comorbid psychological diagnoses; and
* obtains information from the physician about pain medication use and potential safety risks.

The VR counselor refers the customer to available comparable benefits to meet long-term treatment needs.

### C-703-24: Prescription Drugs and Medical Supplies

VR purchases medication that is prescribed to treat a specific diagnosis or condition for no more than three months. For any additional medication purchases an approval of the VR Supervisor must be entered into RHW. VR is the payer of last resort.

If eye surgery and/or treatment prescription coverage exceeds a three-month time frame, see VRSM C-703-36: Eye Surgery and Treatment for Eye Conditions for more guidance.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in D-203-2: Best Value Purchasing.

Customers must be referred to a comparable benefit program that includes prescription assistance at the time the purchase of the prescription is authorized.

Documentation of the referral must be included in the case file.

The customer's status and progress towards accessing comparable benefits to meet ongoing medication needs must be monitored.

When a customer is discharged from a medical rehabilitation facility or hospital that has an in-house pharmacy, VR may pay for a 30-day supply of the prescription drugs and medical supplies provided to the customer.

The purchase of prescription medication to treat a specific condition for longer than three months requires VR Supervisor approval.

### C-703-25: Procedures for Pregnant Customers

VR does not pay for medical services related to pregnancy.

The VR counselor assists the customer with child care planning to ensure her successful participation in the VR program.

### C-703-26: Rehabilitative Therapies

Rehabilitative therapies are physical restoration services that may be provided as a primary service or following other physical restoration services, such as surgery or injections.

To purchase a rehabilitative therapy, the VR counselor:

* obtains a prescription from the treating physician;
* provides the therapist with the vocational goal;
* monitors the customer's attendance and compliance with therapy; and
* assesses the functional improvement for the customer at the completion of the prescribed period of therapy.

If an extension of treatment is requested, the VR counselor:

* assesses and documents the customer's progress to date and potential for continued progress;
* documents how the additional requested therapy sessions are expected to contribute to achieving the employment goal; and
* obtains VR Supervisor approval for therapy exceeding 30 sessions or charges exceeding four units per session

Note: The 30-session limit for the life of the case applies to each individual therapy and not a combined number of therapies.

#### Outpatient Services

Outpatient services may include:

* physician visits; and
* nutritional services, when prescribed by a physician.

If the service provider requests an extension of treatment beyond the initial recommendation, the VR counselor assesses the customer's potential for continued progress. The assessment might involve reviewing treatment progress notes and/or contacting the physician, LMC, and/or provider. If continuing treatment is appropriate, the VR counselor:

* documents in the case file how continued services are expected to contribute to achieving the employment goal;
* may approve up to 30 visits or therapy sessions; and
* obtains the VR Supervisor's approval for extending treatment beyond 30 visits or therapy sessions.

#### Physical Therapy

Physical therapy is used to improve coordination, strength, and range of motion. This type of therapy:

* may be provided as work hardening and conditioning;
* is provided in 15-minute units of service (Multiple units make up one session.); and
* must be provided by a licensed physical therapist.

Note: A licensed physical therapist must evaluate the customer and develop the treatment plan. However, a licensed physical therapy assistant may work with a customer under the supervision of a licensed physical therapist.

#### Occupational Therapy

Occupational therapy improves the ability to perform activities of daily living, independent living, and work to achieve the goals of the IPE. This type of therapy:

* is provided in 15-minute units of service;
* has a single session comprising multiple units; and
* must be provided by a licensed occupational therapist.

Note: A licensed occupational therapist must evaluate the customer and develop the treatment plan; however, a licensed occupational therapy assistant may work with a customer under the supervision of a licensed occupational therapist.

#### Speech Therapy

Speech therapy improves expressive and receptive speech, auditory processing, and evaluation and training in the use of speech amplification devices. Speech therapy:

* is provided as one unit of the service per session (No time limit exists for a session.); and
* must be provided by a licensed speech and language pathologist.

#### Cognitive Therapy

Cognitive therapy improves memory, attention, social interaction, executive functions, visuospatial deficits, aphasia, and apraxia. Each therapy bills separately. Cognitive therapy must be provided by the following licensed providers:

* licensed psychiatrist or neuropsychiatrist;
* licensed psychologist or neuropsychologist;
* licensed occupational therapist; and/or
* licensed speech and language pathologist.

#### Vision Therapy

For more information on vision therapy, refer to VRSMC-703-36: Eye Surgery and Treatment for Eye Conditions.

### C-703-27: Surgery for Morbid Obesity

A customer is considered morbidly (severely) obese when his or her body mass index (BMI) is 40 or more. Morbid obesity is a disability if it results in an impediment to employment. Before considering bariatric surgery as a service for a morbidly obese customer, identify and document the customer's specific and substantial impediment to employment.

#### Procedure for Determining whether Morbid Obesity Results in a Substantial Impediment to Employment

To determine whether a customer has a substantial impediment to employment related to morbid obesity, the VR counselor uses the following assessment procedure:

1. Obtain documentation from a physician that shows the customer's height and weight and verify that the customer has a BMI of 40 or more;
2. Purchase an FCA to evaluate the customer's functional capabilities and accurately measure the customer's work capacity;
3. If the customer is employed, purchase a job analysis to determine the functional requirements of the customer's job and review the FCA and job analysis to determine whether the customer can perform the critical tasks of the job. If the customer can perform the critical tasks of the job, with or without a reasonable accommodation, there is no substantial impediment to employment related to severe obesity; and
4. If the customer is unemployed, use the results of the FCA to determine whether the customer can meet the physical demands of the job goal as defined in O\*NET or an equivalent resource. If the customer can perform the critical job tasks of the chosen realistic job goal, there is no substantial impediment to employment related to morbid obesity.

#### Nonsurgical Alternatives to Bariatric Surgery

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive alternative that meets the functional needs of the customer.

If a customer has a substantial impediment to employment related to morbid obesity, the VR counselor first determines whether any of the following nonsurgical options will remove the customer's substantial impediment to employment:

* Workplace modification
* Reasonable accommodation
* Assistive device
* Nutritional counseling
* Weight loss treatment (50–60 pounds in a six-month program)

Note: Before the VR counselor considers corrective surgery or therapeutic treatment, he or she must document that the surgery or treatment is likely, within a reasonable period, to correct or modify substantially the customer's impairment that is a substantial impediment to employment.

#### Procedure for Requesting Approval for Bariatric Surgery

If nonsurgical services will not remove the substantial impediment to employment, the VR counselor uses the following procedure to request approval to purchase bariatric surgery for a customer:

1. Obtains clearance for bariatric surgery and documentation of the medical stability of the customer's other conditions from a primary care physician or internal medicine specialist.
2. Arranges for a psychological or psychiatric evaluation with a bariatric focus that includes:
   * the Minnesota Multiphasic Personality Inventory (MMPI);
   * questions to the psychologist to determine the customer's motivation, family support, life stressors, coping ability, realistic expectations, and the presence of mental health diagnoses that may interfere with successful dietary compliance and weight loss; and
   * the need for medication management or psychological counseling to treat the underlying mental health condition (for example, anxiety or depression) that may interfere with successful dietary compliance and healthy lifestyle changes.
3. Refers the customer to an experienced bariatric surgeon for evaluation. Uses a bariatric surgeon affiliated with a bariatric center accredited by the Metabolic and Bariatric Surgery Accreditation and Quality Improvement Program if available. https://www.facs.org/search/bariatric-surgery-centers.
4. Instructs the LMC to review the customer's case.
5. If the bariatric surgeon and the LMC determine that the customer is an appropriate candidate for surgery, provides documentation for the customer's file that the customer successfully participated in a prebariatric surgery multidisciplinary program for at least three months.

#### Prebariatric Surgery Multidisciplinary Program

The purpose of a prebariatric surgery multidisciplinary program is to evaluate the customer's motivation to make lifestyle changes and comply with necessary dietary restrictions. The multidisciplinary program must have these four components: medical management, nutrition, behavioral modification counseling, and exercise components. If the bariatric surgeon has a prebariatric surgery program, the VR counselor verifies that the program has the four required components. The VR counselor coordinates and purchases missing components or creates a multidisciplinary program that uses independent providers. Refer to Tips for Creating a Multidisciplinary Prebariatric or Weight-Loss Program with Independent Providers (DOC) that can be found on the Medical Services intranet page. If the customer participates in a prebariatric surgery multidisciplinary program, the VR counselor must:

* monitor the customer's progress in the program;
* set appropriate expectations with the customer for participation, responsibilities, attendance, and goal attainment;
* discuss with the customer the consequences for noncompliance with the program;
* obtain monthly progress reports from providers or use the Prebariatric Surgery Program Progress Report; and
* if the customer successfully completes the prebariatric surgery multidisciplinary program, consult with the VR Manager and the State Medical Director to obtain a recommendation before proceeding with the bariatric surgery.

#### Postbariatric Surgery Case Management

Following bariatric surgery, the VR counselor:

* identifies the medical provider that is responsible for monitoring the customer's nutritional status and weight loss after surgery;
* verifies that the customer understands and accepts responsibility for complying with the postsurgical treatment plan; and
* monitors the customer's compliance with postsurgical instructions, dietary restrictions, and progress with weight loss.

#### Panniculectomy

Surgery to remove excess skin following weight loss (panniculectomy) is not a part of bariatric surgery services. A specific and separate impediment to employment must be established for VR to pay for a panniculectomy.

### C-703-28: Skilled Nursing Facility Services

Skilled nursing facilities services may be provided following VR-sponsored surgery if the following criteria are met:

* The customer's medical condition or lack of home care resources do not allow the customer to be discharged home.
* The physician's order identifies the need and that medical services cannot be provided by home health care services.
* Skilled nursing facility services are the best value to VR.

Skilled nursing facilities must meet the provider qualifications stated in VRSM D-200: Purchasing Goods and Services.

The VR counselor alerts the medical services coordinator at the time of physical restoration service coordination if the customer does not have adequate care resources following hospital or facility discharge.

### C-703-29: Spinal Cord Stimulator or Dorsal Column Stimulator

A spinal cord or dorsal column stimulator should be considered for chronic intractable pain when other treatment options have failed to provide adequate pain relief. If a spinal cord or dorsal column stimulator is recommended by the customer's treating physician, the VR counselor:

* obtains a psychological evaluation and has the report reviewed by the treating physician;
* obtains review by the LMC;
* consults with the VR Manager;
* consults with the State Medical Director to proceed with trial placement; and
* if the trial placement is successful in reducing the customer's pain, proceeds with the permanent placement of the spinal cord or dorsal column stimulator.

### C-703-30: Weight-Loss Treatment

VR sponsors weight-loss treatment for a customer under the following conditions:

* The customer has a BMI of 30 or more.
* The customer must lose 50 to 60 pounds in a six-month period.
* The reason for the recommended weight loss is:
  + to improve function or lessen the substantial vocational impediment caused by the primary disability;
  + to meet the surgeon's weight-loss requirement before surgery; or
  + to remove the substantial impediment to employment for a customer with severe (morbid) obesity when the loss of 50 to 60 pounds will remove the impediment.

Note: Obesity is not considered a primary disability unless the customer has a BMI of 40 or more, which meets the definition of morbid obesity.

To purchase weight-loss treatment for a customer, the VR counselor:

* verifies that the customer's BMI is 30 or greater;
* documents in RHW the reason that a weight-loss program is necessary;
* obtains a referral for weight-loss treatment from the customer's primary physician;
* obtains a psychological evaluation assessing motivation, family support, life stressors, coping ability, and realistic expectations to achieve and maintain weight loss. The psychological battery should include an MMPI;
* if the customer has underlying psychological diagnoses, such as anxiety and/or depression, ensure that the customer's psychological issues are being addressed through treatment before the start of the weight-loss program.

Weight-loss treatment must be multidisciplinary and include:

* medical supervision;
* nutritional education;
* psychological support and behavior modification; and
* an exercise program.

Weight-loss treatment can be provided by an established weight-loss program or by independent providers forming a multidisciplinary team. If an established weight-loss program does not have the four required components, the VR counselor provides the missing component services by using independent service providers.

Note: If the customer is participating in a fasting program, a physician must see the customer weekly, and regular laboratory studies are required.

Refer to Tips for Creating a Multidisciplinary Pre-Bariatric or Weight Loss Program with Independent Providers (DOC) that can be found on the Medical Services intranet page.

All weight loss plans and treatments require LMC review, consultation with the VR Manager, and consultation with the State Medical Director before the service begins.

For more information, see VRSM E-200: Required Approvals and Consultations.

The VR counselor contacts the state office program specialist for physical restoration for services not listed in MAPS.

The VR counselor provides counseling and guidance on the following issues and documents the conversations in RHW:

* The expectation of customer attendance and participation in weight-loss treatment
* The expectation that the customer will meet realistic weight-loss goals during treatment
* The consequences for noncompliance and the possible termination of treatment

The VR counselor must:

* monitor the customer's progress in treatment closely by getting monthly progress reports (the service provider may submit a report or use the Form VR3510, Weight-Loss Progress Report); and
* provide counseling as needed to promote a positive weight-loss outcome.

### C-703-31: Wound Care

When a VR counselor considers services for wound care that is a result of a surgery directly associated with a VR-sponsored surgery, the VR counselor discusses with the treating surgeon whether intervention is needed urgently. If it is not, the VR counselor requests that the LMC review the case on a priority basis. The VR counselor informs the LMC, the VR Supervisor, the MSC, and the program specialist for physical disabilities of the status of the case but does not delay services needed to promote the healing of the wound.

Wound care that involves an uncertain prognosis, such as abscess or infection, requires review by the LMC, consultation with the VR Manager, and consultation with the State Medical Director prior to authorizing treatment.

### C-703-32: Specialized Physical Restoration Programs

#### Fees for Specialized Programs

For consideration of potential sponsorship and subsequent fee negotiation, the VR counselor provides information on specific services not otherwise described below to the state office program specialist for physical restoration.

#### Cardiac Rehabilitation Facilities

For VR to sponsor services in a cardiac rehabilitation facility, the customer's physician must refer the customer to that facility.

A cardiac rehabilitation facility must meet the following criteria:

* Supervision by a cardiologist
* For each participant, an individualized, structured, progressive exercise program defined by a physician
* Continuous customer monitoring during exercise
* A physician must be available during exercise sessions
* A summary report with recommendations to the referring physician and to the VR counselor

#### Rehabilitation Hospital Programs Procedure

Rehabilitation hospital programs provide a coordinated and integrated service package that can include:

* medical supervision and treatment;
* physical and occupational therapy;
* prescription of prosthetic and/or orthotic appliances;
* psychological, social, and other services; and
* patient education.

Some programs also offer the following services:

* Driver education and training
* Vocational evaluation and/or vocational counseling
* Rehabilitation engineering

These are appropriate prevocational services for many customers with the most significant disabilities (for example, spinal cord injuries). For information on providing these services, see Back Disorders in B-308-1: Required Assessments and Policies for Selected Conditions.

The VR counselor confirms through a review of medical documentation that the customer is medically stable and that such medical complications as substantial decubitus ulcers, severe respiratory infection, and severe urinary tract infections have been treated successfully to allow the customer to participate fully in a comprehensive rehabilitation program. Refer to VRSM D-219: Health Care Professionals — Required Qualifications for criteria that apply to inpatient rehabilitation facilities.

### C-703-33: Fractures

VR does not provide medical care to treat a fracture for an individual who requires immediate medical or emergency services. VR services cannot be used to treat fractures that have not healed because unhealed fractures are not considered stable per 34 CFR 361.5(39)(i).

VR services may be considered only for eligible customers with fractures that have healed but have healed improperly (malunion or nonunion) and when these services are necessary to help the customer to obtain or maintain competitive, integrated employment. State Medical Director review is required to confirm the type and stability of the fracture prior to eligibility, as outlined in VRSM B-300: Determining Eligibility are met.

### C-703-34: Diabetes Self-Management Services

#### Considerations in Vocational Rehabilitation

When writing a plan for someone with diabetes, the VR counselor should consider several factors. First, it is important to maintain medical control of the diabetes through healthy eating, exercise, weight management, and use of medications. Therefore, these factors are key pieces of the rehabilitation plan.

A customer might need a flexible work schedule with frequent breaks to accommodate snacks and meals as well as insulin injections that are necessary to maintain proper blood sugar levels. Frequent breaks also may be needed to accommodate common functional limitations, such as low stamina. When discussing job options, the VR counselor and customer should consider the impact of jobs with irregular hours, long hours of work without breaks, and irregular physical exertion. Also, when discussing possible jobs, the VR counselor and customer should remember that the long-term complications of diabetes might not be visible for many years. A good rehabilitation plan takes these factors into consideration.

When the customer is deciding on an employment goal, the VR counselor should ask him or her to answer the following questions:

* Am I able to do the job with my current functional limitations?
* How will potential problems such as loss of vision, amputation, and kidney dysfunction affect my ability to perform on the job?
* Are there ways to accommodate these problems to allow me to do my job?
* Are there other jobs with the same employer that could be accommodated for my limitations?
* Will this job give me transferable skills that I need to find a closely related job that will accommodate my limitations?
* Does my employer know about long-term complications related to diabetes?
* Am I prepared for future complications? (Being prepared for future complications and how they might affect employment will help customers to select appropriate vocational goals as well as prepare them to develop confidence, competence, and independence.)

Customers with diabetes may have functional limitations in the areas of:

* physical stamina and endurance;
* standing and walking;
* motor coordination;
* manual and finger dexterity; and
* concentration.

#### Treatment and Management Options

The goal of treatment is to keep blood glucose near normal levels. Treatment may include following a healthy eating plan, exercising, testing blood glucose levels and other health metrics, and having daily insulin injections.

#### Complications of Diabetes

Diabetes can have several complications, including:

* blindness;
* heart disease;
* high blood pressure and stroke;
* kidney disease;
* nervous system disease;
* hearing loss;
* mental illness, including depression and diabetes distress;
* amputations; and
* dental disease.

#### Adaptive Diabetes Equipment and Supplies

To maintain consistency and to ensure that the VR counselor has a thorough working knowledge of adaptive diabetes equipment, the VR counselor must obtain a written recommendation before purchasing adaptive equipment. The recommendation also must include who is to provide training on the equipment.

The diabetes educator, a physician, or the VR diabetes program specialist can provide the recommendation. The equipment may include talking blood glucose monitors and supplies, blood pressure monitors, weight scales, and other diabetes equipment that can be tied to the customer’s individualized plan for employment or independent living plan.

#### Training on Blood Glucose Meter and Insulin Drawing Devices

The customer can receive training on equipment from:

* a qualified diabetes educator listed in RHW; or
* the VR diabetes program specialist.

#### Services Provided by Diabetes Educators

Diabetes educators have appropriate licensing as health professionals. Professional licensing includes certified diabetes educator, registered nurse, or dietician, preferably with specialization and certification in diabetes education. Diabetes educators are certified by the diabetes program specialist.

The diabetes program is designed for individuals with severe disabilities who need one-on-one training primarily. Occasionally, group training may be arranged when appropriate and when it will benefit the customers of a region.

VR counselors must follow the guidance below.

1. The VR counselor assesses whether community diabetes education programs, including free or low-cost programs, are available. Alternatively, the VR counselor uses the comparable benefits to arrange diabetes self-management education training through recognized or accredited diabetes programs in local hospitals or health centers. Customers whose disability does not impact their ability to participate in traditional group training receive diabetes services at this level.
2. If the customer's disability is severe and the customer could benefit from specialized diabetes education with an understanding of self-management adaptive techniques, equipment, tools or teaching skills, then referral to a contracted diabetes education provider through the diabetes program is recommended. (Severe disabilities include blindness, cognitive issues, or any disability that might make participation in group diabetes education difficult.)
3. If the customer has participated in community diabetes education and is still struggling to manage the diabetes, referral to a contracted diabetes education provider is recommended. For example, when the customer has participated in community diabetes education, but he or she continues to have issues, then one-on-one education by a contracted provider may be needed to identify reasons for the mismanagement. The VR counselor might consider whether the customer's struggle is with diabetes knowledge and skills, or if it could be caused by depression, anger, or other issue for which a licensed professional counselor should be contracted.

Diabetes educators may provide services in evaluation and training:

* on tools and techniques for managing diabetes;
* on insulin-drawing devices and blood glucose monitors; and
* for education needs (for example, meal planning and injection techniques).

Diabetes educators also provide the following services:

* Education on diabetes health maintenance
* Training on diabetes education services
* Information about resources that are available in the customer's area and how to access those services

See the VR Standards for Providers Chapter 7: Diabetes Self-Management Education Services for contract requirements for diabetes educators.

### C-703-35: Bilateral Total Knee Replacement (Simultaneous)

Knee replacement surgery may be considered when conservative treatment has failed to resolve an impediment to employment created by pain or loss of function in the knee. Simultaneous bilateral total knee replacement requires the review of the LMC, consultation with the VR Manager, and consultation with the State Medical Director.

### C-703-36: Eye Surgery and Treatment for Eye Conditions

The purpose of eye medical services is to assist eligible VR customers with a visual impairment to prevent the onset of legal blindness or make an improvement in their visual impairment, and to allow them to maintain or seek employment and remain independent in their jobs.

Federal law requires that medical services (including corrective surgery or treatment) that are sponsored or supported by VR services must:

* have a direct effect on the customer's functional ability to perform the employment goal, or support other needed VR services; and
* be likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

34 CFR 361.5(39)(i)

For more information, refer to VRSM C-701: Professional Medical Services.

#### Eye Surgery Process

Before moving forward in completing the IPE and/or amending the IPE, and authorizing eye medical services, the VR counselor must:

* document how the customer's substantial impediment to employment will be addressed by the proposed eye surgery or treatment in a ReHabWorks (RHW) case note;
* obtain a written recommendation for planned eye medical services with current (within six months) procedural terminology codes from the surgeon or physician for the recommended procedures using the VR3109, Eye Surgery and Treatment Recommendation form or eye medical records (within 6 months);
* have appropriate reviews or approvals required, completed, and documented in RHW (if applicable); and
* determine whether the eye surgery or treatment will be coordinated by a unit VR team or the medical services coordinator (MSC).

After the completion of the above, the VR counselor must place the appropriate eye medical services on the IPE/IPE amendment before the eye medical services are completed.

The surgeon or physician must complete all relevant areas of the Form VR3109, Eye Surgery and Treatment Recommendation form that are relevant to the customer's eye condition. If information is missing, VR staff must return the form to the surgeon or physician for completion.

#### Local Medical Consultant Reviews for Eye Treatment and/or Eye Surgeries

Due to the nature of eye surgeries and treatments being low-risk procedures and to create more efficient and timely services for customers, a local medical consultant review is not required for eye surgeries or treatments. For more information, refer to VRSM C-701-2: Medical Services Required Review and Approvals Policy.

#### State Consultant Reviews or Consultations for Eye Treatment and/or Eye Surgeries

TWC's state ophthalmological consultant and state optometric consultant are available to address and answer questions pertaining to their respective eye specialties. State consultants do not address internal VR policy issues such as eligibility determinations for VR services. VR policy questions must always be directed to the appropriate supervisory or management channels.

For more information, refer to VRSM C-701-2: Medical Services Required Review and Approvals Policy and VRSM B-101-7: Consultants.

#### Determining Whether a State Consultant Review Is Needed

Before writing the IPE/IPE amendment and any time during the case progress, the VR counselor may choose to consult the state optometric consultant or the state ophthalmological consultant with questions. The VR counselor must use the Form VR2351, Request for MAPS Consultation for Visual Services. The VR counselor completes the Form VR2351 with relevant questions for the state consultant and sends all relevant medical records and documents that have been gathered.

State consultant reviews or consultations may be requested by the VR counselor if there are:

* conflicting or unclear eye medical records or documents;
* questions on recurring eye medical treatments;
* procedures not listed in MAPS;
* questions on requests from medical providers for a higher than normal cost; or
* requests for fees that exceed MAPS fees.

#### State Consultant Review for Eye Conditions

The table below provides guidance on when a state ophthalmological consultant review is required:

|  |  |
| --- | --- |
| **Eye Condition** | **State Ophthalmological Consultant Review Required** |
| Any surgery | If more than one surgeon is recommended on any procedure |
| Cataracts | If, more than two per eye, past cataract surgeries have occurred  If any lens other than a standard intraocular lens is recommended |
| Corneal Transplant | No |
| Diabetic Retinopathy | After 12 injections (per eye) and/or if injection cost is more than $300 per injection |
| Glaucoma (mild/moderate) | No |
| Glaucoma (advanced) | After 12 injections (per eye) and/or if injection cost is more than $300 per injection |
| Keratoconus (not severe) | No |
| Keratoconus (severe) | After one previous crosslinking procedure has occurred |
| Macular Degeneration (Wet or Dry) | After 12 injections (per eye) and/or if injection cost is more than $300 per injection |
| Ocular  Prosthesis Replacement | No |
| Retinal Detachment | No |

For additional approvals and consultation guidance, refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

When a consultation is required, the state ophthalmological consultant will provide a recommendation to the VR counselor. Any decision contrary to the state ophthalmological consultant’s recommendation requires approval from the Deputy Division Director of Field Services Delivery.

For more detailed information on common eye conditions, treatments, or surgery, refer to the Counselor Desk Reference (CDR), C2: Blind and Visual Impairments.

#### Steps to Completing a State Ophthalmological or State Optometric Consultant Review

If a state consultant review is requested or required, VR staff must submit an email request to:

* [vr.mapsinquiry\_blindservices@twc.texas.gov](mailto:vr.mapsinquiry_blindservices@twc.texas.gov) ; and
* include in the subject line: State Consultant Review and Case ID number.

VR staff must include the Form VR2351, Request for MAPS Consultation for Visual Services, and the following information and attachments with the email:

* Purpose of the request
* Customer's case ID
* Pertinent medical records
* Form VR3109, Eye Surgery and Treatment Recommendation form (if completed)
* Form VR2006E, Interagency Eye Examination Report (if completed)

The Eye Surgery/Treatment Consultant Review checklist is available on the Medical services intranet page and may be used as a guide of what must be included in the email.

VR staff documents the outcome of the state consultant review in a case note in RHW using the drop-down case note title of Consultation/Review, Add to Topic: Eye Medical.

#### State Office Program Specialist Staffing

Eye surgeries with complex procedures may need more consultation by state office. State office program specialists are available if VR staff that have questions that cannot be answered by regional staff.

VR staff contacts the state office program specialist for blind services if the counselor has:

* questions regarding a need for an eye surgery;
* questions regarding the eye surgery process; or
* questions in general regarding blind services policy and procedure.

VR staff sends emails to [BVI\_staffing@twc.texas.gov](mailto:BVI_staffing@twc.texas.gov) with the subject line: Staffing Request and Case ID number.

VR staff contacts the state office program specialist for physical restoration at [vr.mapsinquiry\_blindservices@twc.texas.gov](mailto:vr.mapsinquiry_blindservices@twc.texas.gov) with the subject line "MAPS Request and Case ID number" if:

* codes are not listed in MAPS;
* the code is listed as $0; or
* codes end in "99" or the letter "T."

VR staff members must copy their immediate supervisor on all consultation requests. Refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications for more information.

#### Eye Prescriptions

Eye prescriptions are prescribed by a physician for pre– and post–eye surgeries and also to assist in controlling an eye condition so that vision does not worsen. Some eye conditions could be eye infections, eye inflammation, or treat the eye pre- and post-surgery. Some eye conditions are temporary, and in most cases eye drops will resolve the issue quickly. Typically, glaucoma is treated with prescription eye drops first. Eye conditions, such as glaucoma, are chronic and may require prescription eye drops for a period longer than three months. For most eye surgeries, eye drops are not used for more than a month, with an exception being steroid drops for corneal transplants.

For any eye drops that a physician is recommending for treatment that exceeds a three-month time frame, VR Supervisor approval is required.

For more information, refer to VRSM C-703-24: Prescription Drugs and Medical Supplies and VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

#### Eye Injections

Certain retinal treatments are treated successfully using intravitreal injections. Injections are treatments that are used most commonly to treat diabetic eye disease, macular degeneration, and retinal vein occlusion. Treatments of eye injections that are conducted in the physician's office using a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection may be coordinated by the VR Counselor/Rehabilitation Assistant (RA) team.

Customers may legitimately need continued injections to maintain their vision. Eye injections decrease the possibility of permanent vision loss, so maintaining a regular schedule of treatment to suppress the disease is critically important for maintaining long-term good vision. Once a customer is stabilized, a scheduled treatment plan may be implemented. Most commonly, an average of 12 injections per eye may be needed to stabilize an eye condition. After 12 injections per eye are completed, a state ophthalmological consultant review is required to reassess the customer's eye treatment.

Eye injections are not considered a prescription, but rather a physician recommended treatment.

For more information on State Consultant review requirements, refer to the State Consultant Review for Eye Conditions table above.

#### Documenting Eye Injections

The VR counselor must have regular counseling and guidance with the customer regarding applying for comparable benefits and payment options since the customer may need continued eye injections to maintain his or her eye health indefinitely. VR staff must enter case note(s) in RHW to document the effect and improvement of the customer's progress with the treatment of eye injections.

#### Exemption from MSC Coordination of Eye Surgery/Treatment

If the recommended surgery or procedure will be conducted in a physician's office or ambulatory surgical center with a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection, it is exempt from MSC coordination. The VR counselor/RA team may coordinate these medical services at the local office level. A case note entered into RHW must clearly document the appropriateness of the VR counselor/RA team coordinating the eye medical service. All corresponding medical records and/or evaluations must be placed in the paper case file.

Note: For the purpose of VR service delivery, local anesthesia is considered a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection that is used during in-office procedures with no anesthesia staff present and does not require a separate billing from an anesthesiologist or certified registered nurse anesthetist (CRNA).

If the surgery or treatment is required to be sent to the regional MSC, frequent communication between the MSC and VR counselor/RA team is advised.

Follow guidance in VRSM C-701-3: Coordinating with the Medical Services Coordinator.

#### Discharge Procedure for Eye Surgeries

Because most eye surgeries and treatments are performed in a physician's office, eye surgeries are exempt from the requirement to contact the customer at discharge. The VR counselor must contact the customer as soon as possible to provide counseling and guidance and to get an update on the procedure. The VR counselor then documents the conversation in RHW.

#### Corneal Transplants

Corneal transplant, also called a keratoplasty, is a surgical procedure in which the corneal tissue is replaced with donor tissue. Most of the time, corneal transplants are conducted as an outpatient procedure. If the procedure will be completed using general or local/MAC anesthesia, the case should be coordinated through the MSC.

If the procedure is completed using a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection, the VR counselor/RA team completes the following steps for the Corneal Transplant process.

#### Corneal Transplant Process

1. Contact the facility to determine which eye bank the facility will use.
2. Call the eye bank directly to request a copy of the invoice as soon as it becomes available. The eye bank invoice is required before a service authorization is issued.
3. The invoice amount is typically set at zero since the authorized payment varies depending on the source of the tissue. Payment for the donor tissue is based on the eye bank's invoiced amount. VR does not pay for shipping, handling, or other processing fees.
4. VR staff must obtain a copy of the original eye bank invoice. Do not pay from the hospital or facility invoice. Retain the invoice in the customer's case file. The service record and service authorization for a MAPS purchase must be completed once the service is approved but before the service is ordered. The service authorization must only be completed once the actual eye bank invoice is received.

The invoice from the eye bank will not be received until immediately before the service. This delay occurs because corneal tissue is only shipped to the facility immediately before the surgery. The eye bank cannot ship the donor tissue until the last minute and there is no way of knowing the actual cost until the tissue is available and ready to be shipped.

It is necessary for VR staff to work closely with the eye bank in advance of the planned surgery to ensure the invoice is received as soon as possible. Typically, VR staff receives the invoice the day before the scheduled surgical procedure.

1. Once the eye bank invoice is received, send an email to [vr.mapsinquiry\_blindservices@twc.texas.gov](mailto:vr.mapsinquiry_blindservices@twc.texas.gov) to request to open V2785 in the amount shown on the invoice. The email must confirm that the requested amount does not include shipping, handling, or other fees.

For example: Please open V2785 in the amount of $xxx. This amount is the eye bank invoice amount without shipping or handling.

1. A medical services team member will open V2785 in the requested amount. You will be notified when the MAPS code has been opened.
2. Complete the service record and service authorization.
3. Required documentation must be completed in RHW before changing the amount requested.

#### Codes for a Corneal Transplant Procedure

* Keratoplasty lamellar (CPT 65710)
* Keratoplasty penetrating (CPT 65730)
* Keratoplasty penetrating in aphakia (CPT 65750)
* Keratoplasty penetrating in pseudophakia (CPT 65755)
* Keratoplasty (corneal transplant) endothelial (CPT 65756)
* Tissue code for facility (FAC 67530)
* Donor tissue (V2785)
* Backbench preparation of corneal endothelial allograft prior to transplantation (+ 65757)

Add-on codes apply to work that is always conducted in conjunction with a primary procedure. VR staff cannot bill for CPT code 65757 unless VR staff also bills for CPT code 65756.

For more information on corneal transplants, refer to Counselor Desk Reference CDR C2: Blind and Visual Impairments.

#### Vision Therapy

If vision therapy is recommended, consultation with the state optometric consultant is required.

The VR counselor must include the following in the state optometric consultant consultation request:

* Completed Form VR2351, Request for MAPS Consultation for Visual Services
* General medical and ophthalmological and/or optometric exams, and other relevant reports
* VR counselor observations of and knowledge about the customer's visual and perceptual difficulties
* Name and telephone number of a potential service provider, if known

VR staff then emails all the requests to the [state optometric consultant](mailto:vr.mapsinquiry_blindservices@twc.texas.gov) and adds “Vision Therapy Consultation” to the subject line.

For more information on vision therapy, refer to VRSM C-703-26 Rehabilitative Therapies.

## C-704: Durable Medical Equipment

This section provides policies and procedures for purchasing durable medical equipment (DME), including hearing aids, which are medical assistive devices and supplies. VR is the payer of last resort.

The VR counselor applies the policies in VRSM C-704-1 through VRSM C-704-11 to all medical assistive devices and supplies, regardless of category.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in VRSM D-203-2: Best Value Purchasing.

With respect to VR's responsibility for payment, after the customer's primary and/or secondary benefit coverage has been applied and customer's ability to pay has been determined, VR may pay to the provider an amount equal to the customer's co-payment, coinsurance, or deductible due. VR payment does not exceed the insurance allowed amount or the allowable VR rate or VR contract rate, whichever is less.

Medical assistive devices and supplies fall into three categories, which have policies and procedures that are specific to each. The categories are as follows:

* Medical assistive devices and supplies, noncontract
* Medical assistive devices and supplies, contract
* Medical assistive devices and supplies, nonspecific

### C-704-1: Bids and Specifications

Bids are required when a single purchase is expected to exceed $10,000, unless the item is under contract or listed in MAPS. The VR counselor follows the purchasing guidelines in VRSM D-200: Purchasing Goods and Services in addition to the applicable guidelines in this section.

The service authorization must include a complete description of the items to be purchased. See the ReHabWorks Users Guide.

### C-704-2: Purchases from Hospitals

Medical assistive devices and supplies that are purchased from contracted hospitals must be:

* listed on the hospital invoice; and
* paid for under the terms of the hospital contract.

To determine the proper procedure to purchase items not listed here, the VR counselor contacts the State Office Program Specialist for Physical Restoration.

### C-704-3: Ownership of Medical Assistive Devices

Medical assistive devices purchased for a customer by VR are the property of the State of Texas.

### C-704-4: Required Review before Purchase

DME with a service authorization over $5,000 requires review by the State Office program specialist for rehabilitation technology.

The VR counselor utilizes the assistive technology specialist (ATS). The ATS:

* prepares a packet using the DME coversheet, follows the instructions, and attaches all required information;
* submits the packet to the PSART mailbox: [PSART@twc.texas.gov](mailto:PSART@twc.texas.gov);
* documents in RHW the need for the required review and the submission date of the cover sheet and required information; and
* reviews the DME decision entered in a case note in RHW, resolves any issues with the vendor, and informs the VR counselor when the review is completed.

### C-704-5: Procedures for Purchasing Contracted Medical Assistive Devices, Excluding Hearing Aids

The VR counselor uses the following procedure to buy all contracted medical assistive devices, except for hearing aids.

1. The VR counselor obtains a prescription, puts a copy in the case file, and documents the action in a case note.

Note: Written recommendations are required for the initial purchase of all contracted medical assistive devices and replacement items.

1. The VR counselor reviews and follows the item-specific requirements for the following assistive devices:
   * Rehabilitation or hospital beds;
   * Patient lifts;
   * Manual wheelchairs;
   * Power wheelchairs;
   * Scooters;
   * Assistive devices for the bathroom;
   * Seating and positioning systems; and
   * CPAP or BiPAP.

After an initial prescription is received, the VR counselor obtains specifications (type, size, and special features) by arranging for the customer to be evaluated by:

* a physiatrist;
* a pulmonologist;
* a physical or occupational therapist;
* a rehabilitation engineer; or
* an assistive technology professional.

### C-704-6: Replacement Wheelchairs

The VR counselor obtains an estimate of the cost for refurbishing the original chair from the local provider of wheelchair repair services.

The VR counselor applies best value principles in considering whether repair or replacement is the more cost-effective course.

When purchasing a replacement chair, the VR counselor gets the customer's current (within six months) prescription and a reevaluation by a physiatrist, a physical therapist, or an occupational therapist.

Repairs do not have to be purchased from a contract provider. For information on wheelchairs, scooters, and other repairs, see VRSM C-704-9: Medical Assistive Devices and Supplies—Noncontract, Noncontract Items Requiring Special Consideration.

### C-704-7: Documentation and Fees

Contractors agree to provide DME rates and instructions outlined in VR Standards for Providers Chapter 8: Durable Medical Equipment, 8.5 Methodology for Payment.

VR is the payer of last resort.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in VRSM D-203-2: Best Value Purchasing.

With respect to VR's responsibility for payment, after the customer's primary and/or secondary benefit coverage has been applied and customer's ability to pay has been determined, VR may pay to the provider an amount equal to the customer's co-payment, coinsurance or deductible due. VR payment does not exceed the insurance allowed amount or the allowable VR rate or VR contract rate, whichever is less.

Payment for fabricated goods that are invoiced must be based on the vendor-provided specification approved by the VR counselor. This includes:

* payment for development of schematics, drawings, or other required descriptive materials;
* installation;
* setup and training;
* written instructions on use and maintenance; and
* the availability of self-repair information, parts, warranty, and post-warranty repair.

The VR counselor is authorized to pay the provider for the entire functional unit upon receipt of an invoice. The invoice must include the current MSRP and discount rate for the item purchased. A copy of the MSRP list or order form must be attached to the invoice.

VR staff:

* verifies with the customer that the goods or services were provided; and
* documents in the case file that the goods and services were provided before payment.

### C-704-8: Contracted Goods and Services

#### Procedure

Contract administration staff solicits and manages contracts for VR goods and services. Some goods or services must be purchased under contract. Before purchasing a good or service, the VR counselor uses RHW to find out whether a contract is required. When the service authorization is generated, RHW assigns the contract number based on the vendor and the type of purchase. Refer to the ReHabWorks Users Guide: E-200: Case Service Records for more information about creating a service record.

Customer goods and services that are purchased under a contract include, but are not limited to:

* rehabilitation technology;
* employment services such as:
  + job readiness;
  + job placement;
  + job coaching;
  + job skills training;
  + supported employment services;
  + self-employment services;
* hospital services;
* inpatient or outpatient services; and
  + supported self-employment services;
* employment supports for brain injury for VR;
* residential services;
* nonresidential services and equipment, including:
  + some medical equipment;
  + DME;
  + manual wheelchairs (fully functional chairs);
  + scooters;
  + seating and positioning systems;
  + patient lifts;
  + power wheelchairs (fully functional chairs);
  + hospital beds;
  + power units and controllers; and
  + hearing aids; and
* vehicle modifications

### C-704-9: Medical Assistive Devices and Supplies—Noncontract

The following procedures apply to noncontract medical assistive devices and supplies. See Examples of Medical Assistive Devices and Supplies, Noncontract for a list of examples in this category.

1. The VR counselor determines whether a written recommendation or prescription is required. Written recommendations are required for:
   * the initial purchase of medical assistive devices and supplies; and
   * replacement items when the medical condition is progressive.
2. If required, the VR counselor obtains and places in the case file a written recommendation and/or prescription from:
   * a physician;
   * a physician assistant;
   * an advanced practice nurse;
   * a dentist; or
   * an optometrist.

Note: When the written recommendation and/or prescription do not describe the item, the VR counselor obtains a letter of specification from an appropriate certified paramedical specialist (physical or occupational therapist, orthotist, or prosthetist).

1. The VR counselor follows procedures outlined below in Noncontract Items Requiring Special Consideration, if applicable.

#### Noncontract Items Requiring Special Consideration

Noncontract items requiring special consideration are listed in the following table.

|  |  |
| --- | --- |
| **Item** | **Required Consideration** |
| Dentures or dental appliances | Manager's approval is required. |
| Prescription drugs | A prescription from a physician (MD or DO), physician assistant, or advanced practice nurse, or the prescription number from the named pharmacy, is required. |
| Repairs | Repairs to prosthetic or orthotic devices do not require a medical professional's recommendation or prescription. Payment for repair labor charges must not exceed $50 per hour. |
| Transcutaneous electrical nerve stimulator | The device must be rented for 7–14 days before the VR counselor may purchase it.  If the VR counselor purchases it, the vendor must agree to apply the rental fees to its total cost. |

### C-704-10: Hearing Aids

VR counselors may authorize hearing aids when they are expected to improve the customer's ability to participate in employment and/or training that is required for a specific employment outcome. Hearing aids are purchased to benefit a customer who is deaf, hard of hearing, DeafBlind, hearing impaired, or who would otherwise benefit from hearing aids as recommended by a licensed audiologist or hearing aid specialist. Recommendations from a licensed audiologist or hearing aid specialist are gathered before authorizing hearing aids. When authorizing hearing aids, the VR counselor also considers the effect of the customer’s hearing on specific training requirements, job requirements, and safety needs. The VR counselor documents the expected outcomes in the case file as part of the assessing and planning process.

The VR counselor develops the individualized plan for employment (IPE) to purchase hearing aids after receiving:

* a medical evaluation, as described below on Form VR3105B, Hearing Evaluation Report: Otological Examination, or medical records from the otologist or otolaryngologist including the medical evaluation, and dated within the last six months;
* an audiological assessment completed by a licensed audiologist or hearing aid specialist:
  + on the Form VR3105C, Hearing Evaluation Report: Audiometric Examination dated within the last six months; or
  + documented on audiological records containing the same audiometric and tympanometry required on Form VR3105C and dated within the last six months; and
* the completed hearing evaluation form with hearing aid recommendations recorded on Form VR3105D, Hearing Evaluation Report: Hearing Aid Recommendations.

It is recommended that a medical evaluation be obtained to rule out any medical reason for the customer’s hearing loss, such as infection, injury or deformity, ear wax in the ear canal, and in rare cases, tumors.

When the customer is 17 years of age or younger, a medical evaluation must be obtained by an otologist or otolaryngologist. Refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

Medical evaluation:

* for seasoned hearing aid users (not a first-time hearing aid user) with no medical issues (for example, no sudden hearing loss or extreme changes in hearing loss), it is best practice to obtain a medical evaluation. The medical evaluation is completed by a physician or physician assistant or nurse practitioner who is supervised by a licensed physician. When a medical evaluation is not completed for a seasoned hearing aid user with no medical issues, the VR Supervisor (VRS) may waive the requirement for medical evaluation.  This waiver is entered in RHW as an Approval Request and Approval Response case note with the Add to Topic of “Waiver of Medical Evaluation for Seasoned Hearing Aid User”.
* for a first-time hearing aid user, a medical evaluation is required from an otologist or otolaryngologist. If the staff member is experiencing substantial delays in securing the evaluation by the otologist or otolaryngologist, the medical evaluation may be performed by the customer's PCP or if the customer does not have a PCP, the physician who performs the office's general medical evaluations may conduct the medical evaluation.

When the VR counselor receives a recommendation for a complete-in-canal (CIC) hearing aid, he or she ensures that the audiologist sufficiently justifies the added benefits of a CIC hearing aid when compared to an alternative style with the same capabilities.

It is advised that the VR counselor consult with a Texas Health and Human Services Commission (HHSC) [Deaf and Hard of Hearing technology specialist](https://hhs.texas.gov/services/disability/deaf-hard-hearing#resource-specialist)when considering the purchase of additional non-contracted technology recommended by the dispenser.

For information on purchasing hearing aids, refer to VRSM D-209-3: Contracted Goods and Services and VRSM D-210: Exceptions to Contracted Fees and MAPS Fees.

When an audiologist or hearing-instrument specialist provides a vocational justification that warrants an aid without a manual telecoil, it is recommended that the VR counselor consult with a local deaf and hard of hearing technology specialist before purchasing the aid. The VR counselor may request a workplace or environmental assessment completed by the deaf and hard of hearing technology specialist to identify additional technology needs.

#### Staff Qualifications for Hearing Aid Dispensers

Individuals who provide and bill for services associated with the purchase of hearing aids and related accessories must meet the qualifications and licensing requirements of the [Texas Department of Licensing & Regulation](https://www.tdlr.texas.gov/), which is the designated regulatory authority for audiologists and hearing aid specialists (hearing aid dispensers).

|  |  |  |
| --- | --- | --- |
| **Job Title** | **Job Function** | **Required Qualifications** |
| Audiologist | * Provides audiological examinations * May dispense hearing aids * May provide basic audiometric assessments * May provide hearing aid evaluations | Must comply with all provisions of:  Texas Administrative Code Title 16, Part 4, Texas Department of Licensing and Regulation, Chapter 111, Speech-Language Pathologists and Audiologists |
| Hearing aid specialist | * Dispenses hearing aids * May provide basic audiometric assessments (MAPS 92551–92559) * May provide hearing aid evaluations | Must comply with all provisions of:  Texas Administrative Code, Title 16, Economic Regulation, Part 4, Texas Department of Licensing and Regulation Chapter 12, Hearing Instrument Fitters and Dispensers |

#### Comparable Benefits

Use of comparable services and benefits is not required for rehabilitation technology, including hearing aids.

#### Customer Participation in Cost of Services

Customers may be required to participate in the cost of services. For more information on applying basic living requirements (BLR) to contracted hearing aids and accessories, refer to VRSM D-203-4: Customer Participation in the Cost of Services.

#### Hearing Aid Recommendations

The selected provider must complete Form VR3105D, Hearing Evaluation Report: Hearing Aid Recommendations, indicating the:

* brand name and model number (not serial number);
* type of hearing aid, such as:
  + behind-the-ear;
  + in-the-ear;
  + in-the-canal;
  + complete-in-canal; or
  + bilateral contralateral routing of signal;
* color selection;
* receiver information;
* earmold information;
* quantity of hearing aids;
* cost of hearing aids; and
* any required justifications.

#### Service Charge to the Hearing Aid Dispenser

The service charge is the dispenser's usual and customary charge, not to exceed the Maximum Affordable Payment Schedule (MAPS), for:

* initial fitting, including activation of a telecoil;
* up to four follow-up visits without any time limitations for adjustments, including:
  + post-fitting evaluation; and
  + report of hearing aid performance and customer level of satisfaction; and
* instructions on the care and use of the instrument;
* the warranty including the warranty end date; and
* provided the customer with the manufacturer's User Instructional Brochure.

#### Service Charge for Replacement Hearing Aids

For hearing aids replaced under the three-year warranty, use MAPS code 00076 if the dispenser requires payment of a service charge. If the service charge for a replacement hearing aid or aids is paid, four additional follow-up visits are included in the cost of the service. These are in addition to unused visits from the original service charge.

#### MAPS Codes for Hearing Aid Service Charges

* 00075 - Unspecified service charge. Rate to be determined by PRS/CO Programs
* 00076 - Service Charge for Hearing Aid $0 - $1000 Manufacturer’s Lowest List Price
* 00077 - Service Charge for Hearing Aid $1001-$1500 Manufacturer’s Lowest List Price
* 00078 - Service Charge for Hearing Aid $1500+ Manufacturer’s Lowest List Price

The hearing aid dispenser must complete the Initial Fitting Acknowledgements section on the Form VR3105E and submit the report to TWC-VR immediately upon receipt of the customer’s signature indicating receipt of the hearing aids. The hearing aid dispenser must schedule an appointment with the customer to return for post-fitting no later than 14 days after the date the customer received the hearing aids. If the customer does not attend an appointment with the dispenser within 14 days of receiving the hearing aids, the dispenser must notify VR staff that the customer has not returned for the post-fitting appointment. If the customer does not keep the post-fitting appointment, VR staff contacts the customer before the 30-day trial period ends to verify that the customer has received and is satisfied with the hearing aids. When the hearing aids are returned within the 30-day trial period, the original service charge covers any services for the replacement hearing aids.

#### Earmolds and Canal Impressions

Earmolds and canal impressions may be:

* required for hearing aid purchases;
* purchased from the contracted hearing aid manufacturer, audiologist, or hearing aid dispenser;
* paid for separately (not to exceed MAPS); and
* purchased for diagnostic purposes.

Custom-made ear plugs, which look like earmolds and are made for sound protection, may be purchased to preserve the customer's residual hearing while performing work duties.

#### Binaural

Binaural aids may be purchased when:

* recommended by the audiologist or hearing aid service provider; and
* a documented vocational benefit exists.

#### Hearing Accessories

An audiologist or hearing aid dispenser may recommend certain accessories and devices that work with the hearing aids to enhance the customer's ability to hear and understand conversational speech and environmental sounds. One example is a device that streams sounds from the telephone, television, and music player, as well as a compatible microphone, directly to the hearing aids. These may be purchased when the VR counselor determines that any of the recommended accessories are vocationally relevant, as such accessories must be vocationally necessary and not used solely for personal purposes.

Another accessory that may be purchased is a hearing aid drying kit, which draws moisture from the hearing aids to prolong their life span. The audiologist or dispenser is not required to recommend the kit for VR staff to purchase this accessory.

#### MAPS Codes for Contracted Hearing Aids, Earmolds, and Accessories

|  |  |
| --- | --- |
| Beltone | BELTO |
| Oticon | OTICO |
| Phonak | PHONA |
| GN Resound | GNRES |
| Siemens/Signia | SIEME |
| Sonic Innovations | SONIC |
| Starkey | STARK |
| Unitron | UNITR |
| Widex | WIDEX |

#### Repair

Payment for repair of a hearing aid, including labor and shipping and handling charges, must not exceed the cost of a new hearing aid.

#### Frequency Modulation System

The VR counselor may purchase a frequency modulation (FM) system directly from a manufacturer or an audiologist. However, the VR counselor may not pay a service fee, including any fitting and dispensing fees, when he or she purchases an FM system through an audiologist.

When additional training is needed for an FM system not purchased from the hearing aid manufacturer at the time of purchasing the hearing aids, the VR counselor contacts the deaf and hard of hearing technology specialist to request training for the customer on the use of the device and to perform troubleshooting of any issues with the device. Services provided by the deaf and hard of hearing technology specialist are free and may be used when available. If the required training is not available from the deaf and hard of hearing technology specialist, the VR counselor may negotiate payment with the provider for training the customer on the use of the device and for solving problems that arise with the device.

#### Process and Procedure

When the VR counselor receives, reviews, and approves a completed Form VR3105D, Hearing Evaluation Report: Hearing Aid Recommendations, two service authorizations (SA) are issued and submitted:

* one to the contracted hearing aid manufacturer for the purchase of the hearing aid(s) and any accessories, with delivery instructions indicating the name, account number, and address of the dispenser where the items are to be shipped with the completed VR3105D; and
* one to the hearing aid dispenser for related service fees and any accessories.

VR staff then submits the VR SA for the hearing aid and any accessories with the completed VR3105D the contracted hearing aid manufacturer for fulfillment. The contracted hearing aid manufacturer ships the hearing aid or aids and any accessories to the hearing aid dispenser for dispensing.

VR staff prints a copy of the hearing aid SA to a PDF file and notes on the SA “courtesy copy” and submits a copy of the SA to the hearing aid dispenser. Once the hearing aid dispenser receives the courtesy copy of the hearing aid SA, the dispenser:

* reviews the details on the courtesy copy SA; and
* notifies the VR staff of any discrepancies between the SAs in need of correction.

If a corrected SA is required, VR staff must provide:

* an updated SA to the hearing aid manufacturer; and

an updated courtesy copy to the dispenser.

The courtesy copy of the SA sent to the hearing aid dispenser also notifies the dispenser to send ear impressions for ear molds, if appropriate. Any changes made to the SA submitted to the hearing aid manufacturer must be documented in RHW and the updated SA must be resubmitted to the hearing aid manufacturer.

#### Payment for Hearing Aids to the Manufacturer

Upon receipt of an invoice, VR pays the contracted hearing aid manufacturer for the hearing aid and/or accessories when the invoice complies with requirements below:

* VR-SFP Chapter 3: Basic Standards;
* VR-SFP Chapter 6: Hearing Aids and Related Accessories;
* VRSM D-208-2: Elements of an Invoice; and
* verification by VR staff with the dispenser that the hearing aids and accessories have been received with a detailed case note entered in RHW; or
* receipt of a Form VR3105E, Hearing Aid Fitting and Post-Fitting Report with the Initial Fitting Acknowledgements section completed and signed by the customer.

#### Payment for Hearing Aids Service Charges to the Dispenser

For the hearing aid dispenser to receive payment for services provided, the hearing aid dispenser must submit the following:

* A completed Form VR3105E, Hearing Aid Fitting and Post-Fitting Report, indicating the customer has received the hearing aids and is satisfied with the hearing aids and any accessories, as indicated by the customer signing and dating the form;
* Post-fitting documentation such as:
  + an audiogram of functional results for each ear (aided); or
  + measurements for each ear (aided); and
* An invoice that complies with VRSM D-208-2: Elements of an Invoice.

If the customer fails to attend the scheduled post-fitting appointment, the dispenser may be paid the service charge once the:

* field staff documents at least three attempts to contact the customer about attending the post-fitting appointment; and
* the VR counselor enters a purchasing case note that justifies payment of the service charge without the customer's attendance at the post-fitting appointment.

#### Warranty

Hearing aids purchased from contracted hearing aid manufacturers have a three-year Loss/Damage warranty with No Cost for replacement. The customer should contact the VR counselor or staff to report issues with the hearing aid(s). When hearing aid(s) need to be replaced under the warranty, the audiologist, hearing aid specialist, and/or VR staff must complete Form VR3105G, Hearing Aid & Accessories Loss/Damage Replacement Request. If the form is completed by the audiologist or hearing aid specialist, the completed form is immediately sent to the field staff who ordered the services for the customer. Field staff will then submit the completed form to the manufacturer. The manufacturer will ship the replacement hearing aid(s) to the audiologist or hearing aid specialist listed on Form VR3105G and notify TWC VR staff of the shipment.

If the TWC case has been closed and/or there are no remaining visits for the original service charge, a new service charge for replacement hearing aid(s) may be paid to the audiologist or hearing aid specialist.

#### Returns

The hearing aid dispenser that dispensed the goods or equipment to the customer must provide written notice to the VR office that issued the SA when any goods or equipment purchased with VR funds are returned to the manufacturer for any reason. The hearing aid dispenser completes the Form VR3105F Hearing Aid and Hearing Aid Accessories Return and submits the completed form to the manufacturer with the returned items.  The dispenser submits the completed form to the VR office immediately upon return of the items.

The Form VR3105F Hearing Aid and Hearing Aid Accessories Return form must include:

* the customer's name;
* the case identification number;
* SA number associated with the returned items;
* a description of the item returned;
* the reason for the return;
* the amount of credit due to VR; and
* the date and method that the item was returned including the bill of lading or shipment number from the carrier.

### C-704-11: Cochlear Implant and Bone Anchored Hearing Aid Processor Replacement, including BAHA with headband or softband

The VR counselor may authorize replacement of cochlear implant and bone anchored hearing aid (BAHA) processors, including BAHA with headband or softband when they are expected to improve the customer's ability to participate in employment and/or training that is required for a specific employment outcome identified on the IPE. As part of the assessing and planning process, the VR counselor documents the expected outcomes, such as the expectation of an improved ability to understand spoken communication or respond to environmental cues.

TWC must use comparable benefits, when possible, when planning services related to hearing aids, cochlear implants, and BAHA, including BAHA with headband or softband for customers ages 18 and younger. To this extent, TWC may pay for any deductible, co-payments, and/or coinsurance for the provision of these goods and services if the total cost (insurance paid amount plus VR funds paid toward cost) does not exceed allowable VR contract rates.

Replacement of processors may not be authorized solely for the sake of upgrading to newer technology.

VR is the payer of last resort.

VRSM B-310-5 Comparable benefits and required VRSM B-310-6 Customer Participation in Cost of Services must be applied before VR funds are expended.

Because VR uses tax revenue for case service expenditures, the division must purchase the least expensive services that meet the customer's vocational needs. For more information, see the requirements in D-203-2: Best Value Purchasing.

With respect to VR's responsibility for payment, after the customer's primary and/or secondary benefit coverage has been applied and customer's ability to pay has been determined, VR may pay to the provider an amount equal to the customer's co-payment, coinsurance or deductible due. VR payment does not exceed the insurance allowed amount or the allowable VR rate or VR contract rate, whichever is less.

Careful consideration of the following must take place when assessing the need for such replacement:

* The customer's vocational goal, including tasks, functions, and work conditions, particularly where it relates to the customer's ability to hear and understand conversational speech and/or environmental sounds
* The potential impact on the customer's ability to obtain and maintain employment if replacement is not made
* The availability of assistive technology to enable the customer to gain full benefits in training or on the job
* The status of the customer's device, especially relating to:
  + warranty coverage;
  + physical condition; and
  + need for repair, if any.

The evaluation report completed by the audiologist and otologist must include:

* the diagnosis;
* recommendations for treatment, including a letter of medical necessity; and
* anticipated prognosis.

A courtesy packet is sent to the following for consultation before planning the purchase of any replacement processor:

* the VR program specialist for the deaf and hard of hearing (for all caseloads except Blind and Visual Impairment (BVI) caseloads); or
* the state office manager for blind services field support (for BVI caseloads).

The courtesy case packet includes the:

* medical, audiological, speech, and language evaluations and reports as specified above; and
* justification of how device replacement will lessen the vocational impediment.

Refer to the checklist on the Deaf and Hard of Hearing intranet page for items to be included in the courtesy packet.

After the VR program specialist for the deaf and hard of hearing or the state office manager for blind services field support reviews the courtesy packet, a case note documenting the consultation is entered in RHW.

VR Manager approval is required for cochlear implant and bone-anchored hearing aid processor replacement, including BAHA with headband or softband.

The cost of the recommended replacement processor may exceed the threshold set in MAPS. When this occurs, medical director consultation is required to override the pre-set rate in MAPS. To obtain medical director consultation, the VR counselor sends an email to [VR Medical Services](mailto:mailtovr.medicalservices@twc.texas.gov) along with the:

* evaluation report from the audiologist;
* manufacturer's quote for processor replacement; and
* VR justification for the upgrade.

All medical services related to replacement of processors are performed by otologists and licensed audiologists.

## C-705: Employment Supports for Brain Injury Overview

Employment Supports for Brain Injury (ESBI) services benefit individuals with acquired brain injuries by encouraging the development of community-based Interdisciplinary Teams (IDTs) throughout Texas. The purpose of this program is to enhance employment outcomes for individuals with brain injuries.

ESBI services are provided to integrate the therapy and employment needs of Vocational Rehabilitation (VR) customers experiencing persistent functional limitations resulting from an acquired brain injury. ESBI is employment-focused. Services can involve the coordination of multiple providers to assist VR customers in maintaining or achieving a competitive integrated employment outcome. ESBI addresses deficits in functional and cognitive skills based on individually assessed need. All customers do not need all services. Services include an array of available therapeutic, employment, and community reintegration support to assist the customer in reaching successful employment outcomes.

ESBI services may be provided in a nonresidential or residential setting. Generally, the VR counselor should expect a customer needing ESBI services to require a coordinated multiservice approach to address cognitive issues and other comorbidities. The IDT's therapeutic intervention occurs during the three employment-based phases of ESBI:

* Initial Assessments and Evaluations
* Therapeutic Interventions
* Employment Services

For more information and maximum session limits, refer to VR Standards for Providers (VR-SFP) 21.5 Employment Supports for Brain Injury Services.

### C-705-1: Referrals from Employment Supports for Brain Injury Providers

ESBI referrals may come from several different entities during different stages of an individual's rehabilitation process. Referrals may come from a ESBI provider. Referrals from a provider are not a guarantee that the provider will be selected to work with the referred individual. The selection is based on the customer's employment needs and informed customer choice. See VR-SFP 3.2.6 Referrals to VR by a Provider for more information.

### C-705-2: Evaluation for Employment Supports for Brain Injury Referral

Before referring a customer to a ESBI provider, the VR counselor must determine whether the customer is ready to participate in services designed to prepare for, obtain, maintain, and advance in competitive integrated employment. Once an application is completed, the VR counselor must verify the diagnosis of a brain injury and the medical stability of the condition by reviewing existing records, including a recent neuropsychological evaluation. After reviewing existing records, the VR counselor orders any additional assessments necessary to make the eligibility determination.

Vocational evaluation and environmental work assessments are available tools that VR counselors are encouraged to use in gaining a clear vocational picture of the customer's ability to benefit from services. If there is still not enough evaluative information to make an eligibility decision, the VR counselor and the customer work together to develop a trial work plan. The goal of trial work experiences is to determine if the customer is ready to benefit from services to prepare for employment. See VRSM B-310: Trial Work Services for more information.

If a trial work placement is successful, the VR counselor retains the work-based information as part of future work experiences to be developed to prepare the customer for a successful competitive integrated employment outcome.

Only a VR counselor can make eligibility determinations. The VR counselor can consult with the specialized medical consultant (State Physical Medicine and Rehabilitation (PM&R) consultant or State Neuropsychological consultant, in relation to head injury) by sending the case to the  [VR Medical Services mailbox](http://mailto:vr.medicalservices@twc.texas.gov/) using the checklist provided on the Medical Services intranet page.

The specialized medical consultant provides an independent assessment of the collected records to assist the VR counselor in determining if diagnostics are complete and if they show that available VR services will correct or substantially modify a stable or slowly progressive physical or mental impairment, one that constitutes a substantial impediment to employment. The specialized medical consultant may also offer recommendations on the level of services needed if the VR counselor determines that the customer is eligible.

### C-705-3: Assessing and Planning for Services

Once eligibility is determined, the VR counselor reviews records and/or orders any other additional assessments necessary to plan for services. In addition to the usual services that are reasonable and necessary to meet a customer's rehabilitation needs, services for a customer with acquired brain injury may also include:

* cognitive rehabilitation (using the Maximum Affordable Payment Schedule (MAPS))—see VRSM C-703-26: Rehabilitative Therapies for information;
* contracted ESBI non-residential services; or
* contracted ESBI residential services.

See VRSM B-400: Completing the Comprehensive Assessment for more information.

While developing the comprehensive assessment in collaboration with the customer to determine the nature and scope of ESBI services that are necessary, initial assessments are obtained from the ESBI residential or nonresidential provider, as authorized by the VR counselor and coordinated by the ESBI designated case manager.

It should be noted that residential ESBI services will only be authorized when:

* access to coordinated nonresidential or outpatient services are not available for a customer who lives in a remote area—that is:
  + local outpatient rehabilitation providers are not available within the customer's community; or
  + attempts to recruit and contract with local providers have not been successful; or
* there are documented therapeutic reasons that the customer cannot progress without certain interventions only available in a residential setting.

The customer must have a confirmed and documented place to live after discharge. Documentation in the case file must confirm that:

* the customer can learn and transfer skills back into a local community employment setting; or
* the interdisciplinary team (IDT) has a plan in place for transferring strategies to the customer's local employment environment upon discharge.

If residential evaluation services are indicated by existing evaluations and assessments, the VR counselor coordinates with the designated medical services coordinator (MSC) and a contracted ESBI residential provider of the customer's choice to schedule admission for planning and evaluation.

Otherwise, the VR counselor works with a contracted ESBI nonresidential provider to refer the customer for the Initial Assessment and Evaluation Plan (IAEP). The IAEP includes a review of existing recent occupational therapy, physical therapy, speech therapy, and/or cognitive evaluations in relation to any existing work experience evaluations, vocational evaluations, and/or environmental work assessments. Assessments that are necessary are conducted as part of the evaluation plan authorized by the VR counselor with input from the ESBI IDT. The IDT's IAEP includes short- and long-term goals, treatment recommendations, and an expected time frame for necessary therapeutic services.

To assist the VR counselor with decisions regarding the customer's progress toward a successful outcome, the evaluations and recommendations of the IDT may be reviewed by the specialized medical consultant before the Interdisciplinary Program Plan (IPP) and the Individualized Plan for Employment (IPE) are completed.

When sending a customer for an IDT IAEP, a courtesy case file is sent to the MSC, along with a completed Form VR5000, Referral for Provider Services to coordinate purchasing for the case and include use of any comparable benefits.

For more information, refer to VRSM 706-3: Coordination of Services Through the Designated Medical Services Coordinator. VR policy requires best value purchasing and documentation that all comparable benefits have been explored before writing the IPE. Coordination with the MSC must include the investigation and application of available benefits for the customer. For more information, see VRSM D-200: Purchasing Goods and Services.

Any use of pharmaceutical drugs (chemical restraint) to control inappropriate behavior must be stabilized before an individual may receive ESBI services. The IDT must meet and have a plan for a customer's behavioral issues as part of the IPP and consider whether the customer is able to benefit from other services being provided. If the IDT determines that the customer is not likely to benefit from other services, the customer is discharged until stabilization is achieved. The physician and the IDT must monitor chemical restraint programs closely for desired responses and adverse consequences.

If services from a residential ESBI provider are required, a maximum of four months can be added to the IPE, but only if the documented criteria are met and intermediary goals are set for measurable and observable progress toward the employment goal. Customers who do not demonstrate progress toward intermediary goals may be discharged, and alternative interventions may be considered to meet customer goals. Additional residential services beyond four months must have VR Supervisor approval in 30-day increments. Managerial oversight must not cause breaks in service for customers who demonstrate progress toward goal achievement. Decisions made by the VR counselor and the VR Supervisor, when necessary, are made in a timely fashion in accordance with the IPP.

The following items must be included in the IPE for ESBI services:

* Employment goal
* Short- and long-term (intermediate) employment goals
* Comparable benefits
* Types of therapeutic interventions
* Frequency and length of treatment
* Specific employment providers
* Specific ESBI provider
* Ancillary services (as necessary)
* Customer responsibilities

The IPE must be reviewed and amended when significant changes are identified in the IPP or when additional services are approved. For more information on developing the IPE, see VRSM B-500: Individualized Plan for Employment and Post Employment.

#### Required Attendance and Documentation

When customers participate in ESBI services, the VR counselor is a critical part of the IDT. The VR counselor advocates for the customer. As an advocate, the VR counselor is empowered to ask questions and ensure the customer is receiving the agreed-upon services. Extensive interaction with the IDT, the customer, and his or her support system is necessary to ensure that the customer is progressing in an effective and efficient way toward the customer's ultimate employment goals.

The VR counselor must ensure that the customer is benefiting from treatment. If the customer is participating in ESBI services, the VR counselor is a member of the IDT and must follow the customer's progress through treatment-related team meetings. It is essential that the VR counselor evaluate the customer's progress through regular contact with the IDT, the customer, and the customer's support system, and by reviewing the documentation submitted on a weekly basis.

When a rehabilitation treatment does not lead to progress toward the work-based goals identified in the IPP, the VR counselor must work with other members of the IDT to consider appropriate modifications to the plan. When the VR counselor identifies that the customer is not making progress and no other intervention is available to modify the condition in a reasonable time, the VR counselor may discontinue sponsorship of the treatment and consider other approaches to employment or referral to independent living services to maximize the customer's abilities in the home and community.

The VR counselor must:

* attend monthly IDT meetings;
* document in ReHabWorks (RHW):
  + progress toward rehabilitation goals;
  + progress toward employment goals; and
  + any VR counselor–approved modifications to the IPP; and
* obtain a copy of the monthly IDT meeting report and file it in the customer's paper case file.

See VR-SFP 21.5.4 Individual Program Plan Service Definition.

### C-705-4: Coordination of Employment Supports for Brain Injury

When referring a customer to ESBI, the VR counselor receives unit-purchasing-specialist (UPS) assistance by sending a packet to the MSC. The MSC coordinates:

* the evaluation of purchasing and billing from the ESBI providers; and
* contracted ESBI nonresidential services or contracted ESBI residential services.

The MSC must issue all service authorizations for all contracted ESBI therapeutic residential and nonresidential services, and the UPS coordinates ESBI-related employment services authorizations in a residential or nonresidential setting.

Upon receiving a courtesy case file, and after coordination with the UPS, the MSC:

* reviews referral information and discusses with the VR counselor any problems encountered, additional medical information needed, or related medical questions;
* confirms the availability of comparable services and benefits;
* informs the VR counselor of the estimated costs for medical services before encumbering funds;
* discusses with the provider or the provider's staff members the payment allowances for related medical services;
* coordinates ESBI services;
* issues ESBI service authorizations, except for those covered by the employment services contract;
* communicates with the customer, the VR counselor, and providers about ongoing services;
* notifies the VR counselor, service provider, and the customer, if necessary, about the date, time, and location of scheduled services;
* provides the VR counselor with documentation of significant events in the medical services process;
* requests approval from the VR counselor to process claims for payment after deducting other payments;
* processes documents on encumbrances for medical services;
* maintains effective working relationships with ESBI program staff members and the medical community; and
* serves as a resource to ESBI program staff members in field offices when coordinating medical services for the customer.

The MSC or the medical services technician (MST) must issue all service authorizations for contracted ESBI services provided in a residential or nonresidential setting. The UPS coordinates the service authorizations for all ESBI employment services.

The MSC coordinates contracted nonresidential or residential ESBI services for eligible VR customers. The MSC or MST contacts the ESBI provider to:

* verify receipt of required physician orders for nonresidential or residential services and verify that the provider has completed an assessment confirming that the customer is appropriate for provider services;
* verify comparable benefits, if applicable, with the ESBI provider representative to include the specific benefit coverage for ESBI services and the expected customer portion of the cost, and document the information and its source in a contact note;
* verify that ESBI services were approved;
* place documentation of approval in the case file if the comparable benefit requires preauthorization for ESBI services; and
* review Texas Workforce Commission–VR payment policies and limitations and determine whether the customer's medical records must be faxed or mailed to the provider, and if prescriptions must be updated.

#### The Medical Services Coordinator Creates Service Records

Residential ESBI services are paid using a daily contract rate. Nonresidential ESBI services are paid using an hourly rate. The MSC refers to the tiered contract rate for the payment rate and creates service records for all anticipated services, including:

* ESBI facility base services (per standards);
* physician consultations (using MAPS) (routine medical management is included in the daily contract rate; the VR counselor refers to the VR-SFP Manual);
* medications (at cost if purchased from an outside pharmacy—prescription is required);
* individual therapies at an ESBI facility based on the tiered rates; and
* neuropsychological evaluation (using MAPS).

If the facility is also a hospital and has a pharmacy, medications should be purchased through the hospital contract rate.

#### When the Customer Has Verified Comparable Benefits

When the customer has comparable benefits that have been verified, the MSC creates service records using the customer portion not covered by the comparable benefit as the cost for the service. The customer's portion must not exceed the ESBI standards rate or the MAPS rate for the ancillary service, whichever is applicable.

If the customer's comparable benefits have not been verified, the MSC creates service records as if the customer does not have any comparable benefits by following the steps below.

1. The MSC documents the estimated cost in RHW and contacts the VR counselor to:
   * provide an estimate of the total cost for requested service(s) and anticipated ancillary services; and
   * notify the VR counselor to request the availability of funds from the caseload budget.
2. The MSC contacts a ESBI facility representative to:
   * obtain the admission or start date and advise the ESBI facility representative that the service authorization will be sent (services cannot begin until the provider receives the service authorization); and
   * obtain preadmission instructions for the customer.
3. The MSC then documents the contact in a case note.
4. The MSC issues service authorizations and sends a copy of the service authorizations to the ESBI facility and ancillary medical service providers. The MSC and UPS continue to collaborate on other ancillary service requests. The UPS coordinates any nonmedical purchases necessary for the employment goals of the customer. The MSC:
   * reviews the service records to confirm the information is correct and ensure that accurate service authorizations will be generated;
   * issues service authorizations for planned service and all anticipated ancillary services (If comparable benefits are verified, the MSC notes the specific comparable benefit in the Payment or Special Instructions section of the service authorization and requests a copy of the Explanation of Benefits with the invoice for payment. If comparable benefit coverage cannot be established before issuing the service authorization, the MSC notes the reported comparable benefit in the Payment or Special Instructions section of the service authorization and alerts the provider of possible benefit coverage.);
   * ensures that the required approvals are documented in RHW before issuing a service authorization;
   * issues a service authorization for an initial period of 120 days and extends ESBI services in 30-day increments (or shorter increments if fewer than 30 days are needed to complete the program) when VR manager approval is documented and an updated IPP is received; and
   * faxes, e-mails, or mails the service authorizations to the ESBI facility and ancillary service providers, as applicable.

Note: Given the length of the program, service authorizations have multiple line items corresponding to a facility's billing cycle and interim invoice.

1. The VR counselor or rehabilitation assistant contacts the customer to coordinate the admission or start date of ESBI services by:
   * contacting the customer and/or family by phone or letter to notify the customer of the admission or start date or to request that the customer and/or family schedule the admission or start date and notify the MSC;
   * verifying whether the customer has received special instructions from the ESBI facility;
   * notifying the VR counselor of the customer's ESBI admission or start date and of any special instructions from the ESBI provider;
   * sending a letter to the customer and/or family (if needed) with the facility admission or start date and including any additional instructions; and
   * documenting the information in a case note.
2. The MSC contacts the ESBI provider facility representative:
   * within two days after the scheduled admission or start date to confirm that the customer started services;
   * to ensure that the ESBI provider representative knows to contact the MSC and the VR counselor if the customer misses more than one day of ESBI services;
   * to follow up with the ESBI provider to ensure that the treatment plan and monthly staffing progress reports are delivered simultaneously to the VR counselor and the MSC; and
   * before the date of expected discharge, to identify medical needs for the customer, including supplies, durable medical equipment, and medication for the first two weeks if the customer is in a residential ESBI setting.
3. The MSC contacts the VR counselor to:
   * notify the VR counselor when the customer is discharged and of any medical needs that the MSC will coordinate (the MSC obtains approval for encumbrances and documents the approval in a case note);
   * forward any medical records received to the VR counselor;
   * notify the VR counselor and the home MSC, if applicable, when the case will be returned to the home MSC; and
   * discuss any additional case coordination needs with the VR counselor.

#### Duration of Employment Supports for Brain Injury Services

ESBI services are not limited by time elapsed since the traumatic brain injury was acquired.

#### Purchasing Employment Supports for Brain Injury Services

Residential ESBI services may be provided for 120 days and then in 30-day increments with VR Manager approval based on progress toward IPP and IPE goals. Nonresidential services are provided in an outpatient setting with total therapeutic hours not to exceed 20 hours per week over a 12-week period unless approved by the VR counselor specifically on the IPE and IPP. If additional services are needed after 12 weeks, service justification must be documented in the case file or IPE amendment if the case is in employment phase in RHW, along with VR Supervisor approval for extensions in up to 30-day increments.

For more information about ESBI services, see VR-SFP Chapter 21: Employment Supports for Brain Injury (ESBI). ESBI service providers must adhere to all requirements set forth in the chapter.

### C-705-5: Creating a Service Record for Employment Supports for Brain Injury

A service record must be created with the following specifications for ESBI services. See VR-SFP Chapter 21: Employment Supports for Brain Injury.

#### Service Records for Non-Residential ESBI

* Level 1 – Employment Supports for Brain Injury (ESBI)
* Level 2 – Non-Residential ESBI

Choose the appropriate specifications for Level 3 and 4 based on the core service to be provided.

#### Service Records for Residential ESBI

* Level 1 – Employment Supports for Brain Injury (ESBI)
* Level 2 – Residential ESBI

Choose the appropriate specifications for Level 3 and 4 based on the core service to be provided.

#### Service Records for IAEP/IPP Attendance and Premiums

* Level 1 – Employment Supports for Brain Injury (ESBI)
* Level 2 – IAEP/IPP Attendance and Premiums

Choose the appropriate specifications for Level 3 and 4 based on the core service to be provided.

# Vocational Rehabilitation Services Manual C-800: Neurodevelopmental and Psychological Services

## Introduction

Within the scope of Vocational Rehabilitation (VR), services that support individuals with neurodevelopmental or psychological disorders may be available to eligible VR customers.

Neurodevelopmental disorders are a group of conditions with onset in the developmental period, typically early in development. The range of developmental deficits varies from very specific limitations of learning or control of executive functions to global impairments of social skills or intelligence. Neurodevelopmental disorders frequently co-occur with each other. For example, individuals with autism spectrum disorder (ASD) often have an intellectual disability, and many children with attention deficit-hyperactivity disorder (ADHD) have a learning disability, as stated by the DSM-5.

A psychological disorder refers to a spectrum of mental disorders or conditions that influence our emotions, cognitions, and/or behaviors. Psychological disabilities may include depression, anxiety, schizophrenia, and bipolar disorder.

Neurodevelopmental and psychological services may be available through VR only when:

* comparable benefits or supports are not available; and
* the service is necessary for the customer to reach his or her identified individualized plan for employment (IPE) goals.

For more information about requirements for using comparable benefits, refer to D-200: Purchasing Goods and Services, VRSM D-203-3: Use of Comparable Benefits.

For more information about developing the customer's IPE, refer to VRSM B-500: Individualized Plan for Employment and Post-Employment.

As part of VR, neurodevelopmental and psychological services are short-term services that focus on helping the customer achieve competitive integrated employment. When long-term treatment and supports are necessary, the customer must plan to access these ongoing supports and services independent of VR. The VR counselor may work with the customer to provide referral and information about available resources to meet these ongoing needs within the scope of counseling and guidance. For more information, refer to VRSM C-100: Counseling and Guidance.

If a counselor has determined that an exception will facilitate a customer’s progress and there is not an approval exception listed in policy, counselors are encouraged to staff the request through their chain of management to the Deputy Division Director for Field Services for consideration. VRSM clearly states when no exceptions are allowed.

## C-801: Legal Authorization

### 34 CFR §361.48(b)(3)

Federal law requires that, as appropriate to the VR needs of each individual, and consistent with the customer's IPE, VR must ensure that certain VR services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that must be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(5) In accordance with the definition in §361.5(c)(39), physical and mental restoration services, to the extent that financial support is not readily available from a source other than the designated State unit (such as through health insurance or a comparable service or benefit as defined in §361.5(c)(10))."

### §34 CFR 361.5(c)(39)(i)(ii)(xiii)–(xiv)

"(39) Physical and mental restoration services mean—

(i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

(ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;

(xiii) Mental health services;

(xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment…"

### Diagnostic and Statistical Manual of Mental Disorders

The Diagnostic and Statistical Manual of Mental Disorders (DSM) is the standard classification of mental disorders used by mental health professionals in the United States. The DSM, Fifth Edition (DSM-5) is the current edition, and the content within this chapter and the associated VR Standards for Providers chapters use terminology as defined in the DSM-5 unless otherwise stated.

### Behavior Analyst Certification Board (BACB®)

The Behavior Analyst Certification Board (BACB®) is a nonprofit 501(c)(3) corporation established in 1998 to meet professional credentialing needs identified by behavior analysts, governments, and customers of behavior analysis services. The BACB® adheres to international standards for boards that grant professional credentials. The BACB®'s certification procedures and content undergo regular psychometric review and validation pursuant to a job analysis survey of the profession and standards established by content experts in the discipline as defined by the BACB®.

## C-802: Autism Spectrum Disorder Supports

Autism Spectrum Disorder (ASD) is characterized, in varying degrees, by difficulties in social interaction, verbal and nonverbal communication, and repetitive behaviors and hyper- or hypo-reactivity to sensory input as defined by the DSM-5.

ASD Supports are intended to address skills deficits that are barriers to employment for customers who have been diagnosed with ASD or who display diagnostic characteristics of ASD. These supports are the middle ground between clinical intervention and job skills training.

### C-802-1: When to Consider Autism Spectrum Disorder Supports Services

Characteristics of ASD that would benefit from ASD Supports, as determined by the VR counselor, are based on the following DSM-5 clinical criteria for diagnosis:

* Persistent deficits in social communication and social interaction across multiple contexts
* Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions
* Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication, to abnormalities in eye contact and body language or deficits in understanding and use of gestures, to a total lack of facial expressions and nonverbal communication
* Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts, to difficulties in sharing imaginative play or in making friends, to absence of interest in peers
* Restricted, repetitive patterns of behavior, interests, or activities
* Stereotyped or repetitive motor movements, use of objects, or speech (for example, simple motor stereotypes, lining up toys or flipping objects, echolalia, and idiosyncratic phrases)
* Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal and/or nonverbal behavior (for example, extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, and need to take the same route or eat the same food every day)
* Highly restricted, fixated interests that are abnormal in intensity or focus (for example, strong attachment to, or preoccupation with, unusual objects, and excessively circumscribed or perseverative interest)
* Sensory Integration Abnormalities
* Hyper- or hypo-activity to sensory input or unusual interests in sensory aspects of the environment (for example, apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, and visual fascination with lights or movement)

Note: For a diagnosis of ASD, these symptoms must be present in the early developmental period. However, these symptoms may not fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life.

### C-802-2: Autism Spectrum Disorder Supports Referrals

To be referred for ASD Supports, a VR customer must:

* have a clinical diagnosis of ASD or social communication disorder; or
* display diagnostic characteristics of ASD as determined by the VR counselor.

#### Required Documentation When There Is Not an Autism Spectrum Disorder Diagnosis

If the VR counselor has determined that the customer displays diagnostic characteristics of ASD, and the customer has a clinical diagnosis that otherwise meets the eligibility requirements for VR services, the VR counselor must provide clear documentation that explains why the customer would benefit from short-term ASD Supports to achieve competitive integrated employment.

This case note must include:

* the clinical diagnosis that supports the customer's eligibility for VR services;
* a statement that the customer does not have an official diagnosis of ASD; and
* a statement, based on the VR counselor's professional experience, that the customer requires ASD Supports to be successful in reaching a competitive integrated employment outcome.

Documentation by the VR counselor also must include examples of each of the three characteristics of ASD that the customer must display to benefit from ASD Supports without a diagnosis of ASD:

* "Persistent deficits in social communication and social interaction across multiple contexts" (The VR counselor must document at least three examples.)
* "Restricted, repetitive patterns of behavior, interests, or activities" (The VR counselor must document at least three examples.)
* "Sensory Integration Abnormalities" (The VR counselor must document at least two examples.)

All customers referred for ASD Supports must display deficits in specific skills that are:

* required for obtaining or maintaining employment;
* a direct result of autism; and
* outside the role of job skills training.

Customers who participate in ASD Supports are not required to participate in clinical intervention such as Applied Behavior Analysis (ABA) or psychotherapy.

### C-802-3: Description of Autism Spectrum Disorder Supports

The ASD Supports service may be:

* offered individually and/or in a group or a combination of both;
* provided only after an IPE has been developed;
* combined with employment services as long as it does not duplicate services;
* provided to the customer as well as to parents, caregivers, school staff, and other pertinent people in the customer's life when successful employment is unlikely without their participation; and
* provided in addition to other provided services, including those through special education or Section 504 of the Rehabilitation Act of 1973, as amended (for example, when the customer is in high school).

For additional information about ASD Supports, refer to the following guidance documents:

* ASD Supports
* ASD Supports Compared to Similar Services

### C-802-4: Autism Spectrum Disorder Provider Qualifications

To be linked in ReHabWorks (RHW) as a provider of ASD Supports, the provider must be credentialed as one of the following:

* Employment Specialist with a verified Autism Endorsement from University of North Texas Workplace Inclusion and Suitable Employment (UNTWISE)
* Certified Special Education Teacher
* Licensed Specialist in School Psychology (LSSP)
* School Speech Pathologist

The ASD Supports service is not a contracted Employment Specialist Service, therefore ASD Supports is not required to be in the provider's contract. However, before starting this service, the employment specialist directly working with the customer must be individually linked in RHW through vendor services.

Before an employment specialist is linked, it must be verified that he or she holds a current Autism Endorsement through UNTWISE.

#### Exception

A provider can be linked in RHW upon proof of alternative qualifications approved by the State Office Program Specialist for Autism and Intellectual and Developmental Disabilities.

### C-802-5: Required Autism Spectrum Disorder Support Forms

#### Form VR1879, Referral Form for Services for Neurodevelopmental Disorders

After it is determined that ASD Supports is the appropriate service, the VR counselor completes Form VR1879, Referral Form for Services for Neurodevelopmental Disorders Referral, and submits the completed form to the provider. The VR counselor must enter a case note into RHW confirming that the form was completed and stating when it was submitted to the provider.

#### Form VR1880, Autism Spectrum Disorder Supports Plan

After the ASD Supports referral is accepted by the provider and the initial consultation with the VR counselor has taken place, the provider completes an initial contact with the customer and completes a basic assessment of the customer's needs. The result of this needs assessment is documented in Form VR1880, ASD Supports Plan.

Form VR1880, ASD Supports Plan:

* identifies new specific skills deficits to address;
* includes five or fewer specific skills that are targeted in that plan; and
* ensures that there is not a duplication of services.

The skills identified in Form VR1880, ASD Supports Plan, must:

* be directly related to the diagnosis characteristics of ASD identified by the VR counselor;
* be clearly outside of the role of job skills training;
* make each identified skill measurable; and
* include the recommended hours that ASD Supports services are provided individually, in a group setting, or both.

Form VR1880, ASD Supports Plan, must be reviewed and approved by the VR counselor before ASD Supports begin. (As part of the review, the VR counselor must ensure that the skills needs identified in Form VR1880 meet the required criteria in VRSM C-802-2: ASD Supports Referrals. If they do not, then ASD Supports may not be appropriate. The VR counselor consults with the State Office Program Specialist for Autism and Intellectual and Developmental Disabilities as needed.)

For information about payment requirements, refer to VRSM D-200: Purchasing Goods and Services.

When reviewing Form VR1880, the VR counselor ensures that the plan is reviewed and determines whether identified skills needs meet the required criteria in VRSM C-802-2: ASD Supports Referrals. Payment to the provider is issued when the ASD Supports Plan and invoice have been received and approved by the VR counselor.

Billable time for the ASD Supports Plan is not to exceed five hours and may include, but not be limited to, the following:

* Consultation with the VR counselor
* The initial meeting with the customer and/or guardian
* Email or phone correspondence with related parties
* Brief needs assessment to identify skills deficits
* Completion of the plan

#### Form VR1881, Autism Spectrum Disorder Supports Time Log and Progress Report

Form VR1881, ASD Supports Time Log and Progress Report, must be completed to document each hour that is billed. The report must be submitted each time an invoice is submitted. With the information that is documented in Form VR1881, the VR counselor must be able to evaluate the progress that is being made and all issues that are addressed.

The ASD Supports Time Log and Progress Report must:

* include the beginning level of the identified skill;
* include the level that indicated that the skill has been mastered;
* include the current level of the identified skill; and
* not exceed more than two hours of indirect service time.

### C-802-6: Autism Spectrum Disorder Supports Settings, Fees, and Allowable Hours

#### Autism Spectrum Disorder Supports Settings

ASD Supports may be provided individually, in a group setting, or in a combination of both. If service is provided in a group setting, a 1:6 counselor-to-customer ratio must not be exceeded.

#### Autism Spectrum Disorder Supports Fees

Individual service fee for direct and indirect time is $46.00 per hour.

Group service fee for:

* direct time is $23.00 per hour per person; and
* indirect time is $46.00 per hour.

Documentation is completed for each customer participating in a group. Therefore, indirect time is billed at the individual service fee.

For example, each participant requires:

* Form VR1879, Referral Form for Services for Neurodevelopmental Disorders;
* Form VR1880, ASD Supports Plan; and
* Form VR1881, ASD Supports Time Log and Progress Report.

#### Allowable Hours for Autism Spectrum Disorder Supports

The VR counselor may authorize up to 20 hours of ASD Supports.

Authorization of additional hours require documentation that the customer has:

* mastered the skills identified on the current Form VR1880, ASD Supports Plan;
* made measurable improvement on the skills identified on Form VR1880, ASD Supports Plan, but needs more time to master skills; or
* additional needs for skills development that have been identified.

For each 20 hours authorized, Form VR1880, ASD Supports Plan, must be updated by the provider and submitted to the VR counselor for review and approval. The VR counselor documents whether the updated ASD Supports Plan is approved in an RHW case note and notifies the provider of the decision.

The total number of hours for ASD Supports may not exceed 120 hours over a lifetime of the case.

#### Exceptions to the 20-hour Limit

When necessary and clearly documented by the VR counselor, an exception can be made to the limitation of authorizing no more than 20 hours of ASD Support services at a time. For example, if a provider is conducting a summer social and vocational skills group that requires 30 hours, the VR counselor documents this as the justification for the exception in a RHW case note.

No additional review or approval is necessary for this first exception.

If more than one exception to the 20-hour limit is determined necessary for the same customer, the VR Supervisor must approve the additional hours. Approvals are limited to no more than 20 hours at a time and must be clearly documented.

Note: At any time in the process, the VR counselor may staff the case with the regional point of contact for the Neurodevelopment Disorders team for guidance and support on the provision of services.

VR Supervisor approval is also required to purchase any of the following assessments or services more than once:

* ABA Evaluation (Social Skills or FBA)
* ASD Supports Plan
* Autism Psychological Battery
* Environmental Work Assessment (EWA)

### C-802-7: Telehealth for Autism Spectrum Disorder Supports

When considering telehealth options for customers, refer to VRSM D-221: Telehealth Options.

## C-803: Applied Behavior Analysis

Applied Behavior Analysis (ABA) is the science of applying experimentally derived principles of behavior to improve socially significant behavior. ABA takes what is known about human behavior and uses it to develop and apply strategies that are intended to bring about real-world, meaningful change in the individual's behavior. In ABA, behaviors are defined in observable and measurable terms to assess behavioral changes over time. These behaviors are then analyzed within a real-world environment to identify factors that are influencing the behavior and assess how these factors and/or behaviors can be modified.

ABA is provided through three main services:

* Pre-ABA Needs Determination
* Social Skills
* Challenging Behavior

ABA is provided by professionals who meet provider qualifications that are outlined in VRSM C-803-5: Applied Behavior Analysis Provider Qualifications.

### C-803-1: When to Consider Applied Behavior Analysis

ABA is used to increase skills deficits and decrease behavior excesses that are an impediment to employment.

ABA is used to treat neurodevelopmental disorders such as:

* ASD;
* ADHD;
* Intellectual developmental disorder;
* Anxiety disorders; and
* Schizoid personality disorder (characteristics displayed are very similar to ASD).

ABA is not recommended for the following:

* Depression (without the presence of a neurodevelopmental disorder)
* Bipolar disorder (without the presence of a neurodevelopmental disorder)
* Schizophrenia
* Personality disorders (except Schizoid personality disorder)
* Sexual deviation
* Addiction disorders (such as drugs and alcohol)

ABA can, but is not limited to:

* decreasing maladaptive behavior;
* increasing social and communication skills;
* increasing self-regulation and emotional intelligence;
* increasing problem solving and executive functioning; and
* increasing vocational and life skills.

ABA must:

* evaluate and treat the environment a behavior and/or a skills deficit is occurring;
* evaluate and treat the customer, as well as pertinent individuals directly involved in the customer obtaining and maintaining employment; and
* generalize learned skills in the employment environment.

### C-803-2: Applied Behavior Analysis Referrals

A customer must meet the following two conditions to be referred to ABA:

* Have a developmental disorder diagnosis
* Display a maladaptive behavior and/or social skills deficit that creates a barrier to obtaining and/or maintaining employment

The VR counselor must submit Form VR1879, Referral Form for Services for Neurodevelopmental Disorders, to the provider to initiate services.

### C-803-3: Pre-Applied Behavior Analysis Needs Determination

Pre-ABA Needs Determination is a service:

* intended to assist a VR counselor when he or she is unsure as to which ABA service, if any, is needed; and
* designed to triage the customer's needs and determine the appropriate service.

The provider must:

* observe the customer in person; and
* provide a brief written report of service recommendations.

The report must include information on, but not limited to:

* interviews, observations, record reviews;
* service recommendation; and
* why, or why not, a service is recommended.

Billable time may include the following, but is not to exceed three hours:

* Phone calls, emails, and record reviews
* Observation of the customer and interviews with pertinent individuals
* Writing and reviewing service recommendations with the VR counselor

### C-803-4: Social Skills

Social skills are for customers who:

* have a social skills deficit and/or display maladaptive behavior; and
* do not have significant challenging behaviors, such as aggression.

The provider must first conduct one of the following:

* Individual assessment
* Group assessment (group assessment must be for the purpose of attending a social skills group); however, if the VR counselor is unsure of which social skills assessment is needed, purchasing a Pre-ABA Needs Determination is recommended

#### Individual Social Skills Assessment

An Individual Social Skills Assessment is intended to be a comprehensive evaluation of a customer's social skills abilities and is most appropriate when a customer has:

* a social skills deficit that requires individualized intervention; and
* the identified deficit is not appropriate to treat in a group setting.

This assessment is intended to provide a comprehensive evaluation of the following, but is not limited to:

* basic and advanced social and communication skills;
* self-regulation and emotional intelligence; and
* problem solving and executive functioning.

The provider must:

* observe the customer in at least two environments, such as the provider's office, the customer's home, or the community; and
* reflect the type of environment that the suspected social skills deficit occurs in.

The report must include, but is not limited to:

* initial reported concerns;
* dates, times, and summary of interviews;
* results of direct and indirect observations, assessments, and data collected;
* current home life and future living plans;
* employment goals and any other interests related to postsecondary options;
* current and past education, pertinent medical conditions, medicines, and therapies;
* identified skills deficit targeted to increase goals and mastery of criteria;
* current baseline for targeted skills deficit;
* any procedures, strategies, and supports needed to master identified goals;
* method in which progress is monitored; and
* recommended number of treatment hours and whether it is provided individually, in a group setting, or both.

Billable time must not exceed 12 hours and may include the following:

* Activities required to complete the assessment
* Phone calls, emails, review of records, meeting with VR counselor
* Writing and/or reviewing report with VR counselor, customer, or pertinent others (report must be reviewed either in person or by phone unless otherwise directed by the VR counselor)

#### Group Social Skills

A Group Social Skills plan is a broad and brief evaluation for the purpose of attending a social skills group; however, the VR counselor must ensure that the provider has, or will have, an available social skills group appropriate for the customer before purchasing this service.

Group Social Skills is most appropriate when a customer:

* is not in need of a comprehensive social skills assessment; and/or
* has demonstrated that he or she is able to acquire skills in a group environment and not require more than a 1:6 VR counselor to customer instructional setting.

The plan is intended to be a brief evaluation of, but is not limited to, the following:

* Basic and advanced social and communication skills
* Self-regulation and emotional intelligence
* Problem solving and executive functioning

The provider must create a social skills plan for each customer participating in the social skills group.

The plan must include brief information on, but not limited to, the following:

* Interviews and informal assessments and their results
* How progress is monitored and frequency of progress reported
* Recommended number of treatment hours
* Treatment goals and proposed mastery of criteria

Billable time is paid at the level of the provider's individual rate, and time spent may include the following, but is not to exceed three hours:

* Activities required to complete the assessment
* Phone calls, emails, review of records, meeting with VR counselor
* Writing and reviewing the plan

### C-803-5: Challenging Behavior Services

Challenging Behavior services are for customers:

* who have significant, persistent maladaptive behaviors that occur in more than one environment; and
* for whom the cause of a maladaptive behavior is unknown.

A provider must first conduct a behavior assessment that is an in-depth evaluation of problem behavior; however, if a VR counselor is unsure if a behavior assessment is needed, purchasing a Pre-ABA Needs Determination is recommended.

#### Functional Behavior Assessment

A Functional Behavior Assessment (FBA) is intended to be a detailed, thorough evaluation of why a problem behavior is occurring.

The provider must:

* observe the customer in at least two environments, such as in the provider's office, the customer's home, or the community; and
* reflect the type of environment that the suspected challenging behavior occurs in.

The FBA section of the report must include the following details, but is not limited to:

* initial reported behavior concerns;
* targeted behaviors for assessment;
* dates, times, and summary of interviews;
* results of direct and indirect observations, assessments, and data collected;
* current home life and future living plans;
* employment goal and any other interests related to postsecondary options;
* current and past education, pertinent medical conditions, medicines, and therapies;
* preference assessments;
* setting events;
* precursors;
* proposed function of behavior; and
* findings and recommendations.

The results of the FBA section may conclude that treatment is not necessary or that treatment can be provided by another professional (such as an Employment Specialist with the Autism Endorsement). If this occurs, completion of the Behavior Intervention Plan (BIP) section is unnecessary. The provider must only submit the FBA section and bill for hours used to complete it.

#### Behavior Intervention Plan

A Behavior Intervention Plan (BIP) uses the findings of the Functional Behavior Assessment (FBA) to create a treatment plan.

The BIP section of the report must include, but is not limited to, the following:

* Identified challenging behavior targeted for reduction
* Replacement behavior goal and mastery of criteria for each challenging behavior
* Identified skills deficit targeted to increase goals and mastery of criteria
* Current baseline for targeted challenging behavior and/or skills deficit
* Any procedures, strategies, supports needed to master identified goals
* Method in which progress is monitored
* Recommended number of treatment hours and whether treatment is provided individually, in a group setting, or both

Billable time may include the following, but is not to exceed 15 hours:

* Activities required that result in the recommended components of the FBA report and/or BIP report
* Phone calls, emails, review of records, meeting with the VR counselor
* Writing and/or reviewing the report with the VR counselor, customer, or pertinent others (report must be reviewed either in person or by phone, unless otherwise directed by the VR counselor)

#### Intervention

After an assessment is submitted and approved by the VR counselor, intervention:

* may be provided individually, in a group setting (the ratio between facilitators and customers cannot be greater than one therapist to six customers), or both; and
* ordinarily does not to exceed 60 intervention hours over the lifetime of the case,

If more than 60 intervention hours over the lifetime of the case are required, the VR counselor must:

* consult with the state office neurodevelopmental specialist; and
* document the justification in an RHW case note

Hours that are completed for a Pre-ABA Needs Determination or an assessment are not included in the 60-hour limit.

Billable direct hours may include direct intervention that is provided either individually, in a group setting, or both, but are not to exceed 60 hours.

Billable indirect hours may include the following, but are not to exceed three hours per month:

* Meetings, phone calls, and emails exchanged with the VR counselor
* Collecting and graphing data and writing progress reports
* Group indirect hours paid at the level of provider's individual rate (indirect hours are for an individual in a group, for example, a record review, graphing data, or writing a progress report)

### C-803-6: Applied Behavior Analysis Provider Qualifications

There are five levels of approved providers that can provide ABA services to VR customers.

#### Levels of Providers:

* Board Certified Behavior Analyst (BCBA-D®)—doctorate level
* Board Certified Behavior Analyst (BCBA®)—master's level
* Board Certified Assistant Behavior Analyst (BCaBA®)—bachelor's level
* Registered Behavior Technician (RBTTM)
* Graduate student in behavior analysis program

The following services are completed by a BCBA-D® and BCBA®:

* Pre-ABA Determination
* Assessment
* Intervention

#### Board Certified Assistant Behavior Analyst, Registered Behavior Technician, and Graduate Student Requirements

BCaBA®s, RBTtms, and graduate students must be supervised by a BCBA® and are only permitted to provide individual or group intervention services.

Before providing this service:

* this level of provider must identify the supervisor; and
* the identified supervisor is required to complete all actions under "Special Requirements for Supervisor."

#### Additional Graduate Student Requirements

Before being linked to provide services, a graduate student must:

* submit a transcript showing proof of enrollment in a graduate-level behavior analysis program at an accredited university set forth by BCBA® or enrolled in a graduate program that contains the acceptable graduate coursework in behavior analysis set forth by BCBA®;
* if the graduate program is completed, be actively engaged in his or her supervised fieldwork hours required for board certification and/or have met all requirements that qualify him or her to sit for the board exam;
* continue supervision until board certified if he or she does not pass the board exam or does not take the board exam; and
* in all scenarios, identify his or her supervising BCBA®.

#### Additional Requirements for a Supervisor of a Board-Certified Assistant Behavior Analyst, Registered Behavior Technician, or Graduate Student

The identified supervisor must be a BCBA® or BCBA-D® and meet the following conditions:

* Become a VR provider (see VRSM D-200: Purchasing Goods and Services)
* Hold a current board certification
* Meet the 2022 BACB® standards for supervision
* Meet the standards for conducting supervision set forth by BACB®
* Sign all progress reports verifying that the content of the progress reports are complete and valid
* Intervention provided met supervision requirements set forth by BACB®

#### Billing Supervision of Applied Behavior Analysis Providers

Supervision of professionals who are providing ABA is a billable service, but only while conducting intervention hours (not for Pre-ABA determination or an assessment).

Supervisors may bill up to three hours a month per customer and are paid at their level of provider rate per the service they are supervising. For example, if provider supervises a customer in a group intervention, provider will be paid at their group level of provider rate.

### C-803-7: Required Provider Documentation

To receive payment for ABA assessment services, the provider completes an assessment report that must be submitted and approved by the VR counselor prior to payment.

To receive payment for ongoing ABA intervention, the provider must submit a progress report at least once a month that is approved by the VR counselor.

To receive payment for supervision of ABA providers, the supervisor must submit a brief summary report that includes the following information:

* Dates and times that supervision took place
* Total hours of supervision that reflect the required five percent set forth by BACB®
* Type of supervision conducted (type must meet the standards set forth by BACB®)

### C-803-8: Applied Behavior Analysis Fees

Fees for all ABA services are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Level of Provider** | **Pre-Needs Determination and Assessments** | **Individual Intervention** | **Group Intervention** |
| Level 1: BCBA-D | $125.00 per hour | $125.00 per hour | $45.00 per hour |
| Level 2: BCBA | $79.53 per hour | $79.53 per hour | $33.00 per hour |
| Level 3: BCaBA | N/A | $37.50 per hour | $18.75 per hour |
| Level 4: RBT | N/A | $37.50 per hour | $18.75 per hour |
| Level 5: Graduate Student | N/A | $37.50 per hour | $18.75 per hour |

Note: If a BCBA® and a BCBA-D® conduct an assessment or provide intervention, the provider must bill at the BCBA® provider rate.

When completing reports and submitting billing, the following descriptions must be used as defined:

* Direct Hours are time spent in person with the customer or actively training a pertinent individual who has direct involvement with the customer for obtaining and maintaining employment.
* Direct Observation of a behavior in the naturally occurring environment and the conditions that occur. Measurement tools such as a scatterplot or ABC chart may be used.
* Indirect Hours are time spent providing services other than in-person support, such as meetings with the VR counselor, phone calls, emails, collecting and graphing data, and writing progress reports.
* Indirect Observation may include, but not be limited to, interviews with customers or pertinent individuals in their life, informal assessments, or questionnaires.

VR Supervisor approval is required to purchase any of the following assessments or services more than once:

* ABA Evaluation (Social Skills or FBA)
* ASD Supports Plan
* Autism Psychological Battery
* Environmental Work Assessment (EWA)

### C-803-9: Telehealth for Applied Behavior Analysis

When considering telehealth options for customers, refer to VRSM D-221: Telehealth Options.

## C-804: Psychological Services

Psychological Services are services provided to eligible individuals who have clinically diagnosed psychiatric conditions that are defined within the DSM-5.

Psychological Services are provided only:

* when comparable benefits, such as community centers or indigent care services, are not available;
* when prescribed by a licensed psychologist or psychiatrist;
* when clinically necessary to achieve a planned employment outcome; and
* to individuals whose psychological disorders:
  + are stable or slowly progressive; and
  + can be corrected or stabilized within a reasonable time.

Individuals must continue to meet the eligibility criteria for specific conditions, as defined in VRSM B-300: Determining Eligibility, to continue to receive Psychological Services that are purchased with VR funds.

For information on the Comprehensive Vocational Evaluation System (CVES), refer to VRSM B-403-3: Comprehensive Vocational Evaluation System.

### C-804-1: Psychological Services Provider Qualifications

Psychological Services may be purchased from:

* physicians skilled in the diagnosis and treatment of mental or emotional disorders licensed by the Texas Medical Board;
* psychologists licensed by the Texas State Board of Examiners of Psychologists;
* clinical social workers who are licensed by the Texas State Board of Social Worker Examiners;
* professionals who are licensed by the Texas State Board of Examiners of Professional Counselors;
* psychiatric–mental health clinical nurse specialists and psychiatric–mental health nurse practitioners licensed by the Texas Board of Nursing;
* physician assistants licensed by the Texas Physician Assistant Board; or
* marriage and family therapists (LMFTs) who are licensed by the Texas State Board of Examiners of Marriage and Family Therapists.

Psychological Services may be provided by an intern who is working under the supervision of a licensed provider. When provided by an intern, Psychological Services are paid at the payment rate for the provider that is supervising the intern. Additional payments are not permitted for the time spent providing the supervision.

### C-804-2: Psychological Services Limits

Psychological Services are limited to the purchase of psychotherapy and outpatient psychiatric treatment. VR does not pay for inpatient psychiatric treatment. No exceptions to this policy are allowed. VR customers who need this level of treatment must be referred to the local mental health authority.

Outpatient sessions with qualified providers are limited to:

* a maximum of 15 individual sessions;
* a maximum 30 group sessions; or
* some combination of the two.

Exceptions require VR Supervisor approval.

Visits to a psychiatrist for medication monitoring only are not subject to these limitations but are subject to limitations on outpatient treatment. For further information, see VRSM C-700: Medical Services.

Requests for psychological or neuropsychological tests not listed in the Maximum Affordable Payment Schedule (MAPS) require consultation with the Regional Psychological Consultant (RPC).

Actions that are contrary to the advice of the RPC require VR Manager approval.

Evaluation or treatment of customers by the RPC requires approval by the VR Supervisor.

For policies, procedures, and restrictions that apply to the purchase of prescription medications, refer to VRSM C-703-24: Prescription Drugs and Medical Supplies.

### C-804-3: No-Show Payments

A "no-show" is defined as a customer who fails to appear for a scheduled appointment without giving prior notice of cancellation to the provider. When a VR customer is a no-show for a scheduled appointment with a psychiatrist, social worker, licensed professional counselor, or psychologist for a service under VR sponsorship, the provider may claim a service fee equal to 50 percent of the usual and customary fee, or the allowable MAPS fee, whichever is less. For additional information about paying for no-show service, refer to VRSM D-204-5: No-Show Payments.

The VR counselor must contact customers who are no-shows for a scheduled appointment with a psychiatrist, social worker, licensed professional counselor, or psychologist to discuss the missed appointment and the importance of keeping future appointments. The VR counselor must document this contact as a counseling and guidance case note in RHW.

### C-804-4: Psychological Consultants

Regional psychological consultant’s responsibilities include:

* Provide updates on DSM-5 diagnoses and new treatment modalities for behavioral health conditions within the region when requested by the State Office Program Specialist for Veterans and Behavioral Health.
* Provide technical assistance to peer psychologist within their assigned region.

For additional duties and responsibilities please see VRSM B-101-7: Consultants.

### C-804-5: Telehealth for Psychological Services

When considering telehealth options for customers, refer to VRSM D-221: Telehealth Options.

## C-805: Wellness Recovery Action Plan Program

The Wellness Recovery Action Plan (WRAP) program is a specialized program for adults with severe mental illness. Participants learn strategies to monitor, reduce, or eliminate uncomfortable or dangerous physical symptoms, emotions, and feelings. The program's primary goal is to help customers identify and learn to use wellness tools (coping strategies and resources) when they experience triggers or early warning signs that their mental health is worsening.

### C-805-1: Wellness Recovery Action Plan

A participant in Wellness Recover Action Plan (WRAP) services writes his or her own WRAP, or comprehensive plan, to help manage his or her own illness.

### C-805-2: Wellness Recovery Action Plan Service Delivery

WRAP services can be delivered either individually or in a group setting. In group settings, the ratio between WRAP facilitators and customers cannot be greater than one WRAP facilitator to eight customers. WRAP services can be provided remotely when the VR counselor has indicated approval of remote service delivery on the Form VR5000, Referral for Provider Services. Refer to the VR-SFP 3.4.8 Remote Service Delivery.

WRAP facilitators who work with customers must follow the Copeland Center's values and ethics, processes, and concepts. Facilitators must use the evidence-based model recognized by the Substance Abuse and Mental Health Services Administration. Facilitators follow the WRAP Facilitator's Training Manual and use the PowerPoint presentation slides and CD found in the training manual during presentations. The three-day WRAP curriculum may be approved in consultation with the VR counselor.

### C-805-3: Wellness Recovery Action Plan Referrals

A customer who can benefit most from a WRAP learns how to use wellness tools to manage his or her disability.

This is a customer who:

* is in recovery or has difficulty staying in recovery;
* has a severe mental illness;
* has a goal of competitive integrated employment; and
* needs help to identify wellness tools.

The customer learns how to use wellness tools to move forward in recovery by developing natural supports, coping skills, and self-management skills.

For information on appropriate WRAP referrals, see VR-SFP Chapter 12: Wellness Recovery Action Plan, 12.1 Wellness Recovery Action Plan Service.

### C-805-4: Wellness Recovery Action Plan Facilitator Qualifications

Refer to VR-SFP Chapter 12: Wellness Recovery Action Plan, 12.2 Staff Qualifications.

### C-805-5: Wellness Recovery Action Plan Outcome

The WRAP outcome is achieved when the customer has:

* attended and actively participated in all sessions of curriculum-mandated WRAP program; and
* completed his or her individual WRAP.

For more information see VR-SFP Chapter 12: Wellness Recovery Action Plan, 12.3.3 Outcomes Required for Payment.

### C-805-6: Wellness Recovery Action Plan Fee

The fee for successful achievement of the WRAP outcome can be paid only one time per customer for the life of the case. See VR-SFP Chapter 12: Wellness Recovery Action Plan, 12.3.3 Outcomes Required for Payment.

## C-806: Substance Use Disorders Services

Substance use disorders are defined in the DSM-5 as a pathological pattern of behaviors related to the use of a substance or substances.

Substance Use Disorders Services refers to services that are provided for individuals who are eligible for VR services and who have been clinically diagnosed with a substance use disorder that is defined in the DSM-5. Substance use disorders that are specific to the use of caffeine or tobacco do not meet the criteria of creating a substantial impediment to employment for the purpose of eligibility for VR services.

Substance Use Disorders Services are provided only:

* when comparable benefits, such as services provided by community centers or indigent care organizations, are not available;
* when prescribed by a licensed psychologist or psychiatrist;
* when clinically necessary to achieve a planned employment outcome; and
* to individuals whose psychological disorders:
  + are stable or slowly progressive; and
  + can be corrected or stabilized within a reasonable time.

### C-806-1: Substance Use Disorders and Eligibility for VR Services

VR counselors assess customers to ensure that each customer has a basic understanding of substance use and abuse. VR counselors discuss any history of substance use and decide how to proceed with each case based on that history. To be eligible for VR services, customers with substance use disorders must produce proof that demonstrates regular participation in a treatment program or express a willingness to participate in therapeutic treatment. The customer must be participating in treatment if he or she is actively using substances.

Treatment options for substance use disorders that may be available through the customer's community include, but are not limited to, the following:

* Inpatient or outpatient services
* Intensive outpatient programs
* Partial hospitalization programs
* Therapy and counseling
* Continuing care programs
* Alcoholics Anonymous (AA)
* Narcotics Anonymous (NA)
* Church sobriety programs
* Community center sobriety programs

There is usually no cost associated with outpatient services provided by AA, NA, or church and community center sobriety programs.

The customer must make the decision to discontinue using substances and choose the method of recovery. If a customer with a substance use disorder applies for VR services and is not currently in treatment, the VR counselor assists the customer in finding treatment options in his or her community and allows the customer to make the choice to engage in treatment. The VR counselor may use random drug testing to verify that the customer is abstaining from drug use.

A customer who has previously participated in treatment and has been substance free without aftercare or support services is generally not considered to have a substantial impediment to employment. If the VR counselor determines that a substantial impediment to employment exists (such as frequent loss of employment due to substance use), the VR counselor must document how and why the customer has not been able to make satisfactory progress to obtain or retain employment due to substance use.

#### Eligibility for VR Services

Customers with conditions diagnosed or related to a substance use disorder must be participating in, be willing to participate in, or have successfully completed an inpatient or outpatient substance use disorder treatment program before receiving VR services connected with an individualized plan for employment (IPE). The VR counselor must verify the treatment.

VR counselors decide whether continuation of therapeutic treatment is adequate as a support or if new or additional interventions are needed. Below are some issues for the VR counselor to consider when working with a customer diagnosed with a substance use disorder.

The customer must:

* recognize that a substance use disorder is a disability and participate in a group treatment program or individual counseling; under medical supervision if appropriate;
* maintain consistent and regular attendance, and demonstrate progress in completing his or her treatment program;
* demonstrate a commitment to recovery, as evidenced by making progress in completing their treatment program;
* make satisfactory progress toward addressing issues related to his or her overall functioning by advancing in various stages of treatment;
* acknowledge that he or she is seeking VR services for assistance with employment and is committed to and demonstrates the actions to maintain sobriety; and
* be available to participate in the VR process for the purpose of acquiring or maintaining employment.

VR counselors must move a case forward if the customer is making progress in his or her recovery and demonstrates an ability to participate in VR services.

For additional information about eligibility criteria for specific conditions, refer to VRSM B-300: Determining Eligibility.

#### Counseling and Guidance

Early in the case, the VR counselor schedules regular contacts with the customer to provide guidance, including ongoing recovery and aftercare activities to prepare for engaging in employment. The VR counselor makes a schedule for verifying sobriety and customer participation in treatment. When considering the needs of the customer, the VR counselor must remain flexible regarding a customer's abstinence before the initiation of VR services.

A period of VR counseling and guidance under the IPE may be initiated to resolve disability adjustment issues and plan or refine services and strategies that support recovery and lead to employment. Documentation of counseling and guidance progress is required every 180 days at a minimum.

In comorbid cases when substance use disorders co-occur with serious and persistent mental illness, the VR counselor must address all diagnoses simultaneously.

#### Relapse

VR counselors must understand that relapse is considered a natural symptom of the disease; therefore, it is incumbent upon the VR counselor to remain actively engaged with the customer to assist with recovery if a relapse occurs.

Temporary episodic setbacks or relapses are evaluated on an individual basis in terms of the continuing rehabilitation plan. If the VR counselor determines that the customer has relapsed due to substance use after eligibility is determined, the VR counselor helps the customer reengage with his or her treatment or aftercare program.

Triggers are external events that cause an intense and emotional reaction. The VR counselor must help the customer identify triggers and develop strategies to help the customer succeed with his or her current IPE. Triggers are identified by asking questions about situations or events that led up to the customer's most recent relapse episode.

In the event of a relapse through counseling and guidance, the VR counselor:

* ensures that the customer contacts his or her sponsor, if applicable (most programs have an accountable individual working with the customer);
* helps the customer identify triggers (such as family, environment, and life situations) that cause relapse; and
* helps the customer create a plan that identifies what the customer will do when triggers occur.

For detailed information about working with individuals with substance use disorders, refer to the Counselor Desk Reference (CDR) Chapter B14: Substance-Related and Addictive Disorders.

### C-806-2: Substance Use Disorders Services and Limits

VR may provide Substance Use Disorders Services, including, but not limited to, the following:

* Therapeutic residential treatment (see VRSM C-808: Supportive Residential Services)
* Brief cognitive counseling sessions (see VRSM C-703-26: Rehabilitative Therapies)
* Psychological services (see VRSM C-804: Psychological Services)
* Licensed Practical Counseling (see VRSM C-804-2: Psychological Services Limits)

#### Detoxification

Detoxification (detox) is a process used to assist the recovering individual through the acute effects of the substance he or she was using. This usually consists of hospitalization, medication, and nutritional assistance.

VR does not pay for detoxification services.

#### Methadone Treatment

Methadone treatment uses daily doses of methadone to replace the drug in order to prevent withdrawal symptoms and relapse. This is usually performed at medically supervised clinics. Methadone treatment does not include AA or NA practices.

VR does not pay for methadone treatment or related services.

### C-806-3: Documentation of Sobriety

VR counselors must look at a case in its entirety and assess documentation that supports a customer’s progress and his or her evidence of commitment to recovery. The VR counselor must regularly evaluate the customer's case to assess whether an individual needs additional supports to be successful with his or her IPE.

#### Treatment or Supports to Maintain Sobriety

One of the following must be verifiable and provided by the customer to the VR counselor to ensure that the customer is actively participating in treatment and/or receiving support to maintain sobriety:

* AA and/or NA logs and a supporting letter from the customer's AA or NA sponsor
* Records from licensed treatment sources
* Information from a probation or parole officer
* Drug test results from testing performed within 30 days

When a customer participates in a treatment or support program that is not provided by VR Substance Use Disorders Services, the VR counselor may consult with the State Office Program Specialist for Veterans and Behavioral Health to ensure that documentation exists to show that the customer continues to make progress toward sobriety and employment.

The VR counselor may request that the customer submit to a clinical drug test if sobriety is unable to be documented.

VR counselors may use urine and blood screenings to verify a customer's sobriety and eligibility for VR services. VR does not pay for hair follicle drug screenings.

VR counselors must be aware of the psychological, behavioral, and physical signs of drug use. Signs that would warrant a drug screening include, but are not limited to:

* Psychological signs
  + Unexplained changes in personality or attitude
  + Sudden mood changes, irritability, anger outbursts, or inappropriate laughing
  + Paranoia
* Behavioral Signs
  + Poor attendance at or chronic tardiness for work
  + Decline in performance/productivity
  + Acting isolated, withdrawn, or secretive
* Physical signs
  + Dilated pupils or bloodshot eyes
  + Tremors
  + Fidgeting/inability to sit still
  + Drastic change in appearance, such as inappropriate clothing and grooming

## C-807: Dual Diagnosis

The term "dual diagnosis" is often used interchangeably with the terms comorbidity, co-occurring illnesses, concurrent disorders, comorbid disorders, co-occurring disorder, or dual disorder. It is used to describe the condition of an individual who is diagnosed with both a psychological disorder and a substance use disorder.

### C-807-1: Treatment for Dual Diagnosis

When an individual has been clinically diagnosed with dual diagnosis, effective treatment involves addressing both the substance use disorder and the psychological disorder. Treatment that only one condition or the other (rather than both) has been found to be less effective than integrated treatment of both types of disorders at the same time in the same setting. Therefore, integrated treatment is suggested to improve outcomes for both disorders, which should also lead to the chances of a better employment outcome for individuals with comorbid disorders.

The Substance Abuse and Mental Health Services Administration (SAMHSA) identifies the following evidence-based practices for treating individuals with co-occurring disorders. More information about these practices can be found on the SAMHSA website.

* [Illness Management and Recovery](https://store.samhsa.gov/product/Illness-Management-and-Recovery-Evidence-Based-Practices-EBP-KIT/SMA09-4462)
* [Integrated Treatment](https://store.samhsa.gov/product/Integrated-Treatment-for-Co-Occurring-Disorders-Evidence-Based-Practices-EBP-KIT/SMA08-4366)
* [Assertive Community Treatment](https://store.samhsa.gov/product/Assertive-Community-Treatment-ACT-Evidence-Based-Practices-EBP-KIT/SMA08-4344)
* [Supported Employment](https://store.samhsa.gov/product/Supported-Employment-Evidence-Based-Practices-EBP-Kit/SMA08-4364)
* [Family Psycho-Education](https://store.samhsa.gov/product/Family-Psychoeducation-Evidence-Based-Practices-EBP-KIT/SMA09-4422)

## C-808: Supportive Residential Services

The goal of Supportive Residential Services (sometime referred to as halfway house services) is to assist customers who are in recovery to maintain stability, control, and abstinence from use of substances so they can gain competitive integrated employment. This contracted service is intended to provide a supervised, stable living environment, with additional supports to assist the customer in pursuit of a successful competitive integrated employment outcome in a timely manner. See VR Standards for Providers (VR-SFP) Chapter 11: Supportive Residential Services for Persons in Recovery for additional details and provider specifications.

If an individual is currently in a Supportive Residential Service facility and is seeking services from VR, they must fully comply with the facilities policies and procedures. The customer also must meet, and continue to meet, the substance use disorder eligibility requirements for VR. For more information, refer to VRSM C-806-1: Substance Use Disorder and Eligibility for VR Services.

### C-808-1: Substance Classifications

VR only supports customers with substance use related to the following classifications:

* Alcohol—Usually composed of ethanol or ethyl liquid that when ingested acts as a psychoactive drug that acts as a depressant on the central nervous system (Caron 2016)
* Cannabis—Dried flowering tops of cannabis sativa plant. Smoked or ingested to induce psychotomimetic effects to the central nervous system, usually goes under the name "marijuana"
* Hallucinogens—Plant or synthetic compounds capable of causing functional disturbances in the form of psychoses, mainly hallucinations
* Inhalants—Chemical vapors that are inhaled for delusional effects on the central nervous system
* Phencyclidine—Intravenous antiseptic that causes delusions and hallucinations, usually goes under the name "PCP" or "angel dust"
* Opioids—A pain-attenuating peptide, synthetic or natural, that triggers the brain to release analgesia
* Sedatives—Usually a combination of drugs used to calm or relax patients
* Stimulants—A drug or other substance used to accelerate or excite the central nervous system

Drug classifications that do not qualify for rehabilitation services:

* Caffeine—A stimulant made of a crystalline compound that affects the central nervous system (Farlex)
* Tobacco—Prepared leaves of certain plants; some having narcotic properties, used for chewing, smoking, or sniffing

Note: Supportive Residential Services are NOT intended to serve as a medical detox. For additional information regarding VR-sponsored medical services, refer to VRSM C-700: Medical Services.

### C-808-2: Description of Supportive Residential Services

Supportive Residential Services may include the following:

* Personal social adjustment training—can assist with changing behaviors that have led to relapse and can reinforce participation in recovery treatment
* Room, board, and supervised living—allows the individual recently in recovery to have a supervised environment in which to maintain sobriety while also saving money earned on a job to obtain a new residence
* Coping skills—help the individual in recovery learn to deal with work and social difficulties without drugs or alcohol
* Connecting with local resources—helps the individual become connected with medical and treatment programs to enable continued stability after leaving the halfway house and after VR services are completed
* Seeking employment—can assist the individual in recovery by providing:
  + job leads;
  + job seeking skills training;
  + job-interviewing skills training;
  + résumé development; and
  + job placement services.

### C-808-3: Supportive Residential Service Referrals

Refer to VR-SFP Chapter 11: Supportive Residential Services for Persons in Recovery, 11.4.2 Process and Procedure for more information about required processes and procedures to refer an eligible VR customer to Supportive Residential Services.

### C-808-4: Supportive Residential Services Limits

VR does not sponsor Supportive Residential Services until:

* after the customer has been determined eligible for VR services; and
* the service is included on the customer's IPE or IPE amendment.

VR may purchase up to 90 days of residential treatment, in 30-day increments, when the customer demonstrates progress toward established goals and objectives as outlined in the treatment plan and Form VR3384, Supportive Residential Services Progress Report.

The customer must participate in a recovery program, abide by residential rules, and be actively working toward mastering work-readiness skills or obtaining competitive integrated employment for additional time to be approved.

If there is a need for VR-sponsored residential services for more than 90 days:

1. the VR Supervisor's review and approval is required in 30-day increments for continued sponsorship to ensure that the customer is continuing to make measurable, predefined progress toward established goals and objectives; and
2. Form VR3472, Contracted Service Modification Request must be submitted and approved prior to services being authorized.

For additional information, see VRSM D-210-4: Completing VR3472, Contracted Service Modification Request.

### C-808-5: Standards for Supportive Residential Services

For more information about specific standards for providers of Supportive Residential Services, including staff qualifications, facility requirements, program requirements, and fees, refer to VR-SFP Chapter 11: Supportive Residential Services for Persons in Recovery.

# Vocational Rehabilitation Services Manual C-900: Intensive Work Preparation and Life Skills Training

## Introduction

Intensive Work Preparation and Life Skills Training (IWPLST) is designed to assist in developing practical life skills to increase a customer's social capacity and prepare for the transition to work and independence. Customers receive structured and nonstructured therapeutic intervention each day while participating in the service.

IWPLST includes Life Skills Training, Work Readiness Training, Work Experience, Therapeutic Structure Activities, Community Integration, and Behavior Plans.

IWPLST is geared toward individuals with disabilities, including anxiety disorders, autism, intellectual and developmental disabilities (IDD), learning disabilities, major depression, mood or thought disorders, schizophrenia, or brain injury.

IWPLST is a contracted service. For more information about this service and related provider requirements, refer to the Vocational Rehabilitation Standards for Providers Manual (VR-SFP) Chapter 23: Intensive Work Preparation and Life Skills Training.

## C-901: Legal Authority

Each facility must obtain and maintain a Texas Department of Aging and Disability Services Assisted Living Facility License. For more information, see <https://www.hhs.texas.gov/providers/long-term-care-providers/assisted-living-facilities-alf/how-become-alf-provider>.

Facilities must be compliant with all rules, laws, codes, and ordinances outlined in:

* [Texas Administrative Code, Title 40, Part 1, Chapter 46: Contracting to Provide Assisted Living and Residential Care Services](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=46);
* [Texas Administrative Code, Title 40, Part 1, Chapter 49: Contracting for Community Care Services](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=49); and
* [Texas Administrative Code, Title 40, Part 1, Chapter 92: Licensing Standards for Assisted Living Facilities](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=1&ch=92).

## C-902: Training Programs Offered

The IWPLST program includes the following services, each defined in the VR-SFP:

|  |  |
| --- | --- |
| **Service** | **References in the VR-SFP** |
| Orientation and Assessment | * 23.4.1: Service Description * 23.8: Fee Table–Assessment Week |
| Structured Interventions | * 23.5.1: Life Skills Training * 23.5.2: Work Readiness Training * 23.5.3: Therapeutic Structure Activities * 23.5.4: Community Integration * 23.5.5: Behavior Management * 23.8: Fee Table–Daily Residential and Structured Intervention day rate |
| Caregiver Support Training | * 23.6: Caregiver Support Training * 23.8: Fee Table–Caregiver Support Training |

## C-903: Pre-Application Considerations

To be referred to IWPLST, the customer must have completed the Berkman Assessment and a psychological evaluation within the last five years or sooner, if the customer's circumstances have significantly changed.

### C-903-1: Who Can Be Referred?

Eligible customers include those who:

* are referred by a VR staff member;
* have a diagnosis of anxiety disorders, autism, IDD, learning disabilities, major depression, mood or thought disorders, schizophrenia, brain injury, and/or visual impairment;
* have a permanent residence (placement at a facility for IWPLST cannot be used as a permanent residence, which is a "normal living expense" not covered by VR);
* can move about independently or with personal attendant services;
* can travel approximately one-and-a-half miles per day (walking or traveling with the aid of an assistive device or wheelchair is acceptable);
* can perform daily personal care (such as toileting, hygiene, dressing, and feeding) independently or with personal attendant services;
* are willing and able to attend scheduled classes;
* can control their own behavior (not injurious to self or others, nondestructive of property);
* can evacuate a building with or without assistance once oriented;
* have stable health; and
* can independently manage health and medication.

## C-904: Individualized Plan for Employment Requirements

IWPLST services must be included on the individualized plan for employment (IPE).

Contact between the customer and the VR counselor must be maintained every two weeks.

Staffing with the customer, the case manager, and the VR counselor must occur every 28 days.

No more than three months of service for IWPLST can be listed on the IPE or on an IPE Amendment. For each additional three-month period, manager review and approval is required and an IPE Amendment must be completed.

## C-905: Admissions Process

The process for admission to IWPLST is as follows:

* VR staff sends a referral (using Form VR3386, Intensive Work Preparation and Life Skills Training Referral) service authorization. Documentation that will prepare the contractor to work with the customer, such as medical or psychological reports, school records, and Birkman results, accompany the referral.
* The IWPLST provider conducts the assessments within the first seven days of the admission.
* The IWPLST case manager contacts the customer's VR counselor and reviews the assessment results and recommendations.
* If the assessment does not recommend attendance in the IWPLST program, the case manager and the VR counselor inform the customer and his or her legally authorized representative of the results. The VR counselor works with the customer to identify and set up future services.
* If the assessment recommends IWPLST, upon completion of the seven-day assessment period, the IWPLST interdisciplinary team drafts the Form VR3391, IWPLST Staffing Report.
* The customer's VR employment goal and discharge status are identified. When the customer's discharge plan is to return home with family, the Form VR3391, IWPLST Staffing Report and Form VR3390, IWPLST Family and Caregiver Support Training Plan must be completed.
* Form VR3387, Intensive Work Preparation and Life Skills Training Inventory (PDF), is completed at the entrance and at the conclusion of the customer's participation in IWPLST so that entrance and exit scores can be compared.

For more information, see VR-SFP Chapter 23: Intensive Work Preparation and Life Skills Training.

### C-905-1 Referral Packet Required Information:

* General physical information (or comparable documentation) from a medical professional within the past 12 months that includes TB test results within the past 12 months.
* Special circumstances information. If a customer meets one or more of the following criteria, he or she must also submit the information indicated below.

### C-905-2: Minors or Customers with Legal Guardians

If the customer is under age 18 or has a legal guardian, the VR counselor submits:

* legal guardianship papers (if applicable);
* Form VR2050, CCRC Parent or Guardian Consent Form; and
* Form VR2051, CCRC Medical Authorization Form.

### C-905-3: Probation or Parole

If the customer is on parole or probation, the VR counselor submits:

* the name, address, and phone number of the parole or probation officer; and
* court documents indicating conditions of parole or probation.

### C-905-4: Substance or Alcohol Abuse

If the customer has had a substance or alcohol issue at any time in the past, the VR counselor submits the Substance Use Contract found on the Substance Use Disorders Intranet page.

### C-905-5: HIV or AIDS

If the customer has an HIV or AIDS diagnosis, the VR counselor contacts the facility admissions coordinator before submitting any referral information to ensure protection of confidential information as mandated by federal law.

For additional information on protection of HIV information, see VRSM A-206-4: Release of Customer Records and Information.

### C-905-6: Mental Health or Behavioral Health Diagnosis

If the customer has a mental health diagnosis, the VR counselor submits a mental health stability statement from the customer's mental health provider stating that the customer:

* is stable;
* can manage his or her mental health issues independently; and
* can participate in an intensive rehabilitation training program.

### C-905-7: Customers without a Permanent Residence

If the customer does not have a permanent residence, the VR counselor submits written documentation from the residential provider or family member that includes:

* the customer's name;
* address;
* phone number; and
* a statement that the customer can return to this residence at any time.

### C-905-8: Criminal Background Checks for IWPLST

Participation in IWPLST requires that a criminal background check (CBC) be completed before referral to an IWPLST provider. The VR counselor completes the Form VR1510, Request for Computerized Criminal History (CCH) Search, and sends it to the regional point of contact before running the CBC. The CBC results are not to be released and must be stored following the procedures noted in VRSM B-405: Criminal Background Checks, Obtaining, Maintaining, and Releasing CBC Results.

## C-906: Intensive Work Preparation and Life Skills Training Program Details

See VR-SFP Chapter 23: Intensive Work Preparation and Life Skills Training for additional details and provider requirements for IWPLST.

IWPLST provides intensive and comprehensive short-term VR training for adults and youth transitioning to an adult program.

IWPLST includes:

* Life Skills Training,
* Work Readiness Training,
* Work Experience,
* Therapeutic Structure Activities,
* Community Integration, and
* Behavior Plans.

All customers participating in IWPLST must have a discharge plan. This will provide the foundation for customizing training to meet customers' unique post-discharge needs throughout their participation in IWPLST.

The discharge plan must identify:

* where the customer will live and work after completion of IWPLST;
* who will receive the Caregiver Support Discharge Training; and
* specific supports that will be necessary for maintaining the skills gained in IWPLST.

For a customer to be eligible and remain eligible for IWPLST, the customer must:

* not have a history of extreme violent or sexual criminal offenses;
* not abuse drugs or alcohol before or while participating in IWPLST;
* be able to engage in therapeutic activity during the assessment period and when participating in the residential program, for a minimum of 12 hours each day;
* have a discharge plan identified and available at the beginning of and throughout IWPLST;
* manage daily personal care, such as bathing and/or hygiene, dressing, and toileting;
* attend and participate in classroom instruction, as required;
* demonstrate measurable progress toward goals and/or objectives in the IPP.
* be able to transfer skills from the training environment to the discharge setting that is identified on the discharge plan;
* be willing to proactively set and reach goals for a successful program exit and long-term self-sufficiency; and
* have family or caregivers who actively participate in Caregiver Support Discharge Training when the customer's discharge plan is to return home to the family.

#### Orientation and Assessment

Before admission into IWPLST, the customer must complete the seven-day Orientation and Assessment at the IWPLST facility to determine the appropriateness of IWPLST for the customer.

Assessments include:

* Environmental Work Assessment (see VR-SFP Chapter 4: Employment Assessments, 4.5 Environmental Work Assessment);
* Vineland Adaptive Behavior Scales;
* Behavior Assessment System for Children (for customers ages 25 and younger);
* the Form VR3387, Intensive Work Preparation and Life Skills Training Inventory (PDF); and
* other assessments as deemed appropriate and necessary.

The assessment must identify the customer's life skills, social skills, community integration skills, vocational interests, barriers, strengths, motivators, and employment conditions. When IWPLST is deemed appropriate, the assessment results must identify goals, objectives, and interventions for the customer's IPP.

To be referred to IWPLST, the customer must have a:

* Birkman Assessment that was completed within the past 12 months; and
* psychological evaluation that was completed within the last five years.

If the customer's circumstances have significantly changed at any time since the completion of either assessment, the assessments must be repeated to provide current information.

The VR counselor completes Form VR3386, Intensive Work Preparation and Life Skills Training Referral (PDF), and a service authorization with any additional documentation that will assist the IWPLST program.

If the customer will be returning to live at the same location that he or she lived before participation in the program, the customer's caregivers will be expected to participate in monthly caregiver training to ensure that skills gained are not lost upon dismissal from the program. Form VR3390, IWPLST Family and Caregiver Support Training Plan will outline the intervention to be taught.

When a customer requires a Functional Behavioral Assessment (FBA) and/or a Behavior Intervention Plan (BIP), the VR counselor must monitor the customer plan and progress monthly, providing feedback as appropriate.

The IWPLST program presents a draft IPP, after the assessment for customers participating in the program. The IWPLST program presents the draft plan to the customer's team comprising the VR counselor, the case manager, other IWPLST staff members when appropriate, the customer, the customer's legally authorized representative, and any extended long-term support providers. In the meeting, the team reviews the plan and updates Form VR5163, Individualized Plan for Employment, indicating agreement with the plan.

The IWPLST interdisciplinary team routinely evaluates the customer's status and progress toward the IPP goals.

The case manager prepares Form VR3388, Intensive Work Preparation and Life Skills Training Program Plan and Monthly Report (PDF), 5 to 10 days before the end of the 28-day reporting period.

The case manager, the customer, the customer's legally authorized representative, and the VR counselor review the staffing report via either an in-person or teleconference meeting. The results of this meeting will determine whether VR will continue to authorize the customer in IWPLST or establish a discharge date before the end of the reporting period month.

When VR agrees to continue to authorize the customer in IWPLST, a service authorization for the upcoming month is issued before the last business day of the month.

Form VR3388, Intensive Work Preparation and Life Skills Training Program Plan and Monthly Report (PDF) is updated and submitted to the VR counselor no later than the fifth business day of the following month.

Form VR3387, Intensive Work Preparation and Life Skills Training Inventory (PDF) is completed at the conclusion of the customer's participation in IWPLST so that an entrance and exit score can be compared.

### C-906-1: Length of Intensive Work Preparation and Life Skills Training

The typical length of stay for residential services is three months. Attendance longer than three months requires approval from the VR manager. The customer must demonstrate progress toward goals to continue attendance in the program.

When a customer's circumstances indicate a length of stay longer than three months, the VR Supervisor must review the case each additional month the customer attends the program. A case note must be written by the VR manager that justifies the vocational need for the customer to continue in the program. This must be done before a service authorization is issued.

#### Absences from Residential Intensive Work Preparation and Life Skills Training

When a customer is absent from the program for any reason, no fees are to be paid.

#### Attendance Requirements

If the customer does not actively participate in the program and make significant progress toward goals established in the IPP, the customer will be discharged from the program.

## C-907: Vocational Rehabilitation Counselor Responsibilities

The VR counselor or his or her designee must attend the monthly staffing meeting via phone conference or in person to:

* obtain updates on the customer's progress toward the goals and objectives identified in the customer's IPP and IPP Monthly Report;
* make a determination if the customer requires:
  + another month of service from the IWPLST residential program;
  + transfer to the IWPLST nonresidential program; or
  + discharge from the IWPLST program;
* document the approval of the IWPLST program for each month in a ReHabWorks case note;
* ensure that the service authorization for the upcoming month is issued after the monthly staffing meeting in a timely manner and is not back-dated;
* review the IPP monthly updates, including the narrative report, before authorizing payment of invoice; and
* ensure that the customer is ready for entrance into the IWPLST residential program.

Note: If a service authorization for the upcoming month is not received by the IWPLST program by the end date of the current service authorization, IWPLST may stop services and discharge the customer.

# Vocational Rehabilitation Services Manual C-1000: Employment Services

## Introduction

Employment services are an essential part of a customer's individualized plan for employment (IPE). The employment services on a customer's IPE must be consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Employment services:

* train and prepare a customer for the job search;
* help customers gain positions that meet their individual needs; and
* assist customers with job skills training, when needed, to keep a job.

A customer's job placement must match the needs of the customer and the business. The customer's job placement must be in a work environment that is:

* integrated;
* competitive; and
* full-time or the most hours the customer can work.

In cases where, without a provider, a business hires a customer in a seasonal, temp-to-hire, or PRN position, the job is acceptable as long as the customer will be considered for continued employment after the probationary period ends.

For provider placements, Form VR3472, Contracted Service Modification Request, must be completed for seasonal employment placements. See the VR Standards for Providers (VR-SFP) 17.4.1 Bundled Job Placement Services Service Description and VR-SFP 18.1 Supported Employment Overview for more information.

## C-1001: Legal Authorization

Per Human Resources Code §91.002(2), someone who is "blind" is an individual having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Relevant excerpts from 34 CFR §361.48 Scope of Vocational Rehabilitation Services for Individuals with Disabilities:

"(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(19) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

(20) Customized employment in accordance with the definition of that term in §361.5(c) (11).

(21) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome."

(Authority: Sections 7(37), 12(c), 103(a), and 113 of the Rehabilitation Act of 1973, as amended; 29 USC §705(37), 709(c), 723(a), and 733)

## C-1002: Role of the Counselor

The primary role of a VR counselor in the provision of employment services is to ensure that customers reach their employment goals. The VR counselor arranges, purchases, and/or provides the employment services noted in the customer's IPE in a timely manner, and ensures that services meet both agency standards and customer needs.

The VR counselor also monitors a customer's progress and provides feedback, vocational counseling, guidance, and encouragement. If needed, the VR counselor recommends changes or adjustments to the IPE based on the customer's progress.

For more information about IPE amendments, refer to VRSM B-506: Joint Annual Reviews and IPE Amendments.

### C-1002-1: Frequency of Contact During Employment Services

Although a customer's IPE or IPE amendment may include purchased employment services through a provider, the VR staff remains actively involved with the provider and the customer throughout the customer's vocational rehabilitation.

It is a best practice that VR staff maintain monthly contact with the customer and the employment services provider (ESP). The VR staff documents these contacts and the customer's progress in case notes in ReHabWorks (RHW).

### C-1002-2: Employment Services Resources

The VR counselor ensures that the following resources are available to the customer:

#### Occupational, Vocational, and Technical Information

A VR counselor cultivates and maintains a variable collection of occupational, vocational, and technical materials, in addition to information about specific jobs, work sites and locations, occupational and rehabilitation engineering, local job opportunities, and current trends in rehabilitation engineering (job restructuring, modification, and technology).

#### Evaluation and Training

The VR counselor provides the customer with information and choices about evaluation and training. He or she explains what evaluation and training are available to the customer, in addition to explaining why and how each evaluation and/or training might benefit the customer.

Evaluation and training services include vocational evaluation, employment assessment services, work readiness services, vocational rehabilitation teacher (VRT) services, orientation and mobility services (blind services), assistive technology training, disability specific training (diabetes education), hard skills training, and soft skills training. Sources for evaluation, assessment, and training include Workforce Solutions Offices, ESPs, community rehabilitation providers, community colleges, and apprenticeship programs (labor union shops).

VR-SFP Chapter 4: Employment Assessments includes information on the following employment-related assessment services:

* Vocational Evaluation;
* Situational Assessments and Work Samples;
* Environmental Work Assessment; and
* Career Planning Assessment.

#### Community Resources

The VR counselor develops and maintains effective working relationships with agencies and organizations within the community that offer support services to customers seeking employment, including the following:

* Texas Health and Human Services Commission
* Texas Department of State Health Services
* Lighthouses for the Blind
* Independent living centers
* Goodwill Industries
* College and university placement offices
* Organizations serving senior citizens
* Veterans Administration
* Unions
* Civic clubs, such as Lions Clubs, Kiwanis, Elks

#### Employment Assistance Specialist Services

Employment Assistance Specialist (EAS) services include assistance to a specific business and customer, technical support for accommodations, and evaluation for a customer seeking assistive technology.

For more information on EAS services, see VRSM C-1008: Employment Assistance Specialist Services.

For more information on referring customers to EAS services, see VRSM C-1002-3: Referral to Employment Assistance Specialist Services.

#### Vocational Rehabilitation Teacher Services

As needed, the VR counselor serving a customer who is blind or visually impaired recommends VRT services to assess the customer's independent and employment lifestyle skills, and to provide blindness skills training. VRTs provide training in the customer's home or workplace, for example, marking appliances, labeling items in braille or large print, and other strategies to support basic living skills.

For more information on VRT training services, see VRSM C-424: Vocational Rehabilitation Teacher.

For more information on referring customers to VRT services, see VRSM C-1002-4: Referral to Vocational Rehabilitation Teacher Services.

#### Counselor-Directed Placement Services

In counselor-directed placement, the VR counselor coordinates the job placement process utilizing services and supports that are arranged for or provided directly to the customer. These services may be provided by the VR counselor or by other VR staff.

Counselor-directed placement services are appropriate for customers who demonstrate the following characteristics:

* Receptive to VR counseling and guidance
* Effective communication skills
* Self-initiative to follow through on tasks independently
* Requests assistance or direction as needed
* Independently uses time management techniques to achieve steps and goals related to attainment of employment
* Problem-solving skills to address issues related to employment and disability management
* Participates independently in job clubs or classes to prepare for employment, such as classes on developing a résumé and other skills needed for job search and employment
* Appropriate grooming and attire for job search and employment.

In counselor-directed placement services, the VR counselor ensures the customer receives as much assistance as the customer needs to reach their IPE employment goal. Areas that may be addressed by VR counselors and other VR staff, as qualified, as part of counselor-directed placement services include:

* collection of employment and education data,
* identification of transferable skills,
* identification of employment barriers,
* completion of job applications,
* development of resumes, references, and cover letters
* interview preparation,
* job search,
* job placement,
* pre-employment testing,
* salary and position negotiation,
* acceptance of job offers,
* worksite accommodations, and
* disability disclosure.

Roles of VR staff in counselor-directed placement services include:

* Acting as a mentor and coach to develop the customer's skills in finding, obtaining, and keeping a job;
* Monitoring the customer's job search progress;
* Coordinating with the Business Relations Team to support the customer in competing in the labor market;
* Facilitating job clubs or providing resources for classes at Workforce Solutions Offices or other community locations to help customers obtain competitive integrated employment;
* Contacting prospective employers to identify and develop job opportunities for the customer;
* Conducting job searches by using the Texas Workforce Commission's (TWC) WorkInTexas.com and other job listings that are available; and/or
* Sharing job leads with the customer.

When necessary, the VR counselor can purchase Non-Bundled Job Placement Services for completion of an employment data sheet, job application, and résumé training or for interview training. To purchase Non-Bundled Job Placement Services as part of counselor-directed placement services, the VR counselor

* completes the Form VR1840, Job Placement Services Referral;
* identifies the specific service(s) being requested from the provider;
* attaches any information necessary for the provider to work effectively with the customer;
* sends a service authorization to the provider; and
* ensures that all outcomes required for payment of the service have been achieved prior to approval of the report and payment of the invoice.

### C-1002-3: Referral to Employment Assistance Specialist Services

EAS staff serve customers who have a primary disability of vision loss. A VR counselor refers a customer for EAS services by creating a service record in RHW and delegating the service to an EAS. VR counselors must contact EAS staff for an initial consult before referring a customer for an assistive technology evaluation. An EAS contact is required for the following:

* Vocational or academic customer issues—the VR counselor contacts EAS staff regarding training or assistive technology that might assist with a customer's employment goal.
* Business contacts—the VR counselor contacts EAS staff regarding scheduling business contacts, site tours, assistance with a job analysis, job accommodations, technical information or updates, job retention and restructuring, or environmental assessments.
* Assistive technology—the VR counselor contacts EAS staff regarding any issue relating to assistive technology or applications of technology.

For more information see VRSM C-1008: Employment Assistance Specialist Services.

### C-1002-4: Referral to Vocational Rehabilitation Teacher Services

VRT services require coordination with the customer's VR counselor through all phases of the rehabilitation process, particularly during the eligibility and comprehensive assessment phases.

The VRT and the VR counselor work together to:

* develop a team approach for services with each customer;
* exchange frequent and regular communication during the provision of VRT services; and
* ensure that comprehensive VRT services are provided in a timely manner.

The VR counselor refers a customer to the VRT by creating a service record in RHW. The VRT accepts the service record by updating it from "Requested" to "Assessment" status in RHW after the first contact has been made with the customer by phone or in person.

Adult customers anticipating surgery or treatment expected to improve their vision above legal blindness should not be referred to a VRT unless the customer demonstrates an urgent need before surgery. The VR counselor must consider the VRT's availability before making a referral.

For more information, see VRSM C-424: Vocational Rehabilitation Teacher.

## C-1003: Role of the Customer

The role of the customer in the VR process is to consider information and make informed choices about services that the customer believes will help him or her achieve a successful employment outcome. Customers should be actively involved in developing an IPE with the help of a VR counselor.

Customers must:

* attend meetings with the VR counselor and other staff members;
* attend scheduled appointments with service providers and prospective employers;
* communicate issues to the VR counselor and participate in problem solving;
* make and implement decisions;
* identify needed resources; and
* expect to work in a competitive integrated employment situation that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

## C-1004: Role of the Employment Services Provider

ESPs must have a bilateral contract with TWC. All ESPs must provide services as defined in the VR Standards for Providers (VR-SFP) manual and meet all required outcomes for payment. ESP staff must meet the qualifications described in the VR-SFP.

ESP services use instructional approaches that meet each customer's educational and disability needs. When the VR-SFP requires attendance records, VR staff can request to view the records at any time.

When customers are referred to an ESP, the customer must receive orientation to the contractor's services, roles, responsibilities, expectations, policies, and procedures.

ESP staff coordinates with the customer's VR counselor to ensure that all verbal and written communications between the contractor and the customer are conducted in the customer's preferred language.

VR staff must review the VR-SFP manual to familiarize themselves with ESP responsibilities, service definitions, and the outcomes required before payment can be made for an invoiced service.

For more information on the role and required qualifications of ESPs, see VR-SFP Chapter 17: Basic Employment Services, 17.2 Staff Qualifications and Training.

## C-1005: Noncontracted Providers

### C-1005-1: Nontraditional Provider

A nontraditional provider is an individual who does not have a bilateral contract and who can help a customer achieve an employment goal. Nontraditional providers are available for services such as Job Skills Training, Work Experience Services, Vocational Adjustment Training and Bundled Job Placement.

#### Using a Nontraditional Provider

A nontraditional provider can be used when:

* the customer needs to learn skills for a job or Work Experience Services that a traditional bilateral contract provider does not have, such as welding, use of commercial construction equipment, or use of medical equipment; or
* the services are needed in an area with no available approved and credentialed providers.

The fees for nontraditional providers are listed throughout this chapter and in VRSM C-400: Training Services.

Refer to the VR-SFP sections on Service Description/Scope, Procedures, and Outcomes Required for Payment.

Note: VR-SFP sections on Staff Qualifications and Purchasing Fees do not apply to nontraditional providers.

#### Setting Up a Nontraditional Provider

The steps to set up a nontraditional provider as a vendor are as follows:

Step 1: VR staff must explain the following to a potential nontraditional provider:

* Customer confidentiality requirements
* Nondisclosure of information requirements
* Ethical requirements and considerations
* Expectations of the services that nontraditional providers provide

Step 2: If the individual agrees, the VR staff member follows the procedures in VRSM D-200: Purchasing Goods and Services on linking a vendor. Field staff collects all information necessary to establish the nontraditional provider and submits the information to the regional quality assurance specialist.

Step 3: The regional quality assurance specialist, or designee, must approve the nontraditional provider and must:

* maintain a file on the nontraditional provider that contains all required documents;
* review all submitted documents to ensure they meet the requirements for a nontraditional provider; and
* send an email containing the RHW specifications that Provider Services needs to link the nontraditional provider as a vendor.

The regional quality assurance specialist or designee must contact Provider Services each time the link specification needs to be turned on or off to issue, replace, or update a service authorization.

Step 4: Field staff requests Service Record Approval via email. The regional quality assurance specialist or designee approves or denies in RHW and sends a courtesy email to field staff. This is to ensure that a nontraditional provider serves no more than five customers.

Step 5: The regional quality assurance specialist monitors the number of customers the nontraditional provider serves for each service. After a nontraditional provider serves five customers for any service, the nontraditional provider is permanently delinked from RHW for that service.

Nontraditional providers are only permitted to work with five VR customers before they are required to become bilateral contract providers.

When working with nontraditional providers, the sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 17: Basic Employment Services must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 17 do not apply. Refer to VRSM C-1005: Noncontracted Providers for this information.

### C-1005-2: Transition Educator Provider

A transition educator provider is an individual who is not a provider with a bilateral contract and:

* has a master's degree or a bachelor's degree in rehabilitation, psychology, education, or related field (includes being a certified Texas Educator); and
* is currently or has been an employee of a school system, a Texas Education Service Center, a college, or a university within the past fiscal year.

#### Using a Transition Educator Provider

Transition educator providers must be approved annually to ensure that they continue to meet qualifications.

Transition educator providers are available for services such as Vocational Adjustment Training, Bundled Job Placement, Vocational Adjustment Training Work Experience Services, and Job Skills Training. A transition educator provider may be used when:

* the services are needed in an area with few or no approved and credentialed providers; or
* the customer has received services from a teacher in the school system and the teacher has agreed to continue to provide work readiness or employment service for the customer when the school's work readiness or employment services are not available, for example, during summer break or after graduation.

The fees for transition educator providers, which are lower than fees for a provider with a bilateral contract, are listed throughout this chapter and in VRSM C- 400: Training Services. Refer to the VR-SFP sections on Service Description/Scope, Procedures, and Outcomes Required for Payment. Note: VR-SFP sections titled Staff Qualifications and Purchasing Fees do not apply to transition educator providers.

#### Setting Up a Transition Educator Provider

The steps to set up a transition educator provider as a vendor are as follows:

Step 1: VR staff members must explain the following to the potential transition educator provider:

* Customer confidentiality requirements
* Nondisclosure of information requirements
* Ethical requirements and considerations
* Expectations of the services that transition educator providers provide

Step 2: If the individual agrees to become a transition educator provider, VR staff must collect and submit the following to the regional quality assurance specialist or designee:

* Copy of the transition educator provider's transcripts, which indicates a master's degree or a bachelor's degree in rehabilitation, psychology, education, or related field
* Proof that the transition educator is currently or has been an employee of a school system, a Texas Education Service Center, a college, or a university within the past fiscal year

Follow the procedures in VRSM D-200: Purchasing Goods and Services on how to link a vendor.

A transition educator provider must provide proof of employment at a school system, a Texas Education Service Center, a college, or a university annually.

Step 3: The regional quality assurance specialist or designee must approve the transition educator provider using the following procedures:

* Maintain a file on the transition educator provider that contains all required documents
* Review all submitted documents to ensure they meet the requirements for a transition educator provider
* Send an email containing the RHW specifications that Provider Services needs to link the transition educator provider as a vendor

Step 4: The regional quality assurance specialist or designee requests that the transition educator provider be delinked from RHW at the time designated as the end of year, or collects proof that the transition educator provider is or has been an employee of a school system, a Texas Education Service Center, a college, or a university within the current or past fiscal year.

When working with transition educators, the sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 17: Basic Employment Services must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 17 do not apply. Refer to VRSM C-1005: Noncontracted Providers for this information.

## C-1006: Work Readiness Services

Work Readiness Services can be purchased when a customer needs more assistance than VR staff members can provide directly. Work Readiness Services support customers in achieving an individualized level of work readiness as related to disability issues, interpersonal skills training, daily living skills, and issues that interfere with participation in obtaining or maintaining employment. Work Readiness Services allow a customer to develop the competencies and essential skills necessary to be successful on the job and in the community. It is expected that customers will be job ready when they complete Work Readiness services.

For more information on Work Readiness, see VRSM C-421: Work Readiness and VR-SFP Chapter 13: Work Readiness Services.

For more information about Job Readiness, see VRSM A-406-5: Job Readiness.

For information on employment services for individuals with a most significant disability, see VRSM C-1200: Supported Employment Services.

## C-1007: Job Placement Services

### C-1007-1: Non-Bundled Job Placement Services

Non-Bundled Job Placement services include training on the employment data sheet, application, and résumé. These services are purchased when a customer does not need assistance from a provider to be placed in a job. A customer can receive one or more of the Non-Bundled Job Placement services. Non-Bundled Job Placement services should not be bought when Bundled Job Placement services or Supported Employment services will be purchased. These services may be provided remotely when the VR counselor has indicated approval of remote service delivery on the Form VR5000, Referral for Provider Services. For more information, refer to VR Standards for Providers (VR-SFP) 3.4.8 Remote Service Delivery.

See VR-SFP 17.3 Non-Bundled Job Placement Services, for more information, including outcomes for payment and fees.

The following premiums are available for Non-Bundled Job Placement. Refer to the links below for additional information:

* VR-SFP 20.3 Autism Premium;
* VR-SFP 20.11 Blind Premium;
* VR-SFP 20.5 Deaf Service Premium; and
* VR-SFP 20.6 Mileage Premium.

The service authorization for a premium is issued at the same time the non-bundled service authorization is issued.

The VR counselor:

* completes the Form VR5000, Referral for Provider Services, and attaches medical or psychological reports, case notes, vocational testing, or employment data collected by VR staff that will assist the provider to work with the customer;
* indicates on the Form VR5000, Referral for Provider Services, when the services may be provided remotely, or in a setting where the trainer and customer are in the same location, or using a combination of methods;
* ensures that the service authorization for a Non-Bundled Job Placement service is issued;
* monitors the customer's progress with both the customer and the service provider;
* provides any instruction or intervention necessary to foster the success of the customer;
* reviews and approves the Form VR1841, Non-Bundled Job Placement Services Data Sheet, Application, and Résumé Training form or equivalent documentation, and/or the Form VR1842, Non-Bundled Job Placement Services Interview Training Report, ensuring that all outcomes required for payment are achieved and that the individual providing the service to the customer held all required staff qualifications; and
* ensures that the invoice is paid.

For students or youth with disabilities, Non-Bundled Job Placement services can be purchased after VAT Preparing for a Job Search Training has been previously purchased, when the student’s or youth’s circumstances indicate a need for additional training to achieve their IPE goals.

Nontraditional providers and transition educator providers can be used when all requirements outlined in VRSM C-1005: Noncontracted Providers have been met.

When working with nontraditional providers and transition educator providers, the VR sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 17: Basic Employment Services must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 17 do not apply. Refer to VRSM C-1005: Noncontracted Providers for this information.

### C-1007-2: Bundled Job Placement Services

VR counselors can purchase Bundled Job Placement services from contracted providers if the VR counselor believes that the customer is going to need more assistance than VR staff can provide to achieve the customer's employment goal. If any Non-Bundled Job Placement service (such as Employment Data Sheet, Application and Résumé Training, or interview training) has been purchased, the Bundled Job Placement services purchased from an ESP must be reduced.

When a customer's circumstances indicate that Bundled Employment Services need to be purchased after Non-Bundled Job Placement Services have been provided, a reduction of payment will be applied to the fee of the Bundled Employment Service, except for students or youth with disabilities.

The customer must work 90 days in the same position. If a customer loses a job before the 90-day benchmark, the customer's progression towards completion of the benchmark ends. When the customer becomes employed again, the day count will start at day 1 for the new position.

The 90-day count for successful closure will start over anytime a customer:

* Loses their job;
* Changes employers;
* Changes positions with same employer;
* Receives a promotion; or
* Quits their job voluntarily.

Each benchmark should only be paid once for each customer between Active Status (customer has an IPE) and Closure Status of a VR case. On a case-by-case basis, it may be necessary to purchase benchmark(s) more than once. When the VR counselor determines a customer needs the supports of a job placement provider for an additional placement, the VR counselor must consult with the VR supervisor for approval. Before obtaining VR supervisor approval, the VR counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the service.

See VR-SFP Chapter 17: Basic Employment Services, 17.4 Bundled Job Placement Services, for more information, including outcomes for payment and fees.

The following premiums are available for Bundled Job Placement. Refer to the following Standards for Providers chapters for additional information:

* VR-SFP 20.3 Autism Premium;
* VR-SFP 20.11 Blind Premium;
* VR-SFP 20.4 Criminal Background Premium;
* VR-SFP 20.5 Deaf Service Premium;
* VR-SFP 20.6 Mileage Premium;
* VR-SFP 20.7 Professional Placement Premium; and
* VR-SFP 20.8 Wage Premium.

Any planning meeting related to the placement plan between the customer, provider, customer’s circle of supports, and VR staff may be conducted remotely. Refer to VR-SFP 3.4.8 Remote Service Delivery for additional information.

The Form VR1845B, Bundled Job Placement Services Plan Part B should indicate if a customer’s case is eligible for a premium. The service authorization for a premium must be issued with the Bundled Job Placement—Benchmark A service authorization and the service authorization remains open until the achievement of Bundled Job Placement—Benchmark C.

The VR counselor:

* completes Form VR5000, Referral for Provider Services, and attaches medical or psychological reports, case notes, vocational testing, or employment data collected by VR staff that will assist the provider to work with the customer;
* schedules the job placement meeting with the customer and the provider;
* completes the Form VR1845A, Bundled Job Placement Services Placement Plan Part A and the Form VR1845B, Bundled Job Placement Services Plan Part B and Status Report electronically through discussion with the ESP and the customer to identify:
  + whether the customer will receive Basic or Enhanced Bundled Job Placement services (through completion of the Support Needs Assessment);
  + the customer's negotiable and nonnegotiable employment conditions;
  + skills, abilities, experience, training, and education that relate to the training and job to be obtained;
  + measurable employment goals using the six-digit Standard Occupational Classification (SOC) system codes; and
  + any premium services the ESP may be authorized to receive upon completion of Benchmark C.
* indicates on the Form VR1845B or service authorization when the services can be provided in person at or away from job site, remotely, or combination, in person and remotely. Note: TWC-VR does not allow use of non-video telecommunication (phone) or text messages to customers to conduct visits. It is best practice to conduct the in-person visits at the customer's job site, unless there are restrictions that prevent the Job Placement Specialist from entering the job site;
* indicates for Benchmarks B and C on the Form VR1845B or service authorization whether the visits can be done in person and/or remotely at or away from the customer’s job site;
* prints both forms for required signatures from the VR counselor, job placement specialist, and the customer;
* ensures that VR staff will send the service authorization and electronically fillable forms to the job placement specialist so the forms can be completed with the updated status required for invoicing;
* monitors the customer's progress with both the customer and the ESP;
* provides any needed instruction or intervention necessary to foster the customer's success;
* refers to the Standards for Providers (SFP) 17.4 Bundled Job Placement Services for the service definition, process and procedures, and outcomes required for payment prior to approving any invoices for payment:
  + 17.4.2 Bundled Job Placement—Benchmark A,
  + 17.4.3 Bundled Job Placement—Benchmark B,
  + 17.4.4 Bundled Job Placement—Benchmark C; and
* ensures that the invoice is paid.

The customer must work 90 days in the same position.

When a customer is placed in a new position with the same or new employer, a new 90 day count of employment is required to complete Bundled Job Placement Services. Each Benchmark should only be purchased once for each customer.

When the VR counselor determines a customer needs the supports of a job placement provider for an additional placement, the VR counselor must consult with the VR supervisor for approval. Before obtaining VR supervisor approval, the VR counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the service.

See VR-SFP Chapter 17: Basic Employment Services, 17.4 Bundled Job Placement Services, for more information on the Service Description, Process and Procedures, Outcomes Required for Payment and Fee.

For more information on how to establish and set up nontraditional providers and transition educator providers, see VRSM C-1005: Noncontracted Providers.

Nontraditional providers and transition educator providers can be used when all requirements outlined in VRSM C-1005: Noncontracted Providers have been met.

When working with nontraditional providers and transition educator providers, the VR-sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 17: Basic Employment Services must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 17 do not apply. Refer to VRSM C-1005: Noncontracted Providers for this information.

#### Basic Job Placement Fees

The fee schedules for nontraditional provider Basic Job Placement services are:

* Benchmark A – 5th day of paid employment – $528.00
* Benchmark B – 45th day of paid employment – $264.00
* Benchmark C – 90th day of paid employment – $528.00

The fee schedules for transition educator provider Basic Job Placement services are:

* Benchmark A – 5th day of paid employment – $720.00
* Benchmark B – 45th day of paid employment – $360.00
* Benchmark C – 90th day of paid employment – $720.00

For more information on how to establish and set up nontraditional providers and transition educator providers, see VRSM C-1005: Noncontracted Providers.

### C-1007-3: Job Skills Training

VR purchases Job Skills Training when a customer needs more training and support than that provided by the employer. The employer, customer, Job Skills Trainer, and VR counselor are involved in the training plan and monitor the customer's performance. All Job Skills Training is goal-focused on and in-line with the customer's goals and abilities as documented on the Form VR3314, Job Skills Training Referral. Job Skills Training is limited to a total of 200 hours per customer for the life of a customer's current VR case.

Job skills training:

* teaches skills;
* reinforces skills; and
* develops or sets up accommodations and/or compensatory techniques to increase the customer's independence and ability to meet employer expectations.

The counselor, customer, provider, and the employer are all involved in the decision to allow remote Job Skills Training at a work site. The employer must agree to allow use of the technology, internet and/or devices to be used by the customer at the job site. The use of the technology, internet and/or devices should not exclude or stigmatize the customer. Remote Job Skills Training must be supplemented with in person Job Skills Training away from the job site.

Job Skills Training can be purchased for Extended Services for Youth with Disabilities when all other available resources for Extended Services, such as Medicaid Waiver Programs, natural supports, other public agencies, and/or private nonprofit organizations are not available for a customer. The goals for Job Skills Training must address the Extended Service needs of the customer. Before a Job Skills Trainer can provide Job Skills Training for Extended Services to a customer, a Form VR3472, Contracted Service Modification Request form must be approved by the VR Division Director. A new Form VR3472, must be approved by the Director of the VR Division for every 200 hours of Job Skills Training authorized for the customer.

VR must stop purchasing Job Skills Training for Extended Service when any of the following occur.

The customer:

* no longer needs Extended Services to maintain employment;
* can receive Extended Services from another resource(s);
* has receive Job Skills Training for a total period of four years;
* has reached the age of 25; or
* no longer meets the definition of a "youth with a disability."

Job Skills Training cannot be purchased for adult customers to provide Extended Services.

Refer to VRSM C-1202-3: Extended Services and to VR-SFP Chapter 17: Basic Employment Services, 17.5 Job Skills Training for additional information.

Refer to VR-SFP 17.5.1 Job Skills Training Service Description for details on how and when remote training may be purchased.

The VR counselor:

* completes Form VR3314, Job Skills Training Referral, and attaches medical or psychological reports, case notes, vocational testing, or employment data collected by VR staff to assist the provider to work with the customer;
* ensures Form VR3314 or service authorization comments indicate whether the training can be done as a combination of remote and in-person training for a customer or if the training should all be done in person;
* when applicable, ensures a Form VR3472, Contracted Service Modification Request form is approved by the VR Division Director to purchase Job Skills Training for Extended Services for “youth with disabilities”;
* identifies goals to be addressed with the customer on Form VR3314;
* ensures that VR staff sends the service authorization and Form VR3314 to the provider;
* monitors the customer's progress with both the customer and the service provider;
* when necessary, approves additional goals to be addressed with the customer and notes the approval in an RHW case note;
* when necessary, approves additional Job Skills Training hours;
* when applicable, continually evaluates the customer’s need for Extended Services and the availability resources other than VR to provide the Extended Services for a “youth with disabilities”;
* provides any needed instruction or intervention necessary to foster the customer's success;
* reviews and approves Form VR3315, Job Skills Training Progress Report, ensuring that all outcomes required for payment are achieved and that the individual providing the service to the customer held all the required qualifications; and
* ensures that the invoice is paid.

See VR-SFP Chapter 17: Basic Employment Services, 17.5 Job Skills Training for more information on Job Skills Training, for more information on the Service Description, Process and Procedures, Outcomes Required for Payment and Fee.

The following premiums are available for Job Skills Training. Refer to the referenced chapters in the Standards for Providers for additional information:

* VR-SFP 20.3 Autism Premium;
* VR-SFP 20.11 Blind Premium;
* VR-SFP 20.10 Brain Injury Premium;
* VR-SFP 20.5 Deaf Service Premium; and
* VR-SFP 20.6 Mileage Premium.

The service authorization for a premium is issued at the same time the Job Skills Training service authorization is issued.

#### Noncontracted Providers

Nontraditional providers and transition educator providers can be used to provide Job Skills Training when all requirements outlined in VRSM C-1005: Noncontracted Providers have been met.

When working with nontraditional providers and transition educator providers, the VR-sections titled Service Description, Process and Procedures, and Outcomes Required for Payment in VR-SFP Chapter 17: Basic Employment Services must be followed; however, the staff qualifications and purchasing fees outlined in the VR-SFP Chapter 17 do not apply.

Nontraditional providers and transition educator providers cannot be used for Job Skills Training for Extended Services.

Refer to VRSM C-1005: Noncontracted Providers for this information.

#### Fee Chart for Noncontracted Providers

|  |  |
| --- | --- |
| **Service** | **Fee** |
| Nontraditional Provider Job Skills Training-Individual | $22.00 per hour per customer |
| Transition Educator Provider Job Skills Training- Individual | $30.00 per hour per customer |
| Transition Educator Provider Job Skills Training-Group | up to $15.00 per hour per customer (no more than one trainer to four customers) |

For more information on how to establish and set up nontraditional providers and transition educator providers, see VRSM C-1005: Noncontracted Providers.

#### Creating a Service Record for Job Skills Training in ReHabWorks

A service record must be created with the following specifications for Job Skills Training services.

Service Records for Job Skills Training service:

* Level 1 – Employment Services and Assessments [87100]
* Level 2 – Job Skills Training Contract Required [87100-90910]
* Level 2 – Services from Transition Educator Q or RPSS approval required [87100-6066]
* Level 2 – Services from Non-Traditional Provider Q or RPSS approval required [87100-50544]

Choose the appropriate specifications for Level 3 and 4 based on the core service to be provided.

### C-1007-4: On-the-Job Training

On-the-job training (OJT) is a way to help individuals build skills and reestablish employment when they have limited skills, limited work history, and a history of unemployment, legal issues, or incarceration. OJT can be used as a hiring incentive with employers while helping customers to overcome employment barriers. The US Department of Labor offers the [Federal Bonding Program](https://bonds4jobs.com/), which can provide fidelity bonding for the first six months of employment for hard-to-place customers with a history of incarceration.

OJT is a service for which VR pays an employer to train a VR customer who has been hired as an employee of the business earning the same rate of pay and benefits as other individuals without disabilities hired into the same or similar position. The employer trains the customer in the skills necessary to perform both essential and nonessential job duties. The specifications of the training are established using the Form VR1609, On-the-Job Training Worksheet and entered into a "Service Authorization" in RHW.

OJT is:

* individualized to the customer's and the employer's needs;
* training for a VR customer who is hired as an employee of the business earning the same rate of pay and benefits as other individuals without disabilities hired into the same of similar position;
* when the customer meets the minimum requirements for a position, but requires formal and/or informal training activities at the employer's work site to acquire the skills necessary for a specific position or occupation; and
* a commitment from the employer to retain the customer as an employee after successful completion of the OJT, if the customer competently performs essential functions of the position or industry.

OJT is a substantial service, as defined in VRSM B-600: Closure. Time spent in OJT cannot be counted toward the 90 days of employment required for a successful closure. The start date of employment entered into RHW must be after the date of OJT completion.

#### Local Workforce Development Board Funding

On-the-job training (OJT) can also be funded through the Workforce Innovation and Opportunity Act (WIOA) if a customer is jointly served by VR and a Local Workforce Development Board (Board) that offers OJT programs. Using WIOA-funded OJT is a comparable benefit and should be documented as such in RHW. However, not all Boards in Texas offer OJT.

OJT opportunities may be developed using the same business development techniques used in regular job placement. OJT is a service that employers can access to offset any additional training costs they may incur from hiring a customer. For further information, see VRSM C-400: Training Services.

The length of OJT depends on the skills to be learned and the customer's learning ability. If the training is longer than three months, VR Supervisor approval is required and approval must be documented in RHW in a case note. The VR Supervisor will consider the following as possible justifications to increase the length of OJT so that a customer can secure successful long-term employment:

* Customer's disability as it relates to the length of time necessary to safely learn and demonstrate the essential and nonessential skills competently
* Certifications, licenses, or class completions required by the OJT
* Requirements of the employer's management, labor boards, and/or unions that must be met

Note: This list is not inclusive. Contact the regional program specialist assigned, as necessary, to discuss the appropriateness of extending OJT beyond three months.

The following VR services cannot be purchased when a customer is receiving OJT services:

* Job Skills Training
* Bundled Job Placement services
* Supported Employment services

#### OJT Processes and Procedures

When the VR counselor and customer determine that OJT is appropriate, the VR counselor prepares the customer before approaching employers. The VR counselor ensures that the customer is job ready as discussed in VRSM A-406-5: Job Readiness.

The VR counselor identifies an employer that will hire the customer and participate in the OJT program.

VR staff must inform the employer of what TWC expects from participants in the VR OJT program.

Once the employer agrees to provide OJT for a VR customer, the VR counselor and VR staff do the following:

* Assist the employer in establishing itself as a vendor for VR.
* Complete the Form VR1609, On-the-Job Training Worksheet, with the customer and the employer's representative, recording all required information on the form. As the form is being completed, the VR counselor, customer, and employer negotiate the stipulations of the OJT. It is the responsibility of the VR counselor to ensure the Form VR1609 is accurately completed.
* Ensure that the information collected on the Form VR1609 is entered into the service authorizations completely and accurately. Ensure that the service authorization establishes the specifications, expectations, goals, and cost of OJT, and lists the outcomes and documentation required for payment.
* Review the service authorization with the employer to ensure the business understands all the specifications outlined, including, but not limited to, the goals of the customer's training, the invoice process, the documentation requirement, and the fees paid for service.
* Ensure the employer completes Form VR3316, On-the-Job Training Progress Report. Form VR3316 must be submitted each time the employer invoices VR for payment of the customer's OJT, or at a minimum of once every 30 days of the OJT. Due dates for Form VR3316 are included in the service authorization.
* Visit the business site, as arranged and stated on the service authorization, to evaluate the success of the OJT. A summary of each business site visit must be documented in a case note in RHW.
* As necessary, the VR counselor updates the VR OJT Worksheet, completes a new form, and enters the new information into a service authorization.

#### Purchasing On-the-Job Training

VR may pay OJT fees to an employer for:

* a training expense that is more than the non-OJT training cost for a new employee in the same or similar position; and
* any wasted product produced during the training that is not put into the business's product inventory.

OJT employer payments are based on a sliding scale and the business's size at the work site where the training takes place:

* 1-50 employees—up to 80 percent of cost
* 51-250 employees—up to 60 percent of cost
* 251 employees or more—up to 30 percent of cost

If necessary, a higher percentage of reimbursement may be applied after consultation with the State Office Program Specialist for Employment Re-entry, Work Experience and Proprietary Schools. VR staff follow the purchasing guidelines in VRSM D-200: Purchasing Goods and Services in addition to the applicable guidelines in this section.

Examples of when paying a higher percentage is acceptable include when there is:

* a documented high cost for materials that cannot be put into the employer's product inventory but are needed to train the OJT customer; or
* an extreme cost associated with the trainer needed for the OJT customer because of the skill level, certification, or licensure required for the trainer.

The State Office Program Specialist for Employment Re-entry, Work Experience and Proprietary Schools is required to document the consultation in a case note in RHW.

The VR counselor must negotiate a payment schedule that progressively decreases throughout the training period as the customer's skills increase.

#### Outcomes Required for Payment

* The employer must submit Form VR3316, On the Job Training Progress Report, with an invoice. Form VR3316 must be completed by the employer's representative and document in descriptive terms all the form's requested information.
* VR staff must verify that the customer received OJT as specified in the service authorization.
* Invoice and Form VR3316, On the Job Training Progress Report, must be submitted a minimum of once every 30 days of OJT. Due dates must be included in the service authorization specifications.

### C-1007-5: Apprenticeship Opportunities

If a customer is interested and capable, the VR counselor can explore TWC apprenticeship opportunities with the customer. TWC registered apprenticeships offer opportunities for employment and ongoing training, paid through WIOA funds, to become proficient in a skilled trade or craft.

VR counselors are encouraged to review the criteria at [TWC apprenticeship program](https://twc.texas.gov/jobseekers/registered-apprenticeship-training-programs-job-seekers) to determine basic eligibility for an apprenticeship. Customers pursuing apprenticeships must be job ready and meet the qualifications of an offered apprenticeship position before applying. Customers must be able to contact the employers themselves and participate in a panel interview to successfully compete for an apprenticeship position.

After determining that apprenticeship is a feasible alternative for the customer, the VR counselor and customer are encouraged to explore options on the [My Next Move](https://www.mynextmove.org/) website.

## C-1008: Employment Assistance Specialist Services

The goal of the employment assistance specialist (EAS) is to increase the quantity and enhance the quality of employment outcomes for VR customers who have a primary disability of vision loss. The EAS works in partnership with employers, the VR team, and customers with vision loss to provide specialized support to meet the customer's assistive technology needs and reach employment goals.

Specific services include, but are not limited to, assistive technology purchase planning, baseline computer skills assessment, equipment and software installation and troubleshooting, equipment refurbishing and loans, job retention and basic consultation services.

### C-1008-1: Accessing Employment Assistance Specialist Services

Employment assistance specialists serve customers with a primary disability of vision loss. A VR counselor refers a customer for EAS services by creating a service record in ReHabWorks and delegating the service to an EAS.

#### Creating a Service Record for EAS Services

* Level 1—In-House Services
* Level 2—Employment Assistance Services (EAS)
* Level 3—Employment Assistance Services (EAS)
* Level 4— Select the applicable service (describe)

Note: The term “describe” should be replaced with a brief description of requested services.

#### Initial Consultation

VR counselors must contact an EAS for an initial consultation assessment before referring a customer with a primary disability of vision loss for an assistive technology evaluation at the Assistive Technology Unit, or with an Assistive Technology Evaluation provider.

#### Other Consultations

As needed, VR counselors should contact an EAS for consultation and assistance with the following:

* Customer's vocational or academic issues regarding assistive technology or training that might assist with an employment goal
* Facilitating meetings with employer contacts, site tours, assistance with a job analysis, job accommodations, technical information or updates, job retention and restructuring, or environmental assessments
* Issues related to assistive technology

### C-1008-2: Business Contacts

The EAS contacts small business and locally based regional personnel to increase awareness and facilitate communication between potential employers and VR counselors. The EAS works in partnership with regional business relations coordinators and regional outreach service and coordination teams to further develop business activities.

For more information on VR business services, see VRSM A-400: Business Services.

### C-1008-3: Assistive Technology Consultations

The EAS consults with employers, customers, and VR counselors about modifying or restructuring a job so that customers with a primary disability of vision loss can be successful. More involved rehabilitation engineering situations may be referred to assistive technology support specialists to identify appropriate technologies to meet job requirements and enhance the quality of employment for customers.

For more information on technology services, see VRSM C-200: Technology Services.

Note: Customers can often adapt to situations with inexpensive, or even no-cost low-tech solutions. Frequently, the best solution is the simplest, because it requires the least amount of specialized training and the item is easily replicated in an emergency and more easily replaced by the customer when VR is not available.

### C-1008-4: In-Service Training

The EAS presents at in-service training programs that cover the following for staff and employers:

* The employment assistance process
* Applications and implementation of rehabilitation engineering
* The use of vocational information
* Other information about employment of individuals with disabilities

### C-1008-5: Basic Consultation Service

Basic Consultation is a service for customers who have:

* a primary disability of vision loss;
* a secondary and tertiary disabilities that is not significant; and
* are not currently employed.

Through basic consultation services, a customer can receive assistive technologies to help them begin adjusting to their vision loss immediately and start training programs to ultimately achieve their employment goal.

Basic Consultation services can be provided by designated BVI staff that have been trained to provide this service.

Basic Consultation services are optional for customers in the field who are blind or visually impaired. If this option is to be used in-region, the following procedures apply:

* Designated VR staff with a BVI specialty are identified by regional management. These staff members must complete Basic Consultation training arranged by the regional EAS and the State Office Employment Assistance Program Specialist (EAPS). The ideal VR staff with a BVI specialty is a vocational rehabilitation teacher (VRT), who is required to have completed at least one year of his or her OJT plan.
* Upon completion of Basic Consultation training, the trainee will be mentored by the EAS for quality assurance.
* With the approval of the EAS and the regional program support manager, the trained VR staff with a BVI specialty performs Basic Consultations on his or her own.
* A list of approved BVI staff members who may perform Basic Consultations in the region will be housed on the EAS Intranet page.

#### Creating a Service Record for Basic Consultation

A VR counselor refers a customer who is blind or visually impaired for Basic Consultation services by creating a service record in ReHabWorks and delegating the service to the designated Blind Services staff member or VRT.

* Level 1—In-House Services
* Level 2—Employment Assistance Services (EAS)
* Level 3—Employment Assistance Services (EAS)
* Level 4—Basic Consultation (describe)

Note: The term "describe" should be replaced with a brief description of requested services.

# Vocational Rehabilitation Services Manual C-1100: Self-Employment Services

## Introduction

Vocational Rehabilitation (VR) can support a customer interested in starting his or her own business or help them maintain or expand their existing business. Self-employment is employment in which an individual works for profit whether it is in his or her solely owned business or located within an existing business, such as a barbershop or nail salon.

Medical services and assistive technology are not part of a self-employment plan. For more information, see VRSM C-700: Medical Services and VRSM C-200: Technology Services.

Under VR, self-employment:

* means the customer solely owns, manages, and operates the business and is not considered an employee of another individual, business, or organization;
* exists when the service or product is actively marketed to potential customers;
* includes home-based businesses and telecommuting businesses (if no taxes are withheld by an employer); and
* includes sole-proprietorships or limited liability companies (LLCs—which must be "single-member LLCs," including those that file as S corporations for tax treatment purposes, if that election best favors the business with the taxes).

Following VRSM C-1101: Legal Authorization, this chapter is divided into three parts:

* VRSM C-1102: What is Self-Employment? This includes important information for all self-employment situations.
* VRSM C-1103: Traditional Self-Employment has information pertaining to customers without a most significant disability who are pursuing a self-employment goal.
* VRSM C-1104: Supported Self-Employment has information pertaining to customers with a most significant disability who are pursuing a self-employment goal.

## C-1101: Legal Authorization

### 34 Code of Federal Regulations (CFR) §361.48 Scope of vocational rehabilitation services for individuals with disabilities.

"§361.48(3)(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's IPE (individualized plan for employment), the designated state unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(19) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome."

## C-1102: What Is Self-Employment?

Self-employment is when a customer solely owns a business and is responsible for all business operations, including management (even if the customer hires, contracts out, or has natural supports to perform some business functions).

VR can support only businesses structured as sole proprietorships or as "single-member" LLCs. VR cannot support the following business structures:

* Corporations
* General partnerships
* Limited partnerships
* Limited liability partnerships
* Businesses involving stocks and/or shares

Note: Forming an LLC can negatively impact eligibility for Supplemental Security Income (SSI) and Medicaid benefits. VR counselors must refer any SSI recipients pursuing self-employment to a community work incentives coordinator (CWIC) for additional guidance.

Additionally, VR does not support:

* hobbies that periodically produce income;
* enterprises prohibited by law, or those that sell products prohibited by law;
* franchises;
* nonprofit businesses; or
* income based solely or primarily on recruiting salespeople to continue building the enterprise (commonly known as "pyramid" schemes or multilevel marketing).

The Federal Trade Commission defines a pyramid scheme as "an organization in which members obtain monetary benefits primarily from the recruitment of new members rather than selling goods and/or services to the public. The main benefit of membership is the right to recruit others and to receive monetary compensation for doing so. Like any chain letter, a pyramid scheme is just a mechanism to transfer funds from one person to another."

Customers are encouraged to think through how a business idea fits with his or her interests, skills, and conditions of employment. A customer can find that doing something he or she is good at and finds enjoyable can provide motivation to stick with the business even through a potentially difficult start-up phase. Customers must be encouraged to think of several possible business ideas (or various iterations of a business idea) to determine a good match that has the potential to produce the profit needed. Tools to assist with this process are in VRSM C-1102-6: Assessments.

VR counselors may seek guidance on any case from:

* VR Supervisors,
* VR Managers,
* employment assistance specialists,
* regional specialists assigned to self-employment, and
* state program specialists assigned to specialized employment strategies.

Additional resources and guidance may be obtained through any organizations listed in VRSM C-1102-10: Self-Employment Resources.

All self-employment strategies require a business plan, regardless of whether the strategy is for an independent contractor or subcontractor or for a solely owned business.

Independent contractors and subcontractors are self-employed, but can differ in that:

* they rent space from a larger existing company that provides the same services;
* some business management tasks are likely included in rent (that is, advertising, financials); and/or
* the feasibility of the business concept is already established by the host company.

Some examples of independent contractors and subcontractors include:

* hairdressers or barbers who rent a chair or space in a salon or barbershop;
* cab or rideshare drivers who contract with a cab company or a rideshare company;
* massage therapists who rent a table or space in a spa; and
* real estate agents who work in an existing realty office but are not employees.

For more information on independent contractors, refer to the Internal Revenue Service publication ["Independent Contractor (Self-Employed) or Employee?"](https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee) or [Am I an Employee? Employment Relationship Under the Fair Labor Standards Act](https://www.dol.gov/agencies/whd/fact-sheets), or consult with the regional specialist assigned to self-employment to determine whether a customer qualifies as an independent contractor.

Self-employment service levels include the following:

* Simple self-employment
* Comprehensive self-employment
* Supported self-employment

VR provides technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent that those resources are authorized to be provided through the statewide workforce development system to eligible individuals pursuing self-employment or establishing a small business operation as an employment outcome.

### C-1102-1: Types of Self-Employment

#### Simple Self-Employment

Simple self-employment is for an independent contractor or subcontractor.

Note: If the VR counselor believes the customer's business plan for self-employment (other than independent contractor or subcontractor) would require only a simple business plan, the VR counselor can consult with the state program specialist assigned to specialized employment strategies for review and determination of the type of business plan required. Any exception to the policy must be entered into ReHabWorks (RHW) case notes by the state program specialist assigned to specialized employment strategies.

#### Comprehensive Self-Employment

Comprehensive self-employment includes any self-employment in which the customer is not an independent contractor or subcontractor and covers customers who do not meet the criteria for supported employment.

#### Supported Self-Employment

Supported self-employment is self-employment for customers who meet the criteria for supported employment.

### C-1102-2: When to Consider Self-Employment

A VR counselor evaluates a customer's suitability for self-employment services when:

* the customer makes an informed choice to explore self-employment;
* the conditions of employment indicate that self-employment can be a suitable choice for the customer;
* a customer wants to start a business and has a business concept; or
* a customer is already self-employed and is in danger of losing his or her business due to:
  + lacking necessary training, tools, and/or equipment; and/or
  + needing support in modifying the business because of changes in the impact of his or her disability.

A customer does not meet the criteria for self-employment if the customer is:

* requesting financial support for tools or equipment for an existing business venture that can be reasonably expected to succeed without assistance; and/or
* unable to provide profit and loss statements for the last three years to show that the existing business is profitable and solvent.

When a customer meets the criteria for supported employment, the only type of self-employment service that may be provided is supported self-employment, which recognizes the need for ongoing support to ensure sustainability. Refer to VRSM C-1104: Supported Self-Employment.

When considering self-employment, VR counselors must conduct a thorough exploration of self-employment as an employment strategy, particularly assessing the customer, his or her support systems, and the availability of resources for:

* planning and organizing;
* supporting the customer and any dependents until the business becomes profitable;
* acquiring the academic knowledge required for the business;
* self-motivation;
* operating a business that might require working extra hours or weekends;
* using rehabilitation technology, as needed;
* maintaining the physical and mental stamina necessary for the proposed business;
* acquiring assistance with duties that the customer is unable to perform such as bookkeeping, accounting, or marketing; and
* acquiring the skills necessary for the proposed business, and willingness to acquire additional skills.

If a VR counselor has determined through comprehensive assessment that a self-employment strategy is an appropriate option, the VR counselor may also advise customers of the possible benefits of self-employment. Although the benefits vary from individual to individual, they may include:

* setting his or her own hours;
* being his or her own boss;
* determining the vision and plan for the business;
* making decisions;
* keeping profits (after debts are paid) generated from the business;
* capitalizing on skills and interests; and
* working around disability-related barriers to employment, such as scheduling around medical appointments or "good days/bad days."

VR counselors must inform the customer about the need for and availability of worker benefits such as:

* health insurance;
* workers' compensation insurance;
* employee Social Security participation;
* Social Security benefits, including referral to a CWIC;
* filing taxes;
* paid vacations; and
* retirement plans.

Supported Self-Employment can be an alternative in circumstances in which the customer meets the definition of "customer with most significant disabilities" and requires additional assistance and the arrangement of long-term supports such as those found in supported employment. Refer to VRSM C-1104: Supported Self-Employment.

### C-1102-3: Suitability Considerations

The choice of self-employment as an employment strategy, as with any vocational goal, is customer driven. The decision to pursue such a goal must not be limited by or based on the significance or impact of a disability.

The VR counselor must ensure that the customer is aware of the amount of wages the business will potentially provide, as well as any effect that earning wages will have on Social Security or other benefits. The VR counselor also must inform the customer of the requirement for participation in services, including financial participation, if appropriate.

The Social Security Administration has complex rules used to determine which form of self-employment a SSI or Social Security Disability Insurance (SSDI) beneficiary is participating in and how wages will impact his or her benefits. All SSI/SSDI beneficiaries must consult with a CWIC before developing a formal business plan or finalizing an individualized plan for employment (IPE) that includes self-employment as an outcome.

### C-1102-4: Process for Pursuing Self-Employment

The self-employment process is progressive and begins with assessing the customer. The process involves any or all of the following:

* The customer performing through self-direction
* The assessment of a customer by a Certified Business Technical Assistance Consultant (CBTAC) referred by the VR counselor
* The VR counselor providing assistance directly

If self-employment is indicated as a strategy for obtaining employment, the VR counselor, customer, and/or the CBTAC:

* counsels the customer about self-employment—its definition, responsibilities, amount of effort involved, and earnings;
* completes the discovery of customer interests, skills, abilities, and any requirement for supports or resources to effectively operate a business;
* determines whether the customer will pursue self-employment, supported self-employment, or Business Enterprises of Texas;
* researches each business idea to determine whether it will support the desired outcome;
* narrows business ideas down to one and conducts a feasibility study;
* gains access to any resources that are needed for the customer to be successful in the business pursuit, including support systems such as a business coach and accountants;
* gains approvals for the support of the business idea before the business plan is developed (refer to VRSM C-1103-5: Developing the Business Plan and IPE);
* determines if a simple or comprehensive business plan is warranted;
* develops the business plan;
* obtains necessary approvals (refer to VRSM C-1102-13: Required Approvals);
* develops the IPE for self-employment—Note: the IPE can be developed before this point for wage employment only;
* amends the IPE as necessary for self-employment after the business plan is reviewed and recommended by the regional specialist assigned to self-employment and others as required;
* purchases needed and approved items and services;
* monitors the case and provides additional services as necessary and approved;
* reviews actual financials of the business to evaluate business success; and
* closes the case successfully (see VRSM C-1104-12: Closing a Case as Rehabilitated).

The customer must take the lead in identifying business ideas.

### C-1102-5: Risks

VR counselors must advise customers interested in establishing a small business that, per the Small Business Association (SBA), about half of all new business establishments survive five years or more and about one-third survive 10 years or more. Small business ventures are much more likely to succeed when the business owner:

* contributes substantial capital (either personal capital or in-kind contributions); and
* provides a strong business plan.

Self-employment, as with other more common forms of employment, is intended to result in an individual's financial independence. Therefore, agency decisions to support self-employment ventures must be based on a reasonable expectation that the venture will be sufficiently profitable to support the individual going forward. VR counselors must provide a detailed overview of the VR self-employment process and expectations to any customer interested in exploring self-employment. The VR counselor must make the customer aware that he or she is expected to make a substantial contribution to the start-up costs of the business either through personal capital or in-kind contributions. VR can support customers directly, or by providing a referral to a CBTAC, in initiating and completing comprehensive feasibility studies to determine if a business concept is financially viable. The VR counselor must make the customer aware that any business concepts that do not demonstrate financial viability may not receive funding through VR.

### C-1102-6: Assessments

The vocational goal of self-employment requires the customer to function independently with confidence and to be able to make decisions, or to have sufficient support in place to meet these requirements.

To determine the viability of a business venture and the potential fit for the customer, the VR counselor must assess the customer's:

* interests;
* interpersonal skills;
* related functional capacities;
* educational achievements;
* work experience;
* vocational aptitudes;
* available community and business supports; and
* criminal history, as it pertains to the type of business.

VR counselors must discuss these factors with customers as part of informed choice and must provide the customer with Form VR1802, Concept Development and Feasibility Study. The customer must complete Form VR1802 with or without assistance from the VR counselor or a CBTAC.

### C-1102-7: Vocational Rehabilitation Counselor Role

The VR counselor plays an integral role in assisting the customer with self-employment, providing counseling, guidance, and necessary assistance to the customer throughout the process. The VR counselor must:

* provide customers with information about self-employment to assist in making an informed choice;
* provide customers receiving any type of assistance, such as SSI/SSDI, referral to a CWIC;
* provide guidance and assistance with identifying an appropriate self-employment strategy;
* provide customers with information and referral to available resources;
* provide customers with information and necessary assistance from resources to develop feasibility studies, including contracting with a CBTAC who can guide customers through the process;
* review feasibility studies and consult with the regional specialist assigned to self-employment and state program specialist assigned to specialized employment strategies (if applicable) to determine whether ventures are appropriate for self-employment;
* provide customers with information and referral to assist in the development of business plans;
* review business plans;
* provide the regional specialist assigned to self-employment and state program specialist assigned to specialized employment strategies (if applicable) with business plans for review and comment;
* obtain all necessary approvals from program specialists (regional and/or state), VR Managers or VR Supervisors, and/or regional directors before developing IPEs for self-employment;
* assist customers in developing IPEs with:
  + a wage employment goal—if the IPE for self-employment cannot be developed before 90 days after eligibility determination; or
  + a self-employment goal—if all approvals have been received before the 90 days from eligibility determination;
* assist customers in amending IPEs when necessary;
* assist customers with purchasing any approved goods and/or services;
* assist customers in developing any necessary IPE amendments;
* provide vocational counseling and guidance to customers throughout the process; and
* obtain all information and documentation necessary for case closure.

### C-1102-8: Regional Specialist Assigned to Self-Employment Role

The regional specialist assigned to self-employment is consulted for all proposed self-employment plans. The regional specialist provides information, counseling, guidance, and assistance to the VR counselor, customer, management, and others. The regional specialist may:

* provide guidance and assistance with identifying an appropriate self-employment goal;
* provide information and referral to available resources;
* provide information and assistance to develop the feasibility studies;
* provide the VR counselor with information and referral to resources to assist the customer in the development of a business plan;
* assist the counselor in developing an IPE with:
  + a wage employment goal—if the IPE for self-employment cannot be developed before 90 days after eligibility determination; or
  + a self-employment goal—if all approvals are received before 90 days from eligibility determination; and
* assist the VR counselor in developing any needed IPE amendments.

The regional specialist assigned to self-employment must:

* review feasibility studies and consult with state program specialists assigned to specialized employment strategies (if applicable) to determine whether a venture is appropriate for self-employment;
* review the business plan;
* provide state program specialists assigned to specialized employment strategies (if applicable) with business plans for review and recommendations;
* provide required consultation for feasibility studies and business plans;
* provide assistance to VR counselors as necessary throughout the process; and
* conduct a review of progress made toward the income agreed upon in the IPE within three months from the opening of a business (if applicable) and every three months until service closure.

### C-1102-9: State Program Specialist Role

State program specialists assigned to specialized employment strategies may:

* provide guidance and assistance with identifying an appropriate self-employment goal;
* provide information and referral to available resources;
* provide information and necessary assistance from resources to develop the feasibility studies;
* provide the VR counselor or the regional specialist assigned to self-employment with information and referral to assist in the development of a business plan;
* assist the counselor in developing an IPE with:
  + a wage employment goal—if the IPE for self-employment cannot be developed prior to 90 days after eligibility determination; or
  + a self-employment goal—if all approvals have been received prior to 90 days from eligibility determination; or
* assist the VR counselor in developing any needed IPE amendments.

State program specialists assigned to specialized employment strategies must:

* arrange for outside consultants to review business plans and financials; and
* provide assistance to the regional specialist assigned to self-employment, VR counselors, management, or others throughout the process, as necessary and requested.

### C-1102-10: Self-Employment Resources

Customers who are interested in developing an IPE for self-employment or supported self-employment have additional resources available to them other than VR. Resources include the following:

* CBTAC (if counselor approves purchase of the service)
* Local resources such as city or county programs, chambers of commerce, community colleges, adult education services, or other educational institutions
* [Service Corp of Retired Executives (SCORE)](https://www.score.org/)—a nonprofit association dedicated to providing free small business advice, educating entrepreneurs, and helping small businesses start, grow, and maintain viability
* [Small Business Administration (SBA)](https://www.sba.gov/)—an independent agency of the federal government that assists small businesses in starting, building, and growing businesses
* [Small Business Development Centers (SBDCs)](https://www.sba.gov/local-assistance/find?type=Small%20Business%20Development%20Center&pageNumber=1&address=78705)—advisors that provide aspiring and current small business owners a variety of free business consulting and low-cost training services including business plan development, manufacturing assistance, financial packaging and lending assistance, exporting and importing support, disaster recovery assistance, procurement and contracting aid, market research help, program support, and health care guidance
* [Texas Workforce Commission Start & Expand Your Business](https://www.twc.texas.gov/businesses/start-expand-your-business)—assists Texans in finding information and assistance to start or expand a business in Texas
* [Texas Secretary of State](https://www.sos.state.tx.us/corp/related.shtml)—list of guides and resources available for small businesses
* [Women's Business Centers (WBCs)](https://www.sba.gov/local-assistance/resource-partners/womens-business-centers)—national network of nearly 100 educational centers throughout the United States and its territories, which are designed to assist women in starting and growing small businesses. WBCs seek to "level the playing field" for women entrepreneurs, who still face unique obstacles in the business world
* [SBA's Office of Women's Business Ownership](https://www.sba.gov/about-sba/sba-locations/headquarters-offices/office-womens-business-ownership)—oversees the WBC network, which provides entrepreneurs (especially economically or socially disadvantaged women) comprehensive training and counseling on a variety of topics in several languages
* [Veterans Business Outreach Center (VBOC) program](https://www.sba.gov/local-assistance/resource-partners/veterans-business-outreach-center-vboc-program)—provides entrepreneurial development services such as business training, counseling and mentoring, and referrals for eligible veterans owning or considering starting a small business. The SBA has 15 organizations participating in this cooperative agreement and serving as VBOPs.
* [TWC's Labor Market and Career Information Department](https://www.twc.texas.gov/businesses/labor-market-information)

For a more in-depth list of resources, refer to the Self-Employment Resources intranet page.

### C-1102-11: Self-Employment Goods and Services

The services listed in the table below may be provided, purchased, or arranged for VR customers to support vocational rehabilitation goals; all VR assistance is based on individual customer and business needs.

|  |  |
| --- | --- |
| **Service** | **Description and procedure** |
| Advertising | For a business start-up:   * assistance in planning advertising, including identifying free local outlets and online options * if appropriate, purchasing advertising |
| Business plan evaluation | If needed, consultation with the state program specialist assigned to specialized employment strategies. The state program specialist assigned to specialized employment strategies arranges and/or purchases from individuals or organizations an evaluation of the business plan that documents:   * whether a feasibility study demonstrates that the business is going to produce income resulting in a level of support able to sustain the customer and solvency on a continuing basis; * the likelihood of the customer achieving the projected net income stated in the plan; and * weaknesses that must be addressed.   Refer to VR Standards for Providers (VR-SFP) Chapter 19 for purchases of Self-Employment Services. |
| Business planning assistance | The VR counselor and customer determine whether assistance from a CBTAC is required for exploring and developing self-employment plans, feasibility studies, and/or business plans. A CBTAC is required for all supported self-employment. CBTAC assistance is not a service for customers in the Business Enterprises of Texas program.  If there is no CBTAC available in the local workforce development area, the VR counselor contacts the state program specialist assigned to specialized employment strategies for approval to use another outside resource; however, all comparable benefits and resources must be used before approval of any additional assistance.  Refer to VR-SFP Chapter 19 for purchases of Self-Employment Services. |
| Initial inventory and supplies | Initial inventory and supplies include:   * office supplies; and/or * an inventory of salable merchandise or goods needed to start the business. |
| Legal fees | Consistent with the business plan, the VR counselor:   * identifies any filing and/or legal document review and/or preparation, as appropriate, for example, LLC paperwork; * locates available online templates for customer; * identifies local resources for free legal services, for example, Volunteer Legal Services (VLS), as appropriate; and * if necessary, after consideration of free resources, considers paid legal services.\*   \*The customer is the lawyer's client, not VR's. Payment for necessary legal services must be preapproved, at rates consistent with local norms. Payment is limited to legal services directly necessitated by customer's self-employment goal, for example, business formation, and may not be made for personal legal matters such as divorce, child custody, wills, personal disputes, or IRS matters, to name a few. Requests for payment of any legal fees require consultation with the TWC Office of General Counsel. |
| Maintenance | Maintenance is only available for a business start-up:   * when no other resources are available; or * until adequate cash flow develops.   See VRSM C-1400: Supplemental Services and VRSM C-1401: Maintenance Services.  Ordinarily, maintenance does not exceed 16 weeks from the date the customer begins self-employment. |
| Rent or lease payments | Assistance may be provided for payment of rent or lease payments on a commercial (nonresidential) property for up to a maximum of six months and must be clearly justified. Consultation with the regional specialist assigned to self-employment is required for any rent or lease payment for self-employment. Any rent or lease payment must be in line with projected income and there must be documentation of the rental agreement in the case file.  The VR counselor advises the customer to consider location and zoning ordinances. Location and proximity to public transportation are two important factors in a successful retail business.  Each service authorization paid directly to a landlord for customer rent or lease of commercial space must include the:   * name of the building owner; * building location; * amount of space to be rented or leased; * amount of rent or lease payment; and * period of rent or lease.   If utilities are included in the payment, separate service authorizations for rent and utilities may be issued.  VR staff must not sign or cosign any leases or other agreements on behalf of the customer. |
| Tools and equipment | Tools and equipment customarily used in similar businesses may be purchased. The VR counselor advises the customer that:   * tools and equipment are the property of the State of Texas; and * the customer must not attempt to sell, pawn, loan or use as loan collateral, or exercise other unlawful control over the property, or prosecution will result.   For guidance in obtaining these items, see VRSM D-205: Purchasing Thresholds and Restrictions.  Note: If VR has purchased tools and equipment for the customer during training or previously, these items cannot be purchased again unless the item is no longer operable, and the VR counselor justifies and approves the purchase. |
| Security Deposits and Utilities | Initial one-time costs may be paid, such as a security deposit or charges for the initiation of utilities.  Utilities costs may be paid for a maximum of six months during the first phase of the new business, for the business property only. Utility payments must be made directly to the provider of the utility service. |

Note: Refer to VRSM D-200: Purchasing Goods and Services.

### C-1102-12: Goods and Services Not Provided

Self-employment services must not include the purchase of:

* buildings or other structures requiring a fixed foundation that cannot be moved for use by another customer;
* bonding fees;
* criminal or civil fines including traffic tickets;
* dues to professional associations or trade unions unless justified as critical;
* fees for registration of inventions, patents, trademarks, or copyrights;
* fees for use of franchise names;
* fees and membership fees for pyramid or multilevel marketing ventures;
* firearms of any kind, or components of a firearm;
* franchise rights (for example, Pizza Hut, McDonald's);
* insurance;
* operating capital;
* municipal or state tax assessments on occupations;
* real estate;
* sales tax security deposit; or
* vehicles, boats, aircraft, or trailers that require a certificate of title or registration to be used on public roads, highways, or waterways (check with the Texas Department of Public Safety for more information—for example, many small trailers do not require a title of ownership).

The cost of any of these items is included in the total cost of the venture reported in the business plan and considered part of the customer's contribution. However, even if the customer were to contribute fees associated with franchises, pyramid ventures, or other activities for which VR does not provide support (see VRSM C-1102), VR funds cannot be used for associated supports.

VR may not participate in the cost of renovating or remodeling permanent structures.

All modifications to facilities used for the business venture that are sponsored with any VR funds must:

* be removable and transportable; and
* adhere to local building zones and codes.

Funds for such modifications are limited to those that are essential to start the business and when the business cannot be conducted without the requested modifications.

The customer is responsible for identifying a business location. VR counselors are never authorized to sign lease or rental agreements. The lease is between the customer and property owner or property manager.

The customer is responsible for obtaining and completing applications for all required certificates, licenses, and permits needed to operate the business. VR counselors may provide assistance with these applications when necessary. The customer is responsible for ensuring compliance with all zoning laws.

An amendment to the original business plan is required when further funding is requested after the initial approval of a business venture. The amendment must contain justification for the additional funding. The VR Supervisor or VR Manager and regional director must approve any requests for additional funding for the business.

### C-1102-13: Required Approvals

#### Self-Employment Plan Consultations and Approvals

The following table specifies when consultation and recommendation and/or approvals are required and from whom at each stage of the simple or comprehensive self-employment process:

|  |  |  |
| --- | --- | --- |
| **Stage** | **Consultation & Recommendation** | **Approval** |
| IPE | Regional specialist assigned to self-employment | VR counselor |
| Customer Profile & Self-Employment Exploration |  | VR counselor |
| Concept Development and Feasibility Study | Regional specialist assigned to self-employment | VR counselor |
| Any required certificates, permits, or licenses | Regional specialist assigned to self-employment | VR counselor |
| Simple or Comprehensive Business Plan up to $5000.00 | Regional specialist assigned to self-employment | VR counselor |
| Comprehensive Business Plan $5,000.01 to $15,000.00 | Regional specialist assigned to self-employment | VR Manager |
| Comprehensive Business Plan $15,000.01 to $25,000.00 | Regional specialist assigned to self-employment | Regional Director/Deputy Regional Director |
| Comprehensive Business Plan over $25,000.00 | Regional specialist assigned to self-employment | VR Division Director |

If the business plan is approved, the regional specialist assigned to self-employment conducts a review within three months of the opening of the business and every three months thereafter until service closure.

Note: All approvals of business plans must also consider the amount of funds being requested. Refer to VRSM C-1102-13: Required Approvals.

#### Purchasing Approvals

VR does not issue grants for self-employment or provide venture capital. If a plan or proposal is approved, VR may purchase equipment or inventory. The following information serves as a guide to the VR counselor and the customer.

The required and optional steps for different funding amounts are detailed below.

VR staff must follow the required policies and procedures published throughout this manual for the purchase of goods and services. When issuing service authorizations for a good or service that is part of an approved self-employment plan, use the specifications in RHW that are designated as "Self-employment". For questions about specification levels for specific services, VR staff can email [vr.rhw.datamaintenance@twc.texas.gov](mailto:vr.rhw.datamaintenance@twc.texas.gov).

|  |  |  |
| --- | --- | --- |
| **Amount** | **Required** | **Recommended** |
| $1.00–$5,000.00 | * Written business plan: Simple Business Plan or Comprehensive Business Plan, as applicable * Employment assistance specialist (EAS) consultation for those customers who are blind/visually impaired or deafblind has been completed * Consultation and recommendations from the regional specialist assigned to self-employment | * The customer obtains a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and shares any information with the VR counselor |
| $5,000.01–$15,000.00 | EAS consultation for customers who are blind/visually impaired or deafblind  Written business plan:   * Comprehensive Business Plan; and * Required items submitted to the EAS (if blind/visually impaired or deafblind)   Customer must obtain a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and share any information with the VR counselor for blind/visually impaired or deafblind  Consultation and recommendations from the regional specialist assigned to self-employment  VR Manager approval | * The customer obtains a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and shares any information with the VR counselor |
| $15,000.01–$25,000.00 | EAS consultation for customers who are blind/visually impaired or deafblind  Written business plan:   * Comprehensive Business Plan or supported self-employment business plan * Required items submitted to the EAS (if blind/visually impaired or deafblind)   Customer must obtain a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and share any information with the VR counselor  Consultation and recommendations from the regional specialist assigned to self-employment  Regional Director or Deputy Regional Director approval |  |
| Over $25,000 | EAS consultation for customers who are blind/visually impaired or deafblind  Written business plan:   * Comprehensive Business Plan or supported self-employment business plan * Required items submitted to the EAS (if blind/visually impaired or deafblind)   Customer must obtain a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and share any information with the VR counselor  Consultation and recommendations from the regional specialist assigned to self-employment  VR Division Director approval |  |

Note: All purchasing must be in accordance with VR purchasing policies as set forth in VRSM D-205: Purchasing Goods and Services.

### C-1102-14: Funding Options

#### Participation in Cost of Services

Customers who have income and/or liquid assets in excess of the basic living requirement (BLR) must pay the excess toward the self-employment cost. Additionally, the customer must contribute any other available resources to help establish and maintain the business, for example, use of a personal vehicle for business activity, labor, a building, or tools. For more information, see VRSM B-200: Processing Referrals and Applications and VRSM B-204: Customer Participation.

If the customer is pursuing a loan from a lending institution or other source, and the funds are critical to the business start-up, the customer must provide:

* documentation of the loan application; and
* a documented assessment from the lending institution or other source of the likelihood of loan approval before the expenditure of VR funds on the business.

If the customer receives SSI, SSDI, Childhood Disability Beneficiary benefits, or Disabled Widow/Widower benefits, the customer is not required to participate in cost of services. (34 CFR361.54(b)(3)(ii))

#### Comparable Benefits and Resources

For experienced help in developing a business plan, customers may use comparable benefits available from:

* city or county programs;
* chambers of commerce;
* community colleges or adult education programs;
* some Workforce Solutions Offices;
* the SBA; or
* SBDCs.

## C-1103: Traditional Self-Employment

VR recognizes the difference between self-employment in occupations such as a barber or cosmetologist who rents a chair or space in an existing business, independent real estate agents operating in an existing office, or a subcontractor who has a limited number of major clients, and self-employment in a business that is owned, operated, and managed by an individual. A customer interested in assistance with self-employment in occupations such as those listed above is required to complete a Simple Business Plan. A customer interested in assistance with self-employment for a business owned, operated, and managed by the individual is required to complete a Comprehensive Business Plan.

A Simple Business Plan request for assistance cannot exceed $4,999.99. A request for assistance can be less than $4,999.99 and still require a Comprehensive Business Plan, depending on the complexity and ownership of the business.

VR may purchase technical assistance for the customer, such as:

* self-employment exploration, see VR-SFP 19.3;
* concept development and feasibility study, see VR-SFP 19.4; and
* business plan development, see VR-SFP 19.5.

For more information, see VR-SFP 19: Self Employment, sections 19.3 through 19.5.

### C-1103-1: Vocational Rehabilitation Counselor Responsibilities

After determining customer eligibility, the VR counselor assists with a self-employment strategy by helping the customer to:

* understand the definition of self-employment and the process required for the service;
* make an informed choice by providing specific information about self-employment;
* ensure completion of the Customer Profile and Self-Employment Exploration form, including purchase of the service from a CBTAC;
* determine and obtain any training necessary to operate a successful business venture, including any basic skills needed to be independent, such as blindness skills, transportation skills, or communication skills;
* arrange a referral to a CWIC for customers receiving any type of assistance such as SSI/SSDI benefits;
* locate financial resources, other than VR funds, to support the venture;
* arrange necessary assistance from resources to develop feasibility studies;
* develop a business plan that includes purchase of the service from a CBTAC;
* develop an IPE with:
  + a wage employment goal—if the IPE for self-employment cannot be developed before 90 days after eligibility determination; or
  + a self-employment goal—if all approvals have been received prior to 90 days from eligibility determination.

The VR counselor must:

* review feasibility studies and consult with the regional specialist assigned to self-employment and state program specialist assigned to specialized employment strategies (if applicable) to determine if a venture is appropriate for self-employment;
* review business plans;
* provide the regional specialist assigned to self-employment and state program specialist assigned to specialized employment strategies (if applicable) with the business plan for review and recommendations;
* approve or disapprove the self-employment business plan and document the decision in the case notes;
* obtain all necessary recommendations from program specialists, and approvals from VR Supervisor or VR Manager, and/or regional director, before developing an IPE for self-employment;
* request the regional specialist assigned to self-employment review within three and six months from the opening of the business;
* provide vocational counseling and guidance to the customer throughout the process;
* encourage the customer to seek opportunities that will result in a living wage; and
* obtain all necessary information and documentation necessary for case closure.

The VR counselor may solicit input from the:

* EAS;
* Vocational Diagnostic Unit for customers who are blind or visually impaired;
* deafblind specialists for customers who are deafblind; and
* others as needed.

After obtaining approvals, the VR counselor sends a copy of the following to the regional specialist assigned to self-employment for inclusion in the self-employment plan file:

* The IPE for self-employment
* The final business plan
* A complete list of approved tools and/or equipment

VR counselors must ensure that the forms found on the VR Forms Catalogue below are submitted to them by the provider and reviewed by the regional specialist assigned to self-employment and others as required:

* VR1801, Customer Profile and Self-Employment Exploration
* VR1802, Concept Development and Feasibility Study
* VR1803, Self-Employment Simple Business Plan (if applicable)
* VR1804, Self-Employment Comprehensive Business Plan (if applicable)
* VR1805-1, Self-Employment Financial Projections Spreadsheet (Statutory Blindness), or VR1805-2, Self-Employment Financial Projections Spreadsheet
* VR1806, Self-Employment Financial Actual Spreadsheet
* VR1815, Certified Business Technical Assistance Consultant (CBTAC) Support Summary Report

### C-1103-2: Customer Responsibilities

Exercising informed choice and responsibility in the VR process requires the customer to determine his or her self-employment goal. Full engagement in the VR process requires the customer to:

* gather and use information (to the extent possible);
* participate in planning and problem solving (including the development of the IPE);
* make and implement decisions;
* identify needed resources; and
* expect to work full time (or part time, if appropriate).

It is the customer's responsibility, with assistance from the VR counselor or any other team members, including a CBTAC, to solve problems related to the employment goal. To help determine a self-employment strategy, a customer must (with or without assistance):

* complete the Customer Profile and Self-Employment Exploration;
* complete a feasibility study (see Concept Development and Feasibility Study);
* research the information needed for a business plan;
* identify potential market and estimate revenue;
* contact individuals who are engaged in the same area of employment to determine viability of the goal;
* identify potential problems;
* determine any potential training needs;
* determine what resources and supports are available;
* develop a contingency strategy to negate any losses if the business is not successful; and
* make a concerted effort to secure funding from sources other than VR.

### C-1103-3: Provider Responsibilities

The provider must have a bilateral contract with VR and be a CBTAC with a current certification through [The Center for Social Capital](https://www.griffinhammis.com/). For supported self-employment services, VR staff is encouraged to use a CBTAC who also has a Supported Employment Specialist credential from the University of North Texas' Workplace Inclusion and Sustainable Employment (UNTWISE).

The CBTAC provides technical assistance to the customer and VR counselor regarding self-employment, including the following:

* Technical Assistance for Self-Employment Exploration
* Technical Assistance for Concept Development and Feasibility Study
* Technical Assistance for Business Plan Development
* Technical Assistance for Supported Self-Employment

Refer to VR-SFP Chapter 19 for additional provider responsibilities for self-employment.

The Blind Premium is available to providers on Self Employment Services. Refer to VR-SFP 20.11 Blind Premium for more information

### C-1103-4: Feasibility Study

After the Customer Profile and Self-Employment Exploration have been completed, a feasibility study is required. A business feasibility study assesses the probability of a business's success using research tools such as surveys or statistical analyses. The feasibility study demonstrates whether the business will produce income resulting in a level of support able to sustain the customer and solvency on a continuing basis. A Form VR1802, Concept Development and Feasibility Study must be completed to determine the feasibility of the customer's proposed business. If the customer is unable to complete the form on his or her own or with assistance from other resources, the VR counselor can arrange for a CBTAC to assist in completing it. Refer to VR-SFP Chapter 19.4 for details and fees.

### C-1103-5: Developing the Business Plan and Individualized Plan for Employment

A business plan is required in every case except when:

* VR does not pay the costs of maintaining a business; and
* the customer returns to or continues in his or her own existing business that has a history of being successful—in these instances, the customer must provide copies of income tax returns or other financial documents for the previous three years that indicate the existence of a viable business.

IPEs for self-employment retention must include:

* a check on the "self-employment" option in RHW;
* any comparable benefits to be used first;
* the specific employment or job title goal of the customer's current self-employment;
* the approved services necessary for the customer to maintain his or her current self-employment
* the customer's contribution of resources to help manage his or her disability (for example, use of private insurance or community resources), as listed under the customer's responsibilities;
* the customer's participation in the cost of the self-employment if income and/or liquid assets exceed BLR, as listed under customer contributions; and
* vocational counseling and guidance.

#### Developing the Business Plan

Before the IPE is developed, the customer must complete a business plan that describes:

* the business owner;
* the business, including structure;
* the business' product and/or service;
* the marketing analysis and plan;
* operations and legal considerations;
* an outline of the feasibility of the planned enterprise;
* a financial plan; and
* extended supports.

The VR counselor, the designated regional specialist assigned to self-employment, the VR Supervisor, and the state program specialist assigned to specialized employment strategies, as well as any others, review the business plan.

The VR counselor provides the customer with form VR1803, Simple Business Plan, or Form VR1804, Comprehensive Business Plan, to use for developing the business plan.

The business plan:

* guides the customer toward a successful business; and
* helps the VR counselor and the customer determine which VR services are reasonable and necessary to support the plan.

As part of the business plan, in a separate attachment, a list must include:

* items that the customer requests be paid by VR and the costs; and
* items and resources that the customer will contribute to the plan.

#### Types of Business Plans

Simple self-employment business plan, which requires the following sections, concisely written:

* Business Executive Summary
* Business Description
* Products and Services
* Marketing Analysis and Plan
* Operational and Legal Considerations
* Financial Plans
* Extended Business Supports
* Appendices

Comprehensive self-employment business plan, which requires the following detailed sections:

* Business Executive Summary
* Business Description
* Products and Services
* Marketing Analysis
* Marketing Plan
* Operational and Legal Considerations
* Financial Plans
* Extended Business Supports
* Appendices

For experienced help in developing a business plan, customers may use comparable benefits available through:

* some Workforce Solutions Offices;
* the SBA;
* city and county organizations for business development;
* chambers of commerce;
* community colleges, adult education programs, and educational institutions; and/or
* SBDCs.

Computers with speech and large-print access are available in many Workforce Solutions Offices. A customer may use these computers to access the Internet for research and to create the business plan.

#### Developing the Individualized Plan for Employment

An IPE for a specific employment or job title goal may be developed for wage employment before an IPE is developed for self-employment and must include:

* a specific employment or job title goal;
* vocational counseling and guidance;
* business exploration activities, such as:
  + customer profile and self-employment exploration;
  + concept development; or
  + feasibility study;
* any technical assistance services to assist in the development of a business plan;
* a plan for any necessary training services, such as how to start a business; and
* any comparable benefits to be used.

Note: Do not check the "self-employment" option in RHW.

Once the business plan has received all required approvals, the VR counselor must either develop the IPE for self-employment or amend an existing IPE from wage employment to self-employment.

IPEs for self-employment must include:

* a check on the "self-employment" option in RHW;
* the name of a support organization or business coach for continuing the business after the end of VR funding and case closure;
* any comparable benefits to be used first;
* a specific employment or job title goal;
* the agreed-upon:
  + criteria for business stability;
  + period from business stability to case closure; and
  + method used to periodically report net income;
* plan for any necessary training services, such as:
  + how to start a business;
  + bookkeeping; or
  + tax preparation and reporting;
* any technical assistance services;
* the approved goods and services, as listed in the business plan attachment, to be purchased;
* the customer's contribution of resources to help establish and maintain the business (for example, use of a vehicle, labor, a building, tools), as listed under customer's responsibilities;
* the customer's participation in the cost of the self-employment if income and/or liquid assets exceed BLR, as listed under customer contributions;
* any extended business support necessary to assist the customer in operating the business; and
* vocational counseling and guidance.

### C-1103-6: Closing a Self-Employment Case as Rehabilitated

Before closing a case in self-employment as successful, the VR counselor ensures that it meets the following criteria for closing a case as rehabilitated:

* Business has achieved stability, based on business stability measures identified in the IPE
* Business has been in operation for at least 90 days
* Customer and VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.

In the IPE, the VR counselor and customer must agree on business stability measures, such as when the business revenue:

* equals or exceeds operating costs, as shown on a financial statement, and provides minimum wage for the business owner; or
* in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills (the VR counselor can use labor market information to compare income). (Based on 34 CFR §361.5(9)(i)(C))

#### Required Documentation for Closing as Self-Employed

The VR counselor documents the length of business operation through one or more of the following means:

* Appropriate combination of the income documents that demonstrate at least 90 days of business operation
* Detailed description of the VR counselor's observation of the customer on the job at the beginning and end of 90 days
* Other objective or verifiable information

The VR counselor documents the income level by obtaining and filing in the case record one or more of the following documents for income verification:

* A recent financial statement verifying revenue and expenses
* Recent copies of the contractor's invoices and proof of payment to the contractor for sole proprietorship or single member LLC where work is performed strictly on a contract basis
* Copies of business bank statements covering at least 90 days of operation

## C-1104: Supported Self-Employment

Supported self-employment is competitive integrated employment in which the customer solely owns, manages, and operates a business and is not considered an employee of another individual, business, or organization; and the business is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Supported self-employment enables customers with the most significant disabilities to demonstrate:

* choice and control;
* use of natural skills and talents;
* expanded work opportunities;
* accumulation of wealth; and
* independent and creative freedom.

Supported self-employment is similar to self-employment but incorporates many of the concepts of supported employment, including the customer receiving ongoing support throughout the VR case and then transitioning to extended services and support not funded by VR after case closure. Extended support may include long-term:

* on-the-job support;
* ongoing case management;
* peer support;
* natural support;
* family support; or
* ongoing paid professional services for the business.

Supported self-employment businesses are typically small and require a team approach for planning and support. The team helps explore and determine the feasibility of the proposed business, assists in the development of the business plan, launches the business, and addresses the customer's extended business support needs, including long-term support.

The supported self-employment process combines person-centered planning strategies with the development of a business plan. The goal of the planning process is to develop an individualized, profitable, and sustainable microenterprise. This process focuses on the talents, interests, and assets of the customer. For many customers with disabilities, including customers who need ongoing support throughout individual careers, supported self-employment is a viable option to meet the customer's employment needs.

VR purchases supported self-employment services only from employment service providers that employ staff members certified as CBTACs by [The Center for Social Capital](https://www.griffinhammis.com/) and prefers that CBTACs also have the UNTWISE Supported Employment Specialist Credential. VR identifies these certified individuals as supported self-employment specialists.

### C-1104-1: Eligibility for Supported Self-Employment

A customer is eligible for supported self-employment services when:

* he or she is eligible for VR services;
* the customer's disability has been determined to be a most significant disability and extended services and supports are necessary to maintain the self-employment outcome once VR closes the case;
* the VR counselor and the customer have identified supported self-employment as the appropriate employment strategy;
* a considerable amount of assistance is needed in developing an individualized, profitable, and sustainable microenterprise;
* a self-employment outcome can be maintained with necessary supports in place; and
* another individual, organization, or other resource agrees to provide the extended services and support after VR-funded services are complete.

### C-1104-2: Time Limits for Supported Self-Employment Services

Supported self-employment services are provided for a period generally not longer than 24 months. Under some circumstances, a longer period of supported self-employment services may be necessary for an individual to achieve the employment outcome. Additional time in supported self-employment services must be established in the customer's IPE and justified in the case notes.

### C-1104-3: Supported Self-Employment Services

Technical assistance for supported self-employment includes the following:

* Supported Self-Employment Assessment
* Supported Self-Employment Concept Development
* Supported Self-Employment Feasibility Study
* Supported Self-Employment Business Plan
* Supported Self-Employment Financials Development

Supported self-employment services include the following benchmarks:

* Benchmark 1: Supported Self-Employment Services Plan
* Benchmark 2: Supported Self-Employment Start-Up
* Benchmark 3: Supported Self-Employment Maintenance
* Benchmark 4: Supported Self-Employment Stability
* Benchmark 5: Supported Self-Employment Service Closure

### C-1104-4: Supported Employment Funds

Supported employment funds must only be used for supported self-employment.

The VR counselor uses supported employment funds to purchase services from a supported self-employment provider (also referred to as a CBTAC) when there is:

* an IPE with a supported self-employment goal; and
* a customer identified as an active supported employment customer.

During the 90-day transition period between stability and closure completion, supported employment funds must be used only to purchase those services necessary to maintain a customer's ability to ensure the stability of the business. Funds must not be spent on services directly related to the business.

Examples of items that can be purchased include:

* replacement of prosthetic and orthotic devices;
* maintenance of prosthetic and orthotic equipment; and
* counseling and guidance to family members to support the customer's job stability.

### C-1104-5: Vocational Rehabilitation Counselor Responsibilities

The VR counselor is responsible for overseeing the services provided to the customer by the supported self-employment provider. The supported self-employment provider is responsible for providing services in accordance with VR-SFP 19.6 Supported Self-Employment.

After determining a customer's eligibility and need for supported self-employment, the VR counselor assists the customer to:

* understand the definition of supported self-employment and the process required for the service;
* make an informed choice by providing specific information about supported self-employment;
* determine whether the customer has the required extended business support, long-term extended support, and circle of support;
* identify a CBTAC to provide supported self-employment;
* determine and obtain any training necessary for the customer to operate a successful business venture, including any basic skills needed to be independent, such as blindness skills, transportation skills, or communication skills;
* arrange referral to a CWIC for customers receiving any type of assistance, such as SSI/SSDI benefits;
* locate financial resources, other than VR funds, to support the venture;
* arrange necessary assistance to develop feasibility studies; and
* develop an IPE with a supported employment wage employment goal (if the IPE for supported self-employment cannot be developed before 90 days after eligibility determination) or a supported self-employment goal (if all approvals have been received prior to the 90 days from eligibility determination).

The VR counselor must:

* review feasibility studies and consult with the regional specialist assigned to self-employment and state program specialist assigned to specialized employment strategies to determine whether the venture is appropriate for self-employment;
* assist the customer and CBTAC with the availability of required extended business support, including long-term extended support;
* review the business plan;
* provide the regional specialist assigned to self-employment and state program specialist assigned to specialized employment strategies with the business plan for review and recommendations;
* approve or disapprove the self-employment business plan and document the decision in the case notes;
* obtain all necessary recommendations from program specialists and approvals from VR Manager or VR Supervisor, and/or regional director before developing an IPE for supported self-employment;
* request the regional specialist assigned to self-employment review within three months from the opening of the business and every three months following until service closure, and provide the VR counselor and state program specialist assigned to specialized employment strategies with the information;
* provide vocational counseling and guidance to the customer throughout the process;
* encourage the customer to seek opportunities that will result in a living wage; and
* obtain all information and documentation necessary for case closure.

VR counselors must ensure that the following forms are submitted to them by the provider and reviewed by the regional specialist assigned to self-employment and others as required:

* VR1801, Customer Profile and Self-Employment Exploration
* VR1802, Concept Development and Feasibility Study
* VR1805-1, Self-Employment Financial Projections Spreadsheet (Statutory Blindness) or VR1805-2, Self-Employment Financial Projections Spreadsheet
* VR1806, Self-Employment Financial Actual Spreadsheet
* VR1808, Supported Self-Employment Assessment
* VR1809, Supported Self-Employment Concept Development
* VR1810, Supported Self-Employment Feasibility Study
* VR1811, Supported Self-Employment Services Plan (SSESP) and Benchmark Report
* VR1812, Supported Self-Employment Business Plan Support Summary Report
* VR1813, Supported Self-Employment Business Plan
* VR1814, Supported Self-Employment Support Summary (SSE-SS)
* VR1815, Certified Business Technical Assistance Consultant (CBTAC) Support Summary Report

### C-1104-6: Customer Responsibilities

Exercising informed choice and responsibility in the VR process requires the customer to determine his or her self-employment goal. Full engagement in the VR process requires the customer to:

* gather and use information;
* participate in planning and problem solving (including the development of the IPE);
* make and implement decisions;
* identify needed resources; and
* expect to work full time (or part time, if appropriate).

It is the customer's responsibility, with assistance from the VR counselor, circle of support, and any other team members, including a CBTAC, to solve problems related to the employment goal. To help determine a supported self-employment strategy, a customer must (with or without assistance):

* participate in all activities to develop and implement a supported self-employment strategy;
* complete the Customer Profile and Self-Employment Exploration form;
* research the information needed for a business plan;
* identify the potential market and estimate revenue;
* contact individuals who are engaged in the same area of employment to determine viability of the goal;
* identify potential problems;
* determine any potential training needs;
* determine what resources and support are needed and available;
* develop a contingency strategy to negate any losses if the business is not successful; and
* make a concerted effort to secure funding from sources other than VR.

### C-1104-7: Provider Responsibilities

The VR counselor is responsible for overseeing the services provided to the customer by the supported self-employment provider. The supported self-employment provider is responsible for providing services in accordance with VR-SFP 19.6 Supported Self-Employment.

The provider must have a bilateral contract with VR and be a CBTAC with a current certification from [The Center for Social Capital](https://www.griffinhammis.com/). CBTACs who also have earned the Supported Employment Specialist credential from UNTWISE are preferred. The CBTAC provides technical assistance on the following to the customer, VR counselor, circle of support, business team members, and others:

* Supported Self-Employment Assessment
* Supported Self-Employment Concept Development
* Supported Self-Employment Feasibility Study
* Supported Self-Employment Business Plan
* Supported Self-Employment Financials Development
* Supported Self-Employment Services Plan
* Supported Self-Employment assistance in business start-up
* Supported Self-Employment assistance in business maintenance
* Supported Self-Employment assistance in business stability
* Supported Self-Employment service closure

See VR-SFP Chapter 19: Self-Employment for additional supported self-employment provider responsibilities.

### C-1104-8: Extended Services and Circle of Support

Support for the customer also includes:

* the business team;
* extended services and supports; and/or
* the customer's circle of support.

A business team is a working collection of friends, colleagues, and experienced businesspeople assembled to help the customer formulate an enterprise idea, launch the business, and support the venture's growth. Typically, the business team includes four to eight people. VR requires that at least two business team members be current or past business owners, excluding the self-employment specialist. The VR counselor must be invited to all business team meetings. See VR-SFP 19.6.3.1 for more information.

Extended services and support are the ongoing support services, following VR case closure, that are necessary to support and maintain a self-employment outcome, and which:

* are provided or funded by sources other than VR; and
* involve either on-site or off-site monitoring (as requested by the customer or legal representative) for as long as necessary to ensure the customer's job stability.

Necessary extended services and support are identified in Form VR1811, Supported Self-Employment Services Plan (SSESP) and Benchmark Report, and updated as needed throughout the VR case.

Extended services and support begin at Benchmark 2: Supported Self-Employment Business Start-Up, and continue for as long as the customer needs them.

Examples of extended services and support provided by natural supports or service providers not funded by VR include:

* consulting with the customer and the business team about problem areas or training needs such as:
  + training the customer in new job skills or routines;
  + monitoring the customer's work performance; and
  + implementing support or strategies to improve the customer's work performance;
* identifying and obtaining the help of natural supports on and off the work site;
* reporting earned income to Social Security;
* mentoring;
* accommodations;
* transportation; and
* providing other services the customer needs, such as:
  + medication management;
  + hygiene assistance;
  + dress assistance; and
  + social needs at work sites.

The circle of support is a group of individuals that help a customer meet objectives. The group functions as a community for the individual who cannot achieve those objectives on his or her own. A circle of support is a strategy used in person-centered planning.

### C-1104-9: Concept Development

#### Concept Development

The CBTAC helps the customer collect the data necessary to complete VR1809, Supported Self-Employment Concept Development. The CBTAC works with the customer in establishing the business team. VR prefers that at least two business team members be current or past business owners, excluding the self-employment specialist. The CBTAC ensures that all team members understand the purpose and commits to helping the customer research, establish, and maintain a business within the customer's community. Team members must exhibit commitment, solidarity, and innovation to support the customer in this venture.

### C-1104-10: Feasibility Study

A business feasibility study assesses the likelihood that a business will succeed by using research tools such as surveys or statistical analyses. A Form VR1802, Concept Development and Feasibility Study must be completed to determine the feasibility of a customer's proposed business. The VR counselor must arrange for a CBTAC to assist customers who propose a supported self-employment strategy in completing the feasibility study and market analysis.

### C-1104-11: Developing the Business Plan and Individualized Plan for Employment

#### Developing the Business Plan

Before development of the IPE, the customer, circle of support, business team, and CBTAC complete a business plan that describes:

* the business owner;
* the business, including structure;
* the business's product and/or service;
* the marketing analysis and plan;
* operations and legal considerations;
* an outline of the feasibility of the planned enterprise;
* a financial plan; and
* extended support.

The business plan is reviewed by the VR counselor, the regional specialist assigned to self-employment, the VR Supervisor or VR Manager, the state program specialist assigned to specialized employment strategies, and others, as required.

The VR counselor provides the customer with Form VR1813, Supported Self-Employment Business Plan, to use for developing the business plan.

A business plan is required for every case of supported self-employment.

The business plan:

* guides the customer toward a successful business; and
* helps the VR counselor and the customer determine which VR services are reasonable and necessary to support the plan.

As part of the business plan, a separate attachment must list the:

* items that the customer requests to be paid by VR and the costs; and
* items and resources that the customer will contribute to the plan.

A supported self-employment business plan requires the following detailed sections:

* Business Executive Summary
* Business Description
* Products and Services
* Marketing Analysis
* Marketing Plan
* Operational and Legal Considerations
* Financial Plans
* Extended Business Supports
* Extended Long-Term Supports
* Appendices

VR purchases technical assistance in the following for customers who propose a supported self-employment strategy:

* Self-employment exploration
* Concept development and feasibility study
* Market analyses
* Business plan, including financials

For experienced help in developing a business plan, customers can use comparable benefits—with or without the assistance of a CBTAC—which are available from:

* some Workforce Solutions Offices;
* the SBA;
* city and county organizations for business development;
* chambers of commerce;
* community colleges, adult education, and educational institutions; and
* SBCDs.

Payment information for technical assistance for self-employment is listed in RHW specifications for the following:

* Self-Employment Services
* Technical Assistance Services

The cost of technical assistance is not considered part of the cost of the self-employment plan.

Computers with speech and large-print access are available in many Workforce Solutions Offices. Customers may use these computers to access the Internet for research and to create the business plans.

#### Developing the Individualized Plan for Employment

An IPE for a specific employment or job title goal can be developed for wage employment before an IPE is developed for supported self-employment. The IPE for wage employment must include supported employment services. A supported self-employment IPE cannot be developed until a Supported Self-Employment Assessment, Supported Self-Employment Concept Development, Supported Self-Employment Feasibility Study, Supported Self-Employment Business Plan, and Supported Self-Employment Financials have all been completed.

Once the business plan has received all required approvals, an IPE for supported self-employment can be developed or can be amended from a wage employment IPE to a supported self-employment IPE.

The IPE for supported self-employment must designate supported employment and include:

* a check on the "self-employment" and "supported employment" options in RHW;
* the name of a support organization or business coach for continuing the business after the end of VR funding and case closure;
* any comparable benefits to be used;
* a specific employment or job title goal;
* supported self-employment services from a CBTAC;
* the agreed-upon:
  + criteria for business stability;
  + period from business stability to case closure; and
  + method used to periodically report net income;
* any training services, such as:
  + how to start a business;
  + bookkeeping; or
  + tax preparation and reporting;
* technical assistance services;
* the approved goods and services, as listed in the business plan attachment, to be purchased;
* the customer's contribution of resources to help establish and maintain the business (for example, use of a vehicle, labor, a building, tools), as listed under customer's responsibilities;
* the customer's participation in the cost of the supported self-employment if income and/or liquid assets exceed BLR, as listed under customer contributions;
* all extended business support necessary to assist the customer in operating the business;
* all extended long-term support and services to assist the customer in maintaining the business; and
* vocational counseling and guidance.

### C-1104-12: Closing a Supported Self-Employment Case as Rehabilitated

Before closing a case in supported self-employment as successful, the VR counselor ensures that it meets the following criteria for closing a case as rehabilitated:

* The business has achieved stability as defined in the IPE, such as when the business revenue:
  + equals or exceeds operating costs, as shown on a financial statement, and minimum wage for the business owner; or
  + in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills (Based on 34 CFR §361.5(9)(i)(C))
* The business has been in operation for at least 90 days after stability
* The customer has maintained a business that meets all nonnegotiable employment conditions and meets 50 percent or more of the negotiable employment conditions
* All extended long-term support and services are in place and working
* The customer and VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.

The VR counselor must do the following before closing a supported self-employment case:

* Document that the business continues to operate for 90 days from stability (Benchmark 4)
* Document the length of business operation through one or more of the following means:
  + appropriate combination of the income documents that demonstrate at least 90 days of business operation
  + a detailed description of the VR counselor's observation of the customer on the job at the beginning and end of 90 days
  + other objective or verifiable information
* Document the income level by obtaining and filing in the case record one or more of the following documents for income verification:
  + a recent financial statement verifying revenue and expenses;
  + recent copies of contractor's invoices and proof of payment to the contractor for sole proprietorships in which work is performed strictly on a contract basis; or
  + copies of business bank statements covering at least 90 days of operation.
* Document all extended long-term supports and services.

# Vocational Rehabilitation Services Manual C-1200: Supported Employment Services

## Introduction

Supported Employment (SE) enables customers with the most significant disabilities to enter competitive integrated employment by:

* providing individualized assistance in finding an appropriate job match;
* providing Ongoing Support Services; and
* establishing Extended Services, sometimes called long-term supports, to help the customer to maintain a long-term competitive integrated employment.

Often customers in SE have been:

* excluded from community services;
* institutionalized; or
* in segregated work programs, such as sheltered workshops or enclaves, for extended periods of time.

SE providers often use the "place and train" model and customized employment practices to develop the best job match for the customer, using flexible strategies to meet the individual's needs and the employer's unmet business needs. The "place and train" model matches customers to jobs that are consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices. Providers then supply ongoing supports and training so that the customer can develop the skills needed to maintain the employment over the long term with the use of Extended Services.

SE can be used with customers with any disability, but it is most commonly used with customers who have a neurodevelopment disability, complex physical disabilities such as brain injury, cerebral palsy, etc., and significant behavioral health conditions that cause the customer to have severe limitations.

## C-1201: Legal Authorization

### 34 CFR §363.3

"A State may provide services under this part to any individual, including a youth with a disability, if:

(a) The individual has been determined to be:

(1) Eligible for vocational rehabilitation services in accordance with 34 CFR 361.42; and

(2) An individual with a most significant disability;

(b) For purposes of activities carried out under §363.4(a)(2), the individual is a youth with a disability, as defined in 34 CFR 361.5(c) (59), who satisfies the requirements of this section; and

(c) Supported employment has been identified as the appropriate employment outcome for the individual on the basis of a comprehensive assessment of rehabilitation needs, as defined in 34 CFR 361.5(c)(5), including an evaluation of rehabilitation, career, and job needs."

### 34 CFR §361.5

(9)"Competitive integrated employment means work that—

(i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that-

(A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;

(B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(D) Is eligible for the level of benefits provided to other employees; and

(ii) Is at a location—

(A) Typically found in the community; and

(B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and

(iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

(Authority: Sections 7(5) and 12(c) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705(5) and 709(c))

(11) Customized employment means competitive integrated employment, for an individual with a significant disability, that is—

(i) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;

(ii) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and

(iii) Carried out through flexible strategies, such as—

(A) Job exploration by the individual; and

(B) Working with an employer to facilitate placement, including—

(1) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;

(2) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;

(3) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and

(4) Providing services and supports at the job location.

(Authority: Section 7(7) and 12(c) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705(7) and 709(c))"

### 34 CFR §361.5

"(53) Supported employment—

(i) Supported employment means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities—

(A) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

(B) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work.

(ii) For purposes of this part, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, as defined in paragraph (c)(9) of this section is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment—

(A) Within six months of achieving a supported employment outcome; or

(B) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record."

(Authority: Sections 7(38), 12(c), and 602 of the Rehabilitation Act of 1973, as amended; 29 USC 705(38), 709(c), and 795g)

"(54) Supported employment services means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment that are -

(i) Organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment;

(ii) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;

(iii) Provided by the designated State unit for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and

(iv) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment."

(Authority: Sections 7(39), 12(c), and 103(a)(16) of the Rehabilitation Act of 1973, as amended; 29 USC 705(39), 709(c), and 723(a)(16))

### 34 CFR §361.5

"(37) Ongoing support services, as used in the definition of supported employment, means services that—

(i) Are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;

(ii) Are identified based on a determination by the designated State unit of the individual's need as specified in an individualized plan for employment;

(iii) Are furnished by the designated State unit from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement;

(iv) Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on—

(A) At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or

(B) If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual;

(v) Consist of—

(A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (c)(5)(ii) of this section;

(B) The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

(C) Job development and training;

(D) Social skills training;

(E) Regular observation or supervision of the individual;

(F) Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(G) Facilitation of natural supports at the worksite;

(H) Any other service identified in the scope of vocational rehabilitation services for individuals, described in §361.48(b); or

(I) Any service similar to the foregoing services."

(Authority: Sections 7(27) and 12(c) of the Rehabilitation Act of 1973, as amended; 29 USC 705(27) and 709(c))

### 34 CFR §361.5

"(19) Extended services means ongoing support services and other appropriate services that are -

(i) Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment;

(ii) Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;

(iii) Based on the needs of an eligible individual, as specified in an individualized plan for employment;

(iv) Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit; and

(v) Provided to a youth with a most significant disability by the designated State unit in accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability under paragraph (c)(58) of this section, whichever occurs first. The designated State unit may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability."

(Authority: Sections 7(13), 12(c), and 604(b) of the Rehabilitation Act of 1973, as amended; 29 USC 705(13), 709(c), and 795i(b))

## C-1202: Eligible for Supported Employment Services

SE services may be used for customers with any type of disability, but a customer must:

* have a most significant disability (three or more functional limitations);
* require individualized assistance in finding an appropriate job match;
* require ongoing supports to learn the job and establish accommodations; and
* require extended services (long-term supports) to maintain the employment after VR closes the case.

A VR counselor can authorize the purchase of SE if the customer has a most significant disability and:

* will benefit from the Place, Then Train model of job placement;
* needs extensive comprehensive training and support to compete in the labor market;
* needs ongoing supports to maintain an employment outcome;
* requires considerable help competing in the open job market;
* has not had competitive integrated employment or has experienced interrupted or intermittent employment; and/or
* is likely to be able to find and keep a competitive integrated job when necessary supports are in place.

Supported Employment services are available for customers who are “youth with disabilities,” adults, and in trial work.

### C-1202-1: Level of Significance for Supported Employment Cases

All VR customers who use SE services must be designated in ReHabWorks (RHW) as "most significant." The level of significance is determined at the time eligibility is determined. However, if additional information becomes available to support the change in the level of significance, this designation may be updated at any time thereafter.

SE can be used as a Trial Work activity.

For more information about determining the level of significance, refer to VRSM B-300: Determining Eligibility and VRSM B-309: Establishing the Level of Significance.

### C-1202-2: Ongoing Supports

Ongoing supports are furnished by VR through SE from the time of job placement until the customer has achieved job stability and has been transitioned to Extended Services. Ongoing supports include the coordination or delivery of services at or away from the job site that are necessary for the customer to maintain stability in employment. Examples include:

* job skills training;
* social skills training;
* hard-skills training;
* development of job aids;
* education on disabilities with business; or
* establishing accommodation.

### C-1202-3: Extended Services

Extended Services and supports assist the customer in maintaining employment long term, after the intensive ongoing supports and training have led to the stabilization of the customer's employment. Extended Services are comparable benefits that must be listed in the customer’s IPE.

Extended Services can be provided either at the employment site or off-site when necessary to maintain stable employment. Examples of Extended Services include, but are not limited to:

* job skills training (job coaching when provided by Home and Community-Based Services (HCBS) Waivers) to assist with development of soft and hard skills to ensure the customer is meeting the expectation of the employer;
* transportation;
* Social Security income reporting;
* medication management;
* assistance with dressing or toileting; and/or
* managing the customer's work schedule.

#### Extended Service Providers

Extended Services are funded by sources other than TWC-VR for as long as needed to ensure the customer remains stable in his or her employment. Extended Services begin when the customer achieves job stability. The Supported Employment Specialist coordinates and trains all Extended Service providers.

The only exception for Extended Services being provided by resources other than TWC-VR is for a VR customer who is a "youth with a disability" that does not have comparable benefits or resources available for Extended Services. VR can purchase Extended Services for VR customers who are "youth with disabilities" through Job Skills Training for only VR customers for a period of up to four years or until the youth reaches age 25, whichever occurs first. When VR is providing Extended Services for a customer and is purchasing Job Skills Training the VR counselor must continually seek alternate resources for Extended Services and document the resources sought out in a case note. When comparable benefits or resources are found for Extended Services, VR must stop the purchase of Job Skills Training as an Extended Services.

Extended Services can be provided by:

* Medicaid Waiver Programs
* Local Intellectual Developmental Disabilities (LIDDA) and Local Mental Health Authorities (LMHA)
* public agencies and private nonprofit organizations
* natural supports:
  + supports from supervisors and coworkers such as mentoring, feedback on performance, and/or assistance in learning new skills
  + friends and family members can also provide natural supports such as arranging transportation, helping with medication management, and helping to solve work-related problems

#### Home and Community Based (HCBS) Waivers

Section 1915(c) Home and Community-Based Services (HCBS) Waivers provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings. These programs serve a variety of targeted populations groups, such as people with mental illnesses, intellectual disabilities, and/or physical disabilities. A person's services for HCBS waivers are determined on the person's preferences obtained through person-centered planning. Currently there is an interest list for all Texas HCBS waivers. When a VR customer is eligible for a HBCS wavier the VR counselor should assist the customer in putting their name on the interest list.

People getting Medicaid HCBS have the right to:

* seek employment
* work in competitive or integrated settings
* engage in community life
* control their personal resources
* receive services in the community

Texas Home and Community Based (HCBS) Waivers include:

* Community Living Assistance and Support Services (CLASS)
* Home and Community-Based Service (HCBS)
* Texas Home Living (TxHmL)
* Youth Empowerment Services (YES)
* Deaf Blind with Multiple Disabilities (DBMD)
* STAR+PLUS
* STAR Kids

VR counselor's roles in coordinating a customer's Extended Services in a HCBS Wavier:

* VR counselor must make sure the customer's HCBS waiver budget has funds available for extended supports; and
* VR counselor must make sure the HCBS waiver provider includes the Extended Services in the customer's HCBS waiver person-centered/directed plan and individual service plan.

When HCBS services are coordinated in a VR customer's case:

* it is preferred and a best practice that the Extended Services, known as Supported Employment in the HCBS waiver, be identified before the VR counselor makes a referral for the VR Career Planning Assessment (CPA);
* units for HCBS waiver Supported Employment (aka VR Extended Services), must be approved in customer's HCBS waiver plan no later than the end of the final job retention benchmark in order for extended services to begin at job stability; and
* see TWS-VRS & HHS Waiver Sequencing of Services document.

This section applies only to customers who have a Medicaid waiver already available to them.

#### Supplemental Security Income and Social Security Disability Insurance Recipients

If a customer is eligible for Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) benefits, the VR counselor must obtain a Benefits Planning Query (BPQY) in order for the Career Planning Assessment to be completed. Once the customer has an employment and earnings goal on the IPE, VR will arrange for the customer to receive a Benefits Summary and Analysis/Work Incentive Plan. VR works with the customer to facilitate use of Social Security work incentives when these resources are determined to benefit the customer. For more information about this process, refer to VRSM A-306-7: SSA Benefits and Work Incentives Supports and Services Planning Process.

#### Youth with Disabilities Customers and Extended Services

When all other available resources for extended services, such as Medicaid Waiver programs, natural supports, other public agencies, and/or private nonprofit organizations are not available to the customer, TWC-VRD can provide extended services to VR customers who are “youth with a disability.” Services can be provided for a period not to exceed four years or until the youth reaches the age of 25 and no longer meets the definition of a "youth with a disability," whichever occurs first. See the glossary for the definition of "youth with a disability." When VR sponsors extended services for youth with disabilities, the case must continue to maintain job stability status. Job skills training is how TWC-VRD purchases extended services for a customer. For information on how job skills training may be used as an extended service, refer to VR-SFP Chapter 17, Section 17.5.1.1 Purchasing Job Skills Training for Extended Services for Youth with Disabilities.

VR counselor must continue to seek out resources to fund the Extended Services until a resource for Extended Services is identified or the case is closed.

A case cannot be closed until 90 days after VR is no longer providing Extended Services for "youth with disabilities" customers.

For more information on services for youth with disabilities, refer to VRSM C-1300: Transition Services for Students and Youth with Disabilities.

For more information about using comparable benefits, refer to VRSM B-400: Completing the Comprehensive Assessment and VRSM B-504-6: Comparable Benefits.

## C-1203: Individualized Plan for Employment for Supported Employment

Supported Employment must be identified as an appropriate rehabilitation objective for the customer and is based on a comprehensive assessment that determines the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. This objective is included in the customer's individualized plan for employment (IPE).

An IPE for SE must:

* show that the customer is eligible for and will be receiving SE Services via the checkbox option in RHW;
* include SE services as a planned service;
* specify the benefits analysis and planning for customers who receive Social Security benefits to determine whether benefits exist that the customer can access to support employment;
* specify the maximum number of hours the customer will work in a competitive integrated setting based on the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
* specify ongoing training and supports such as job skills training needed at the employment site and away from the employment site that will be necessary for the customer to maintain the competitive integrated employment;
* specify the Extended Services and supports needs and sources to provide or arrange the Extended Services, including natural supports, including:
  + the name of the individual, organization, or other resource that is reasonably expected to agree to provide Extended Services after the TWC-VR–funded services cease (if such a resource cannot be identified when the IPE is developed, include information about a reasonable expectation for the time that a source for the Extended Services will become available before case closure); and
  + an explanation of the coordination of services and comparable benefits that will be provided under other individualized plans for other federal or state programs, when available and identified through Social Security benefits analysis and planning. Examples are:
    - an Individualized Education Plan (IEP);
    - an Individualized Transition Plan (ITP-BSD);
    - CLASS;
    - HCS; and
    - other available programs.

If the original IPE did not identify SE as a planned service, the IPE must be amended to include SE and the SE service provider. All changes to planned SE services must be documented in an IPE or in an IPE amendment. Use of service-justification case notes instead of an IPE or IPE amendment is not allowed.

When completing an IPE for SE, refer to VRSM B-500: Individualized Plan for Employment and Post-Employment.

## C-1204: Purchasing Requirements

Supported Employment Services are purchased through contracted providers only.

For more information on general purchasing policies and procedures, refer to VRSM D-200: Purchasing Goods and Services.

To ensure accountability and high-quality services to VR customers, VR staff must apply the contracting requirements as published in the Standards for Providers. For information about required outcomes for Supported Employment Services and the fee schedule, refer to VR Standards for Providers, Chapter 18: Supported Employment Services.

Any request to change to Supported Employment Service Description, Process and Procedure, or Outcomes Required for Payment must be documented and approved by the VR director using the Form VR3472, Contracted Service Modification Request form, before the change is implemented. Examples of when a VR3472 is necessary include when:

* requesting a change in providers in cases where the benchmarks previously achieved are not being paid;
* extending SE services beyond 24 months; and
* purchasing Supported Employment services after the purchase of a Bundled Job Placement Benchmark A-C.

### C-1204-1: Premiums

The following premiums can be purchased with SE services:

* Autism
* Blind
* Brain Injury
* Criminal Background
* Deaf
* Mileage
* Professional Placement
* Wage

Refer to VR Standards for Providers, Chapter 20: Premiums, for service descriptions to determine whether a specific premium is applicable for a customer as well as the fee schedule.

## C-1205: Referral to Supported Employment Services

Supported Employment (SE) must be identified as an appropriate rehabilitation objective for the customer based on a comprehensive assessment that determines the customer’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice and is included in the customer’s individualized plan for employment (IPE) or the trial work plan (TWP). Before a referral to a provider for SE services, the VR counselor must identify, address, and document medical, psychological, and/or physical barriers that could interfere with successful employment.

A Career Planning Assessment (CPA) must be completed before referring a customer to SE. If an Environmental Work Assessment (EWA) was conducted, then payment for the CPA may be prorated. When payment for the CPA is prorated, the work skills assessment is not completed on the CPA. For more information on EWAs and CPAs, refer to VR-SFP Chapter 4: Employment Assessments.

VR staff sends Form VR5000, Referral for Provider Services, and a service authorization (SA) to the SE specialist before the SE Plan meeting. The VR counselor should provide relevant documentation, such as a Benefits Planning Query (BPQY); case notes; psychological, vocational, or medical evaluations; and a copy of the CPA and EWA (if done by a different provider), to prepare the provider to work with the customer.

When the customer is a Social Security beneficiary, the VR counselor must

* complete a benefits planning query (BPQY) before the referral;
* coordinate the provision of long-term supports funding from the Texas Health and Human Services Commission, the Texas Department of State Health Services, and the managed care organization, when the customer has a 1915(c) waiver, prior to the referral;
* indicate on the referral the customer’s resources that are related to Extended Services; and
* facilitate access to identified Extended Services resources.

## C-1206: Benchmarks

SE services may not exceed 24 months from the time the customer is placed. When the customer needs SE for longer than 24 months to reach job stabilization, VR3472, Contracted Service Modification Request for Job Placement, Job Skills Training, and Supported Employment Services, must be completed and submitted for approval. The VR counselor and the customer must agree to extend services and must document the approved extension on the customer’s IPE.

When a change to an SE service description, process and procedure, or outcomes required for payment is required to meet a customer’s individual needs, the change must be documented and approved by the VR director using VR3472, Contracted Service Modification Request for Job Placement, Job Skills Training, and Supported Employment Services, before the change is implemented.

The following VR services may not be purchased while a customer is receiving SE services from an ESP:

* Bundled Job Placement
* Job Skills Training, except when the Job Skills Training is used to provide Extended Services as described in VRSM C-1202-3: Extended Services
* Non-bundled Job Placement
* On-the-Job Training (OJT)
* Personal Social Adjustment Training (PSAT)
* Vocational Adjustment Training (VAT)
* Environmental Work Assessment (EWA)
* Vocational Evaluation
* Project SEARCH
* Work Adjustment Training (WAT)
* Work Experience Services (WE)

For all benchmarks, the VR counselor:

* works in coordination with the customer and the SE specialist throughout the SE process to ensure the best possible employment outcome for the customer;
* facilitates the SE process, providing counseling and guidance throughout, to ensure successful employment for the customer;
* monitors the customer’s case;
* reviews all required documentation for accuracy and completeness prior to payment; and
* verifies that all deliverables have been achieved prior to authorizing payment of the invoice.

For all benchmarks, the rehabilitation assistant (RA):

* requests records;
* creates service records and issues SAs, ensuring SE funds are used when available;
* schedules and/or coordinates meetings with the customer, the customer’s circle of support, the SE specialist, and the VR counselor; and
* returns reports and invoices to the provider to correct errors using Form VR3460, Vendor Invoice Additional Data Request.

Refer to SFP Chapter 18 for additional information regarding SE service descriptions, processes and procedures, outcomes required for payment, the fee schedule, and SE resources.

### C-1206-1: Supported Employment Plan

The SE Plan provides the framework for how the SE specialist will help the customer achieve competitive integrated employment. The SE Plan is completed during the SE Plan meeting by the VR counselor, using person-centered approaches, in collaboration with the customer, the customer’s circle of support, and the SE specialist. The SE Plan must align with the customer’s interests, preferences, potential job tasks, and identified employment conditions. The SE Plan also identifies the customer’s resources, support needs, extended services (both available and needed), potential employers, and any available premiums. Form, VR1632, Supported Employment Plan and Employment Report, must be reviewed and agreed upon by the customer, the SE specialist, and the VR counselor.

When developing or amending the SE Plan, a meeting is conducted in person or remotely. The VR counselor, SE specialist, customer and, as appropriate, the customer’s representative and circle of support, must attend the SE plan meeting.

When developing the SE plan, the VR counselor must:

* review Form VR1630, Career Planning Assessment with the group, ensuring that the information recorded in the VR1632 represents the information in the CPA and/or EWA and the customer's best interests;
* complete Form, VR1632 with the customer, SE specialist, and circle of support, recording the customer's identified:
  + interests, preferences, and potential job tasks;
  + employment conditions in measurable terms; and
  + extended services (funded, paid, and/or natural supports).
* maintain a signed version of Form VR1632 in the VR case file;
* provide a signed copy of Form VR1632 to the customer and SE specialist;
* provide an electronically fillable copy of Form VR1632 to the SE specialist; and
* request that VR staff issue SAs to the SE specialist for:
  + supported employment job development and placement benchmark; and
  + any relevant premiums.

The SE Plan is amended when supported by the VR counselor and based on the customer’s informed choice and decision to change the preferences, interests, potential job tasks, and employment conditions listed on Form VR1632, Supported Employment Plan and Employment Report.

To amend the SE Plan, the VR counselor must:

* contact the customer to determine whether an update to the SE Plan is needed;
* request that VR staff issue an SA to the SE specialist for the SE Plan Update Meeting;
* schedule the meeting to update the SE Plan;
* revise Form VR1632 with the customer, SE specialist, and circle of support;
* obtain new signatures;
* file the updated, signed copy of Form VR1632 in the customer’s VR case file;
* provide an updated, signed copy of Form VR1632 to the customer and SE specialist;
* provide the updated, electronically fillable copy of Form VR1632 to the SE specialist; and
* ensure all required SAs are up to date.

### C-1206-2: Supported Employment Job Development and Placement Benchmark

The job development and placement benchmark should be authorized and paid once during the life of the case. On a case-by-case basis, it may be necessary to purchase the Job Development and Placement benchmark more than once. When the VR counselor determines the customer needs the supports of a supported employment specialist for an additional Job Development and Placement benchmark, the VR counselor must obtain VR supervisor approval. Before obtaining VR supervisor approval, the VR counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the benchmark.

During the job development and placement benchmark, the VR counselor:

* reviews all documentation submitted by the provider for accuracy and completion;
* communicates with the provider and the customer regarding the job search and placement;
* reviews the employment placement to see if it meets the definition of competitive integrated employment (CIE) and requests that a CIE checklist be completed, when applicable;
* monitors the customer's employment to ensure that nonnegotiable employment conditions are met throughout the delivery of SE services;
* verifies that the extended services (funded, paid, and/or natural supports) have been identified and that the provider has arranged to train the long-term-support provider;
* verifies that the customer has received ongoing supports as necessary for the customer to learn the job and meet the employer's expectations;
* requests that VR staff issue SAs to the SE specialist for one or two job retention periods, based on the customer’s needs;
* checks the SAs for premiums that are still open; and
* when requested by the SE specialist, schedules a job stability review meeting with the SE specialist, customer, and circle of support.

For information on how a CIE checklist is completed, refer to the Competitive Integrated Employment intranet page.

For more information, refer to SFP 18.5: Supported Employment Job Development and Placement Benchmark.

### C-1206-3: Supported Employment Job Retention Benchmark

The VR counselor may approve and pay up to five job retention benchmarks. Six or more job retention benchmarks require the VR counselor to consult with the VR Supervisor prior to approval.

Each job retention benchmark consists of 28 cumulative calendar days during which the SE specialist must:

* visit the customer in person a minimum of two times at or away from the jobsite, however, the provider should visit multiple times to:
  + provide ongoing supports;
  + ensure that the customer is meeting the employer’s expectations; and
  + ensure that extended supports have been identified.
* make a minimum of one contact with the employer to ensure employer satisfaction; and
* verify that the customer has competitive integrated employment consistent with the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions identified on Form VR1632.

The job retention benchmark may be purchased multiple times until the customer either achieves job stability or to reestablish job stability.

If a customer requires more than two job retention benchmark periods, the SE specialist must request a job stability review meeting.

During the job retention benchmark, the VR counselor:

* reviews all documentation submitted by the provider for accuracy and completion;
* requests VR staff issue SAs to the SE specialist for the job stability review meeting; and
* when requested by the provider, schedules the job stability review meeting with the SE specialist and the customer.

For more information, refer to SFP 18.6: Supported Employment Job Retention Benchmark.

### C-1206-4: Supported Employment Job Stability Review

A job stability review is completed when the customer:

* appears he or she will be job stable at the completion of the current job retention benchmark; or
* appears to need additional job retention services after two 28-day job retention benchmark periods.

The customer must complete at least one 28-day job retention benchmark to be eligible for job stability. To establish job stability, the provider must be prepared to transition any remaining support needs to a funded, paid, and/or natural support extended service provider and notify the VR counselor.

The VR counselor and customer make the final determination about job stability and the purchase of any job retention benchmarks. The VR counselor must consult with the VR supervisor for six or more job retention benchmarks.

Refer to VRSM C-1202-3: Extended Services for information about extended services and for information about when a VR counselor can purchase extended services through job skills training for VR customers who are youth with disabilities.

The job stability meeting may be conducted remotely. During the job stability review meeting, the VR counselor, SE specialist, customer, and circle of support discuss and review the customer’s employment and whether the customer meets the service definition of “job stability” or needs one additional job retention benchmark.

During the job stability review meeting, the VR counselor:

* evaluates the customer’s job stability status, as defined in the service definition section in SFP 18.7.1;
* reviews all documentation submitted by the provider;
* communicates with the provider and customer regarding the need for an additional job retention benchmark;
* provides counseling and guidance, per VRSM C-1206-4;
* documents:
  + one additional job retention benchmark, if approved; or
  + job stability status; and
* requests that VR staff issue SAs to the SE specialist for:
  + either one job retention benchmark before the next job retention benchmark begins or the SE closure benchmark; and
  + any relevant premiums.

When the VR counselor determines the customer needs the supports of a supported employment specialist for an additional Job Development and Placement benchmark, the VR counselor must obtain VR supervisor approval. Before obtaining VR supervisor approval, the VR counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the benchmark.

To reestablish job stability, the VR counselor:

* requests an SA for the provider to participate in another job stability review meeting;
* schedules a job stability review meeting; and
* follows the procedures for a job stability review meeting.

For more information on job stability, refer to SFP 18.7: Supported Employment Job Stability Review.

**Counseling and Guidance for Job Stability**

The VR counselor conducts counseling and guidance (C&G) with the customer during the job stability review meeting. After the job stability review meeting, a C&G case note must be entered documenting the customer’s job stability status. In addition to the C&G case note requirements in VRSM E-300: Case Note Requirements, the VR counselor must document in the C&G case note whether the customer:

* is satisfied with the employment;
* continues to work in a job that meets the definition of competitive integrated employment;
* is meeting the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions on Form VR1632;
* has reliable transportation to and from the jobsite with a backup plan;
* is meeting the employer’s expectations regarding job performance;
* is meeting the physical and environmental demands of the job;
* has all necessary accommodations in place and working;
* has extended services (funded by other local or state agencies or Social Security, private pay, and/or natural supports) in place to ensure continued employment with this support; and
* has achieved all training goals, unless a goal has been determined to be “no longer applicable” or is scheduled to be transferred to extended services, on Form VR1634.

The job stability date is the day after the current job retention benchmark is completed.

Note: It is a best practice to schedule the SE closure meeting at the job stability review meeting when the job stability date is set.

For more information on job stability, refer to SFP 18.7: Supported Employment Job Stability Review.

### C-1206-5: Supported Employment Closure Benchmark

The SE closure benchmark is completed when the customer has maintained job stability for 90 cumulative calendar days and the SE closure meeting has been completed.

To establish SE closure, the provider notifies the VR counselor, and the VR counselor arranges for the SE closure meeting. The VR counselor and customer make the final determination about SE closure.

The VR counselor schedules the SE closure meeting, which must occur after the customer’s 90th day of employment after job stability has been determined.

The SE specialist must provide the updated and complete Form VR1632 to the VR counselor without signatures before or at the meeting.

The VR counselor makes the determination that the case meets the SE closure benchmark by verifying that the customer has all extended services in place and is working in competitive integrated employment that meets the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions identified in the SE Plan.

Counseling and Guidance for SE Closure

The VR counselor conducts counseling and guidance (C&G) with the customer during the SE closure meeting. After the SE closure meeting, a C&G case note must be entered. In addition to the C&G case note requirements in VRSM E-300: Case Note Requirements, the VR counselor must document in the C&G case note whether the customer:

* is satisfied with the employment;
* continues to work in a job that meets the definition of “competitive integrated employment”;
* is meeting the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions on Form VR1632;
* has reliable transportation to and from the jobsite with a backup plan;
* is meeting the employer’s expectation regarding job performance;
* is meeting the physical and environmental demands of the job;
* has all necessary accommodations in place and working;
* has extended services (funded by other local or state agencies or Social Security, private pay, and/or natural supports) in place to ensure continued employment with this support; and
* verifies that the employment information, wages, and start date recorded on For, VR1632 is accurate.

Note: Signatures on Form VR1632 are obtained at the SE closure meeting.

For more information, refer to SFP 18.8 Supported Employment Closure Benchmark.

## C-1207: Closing a Supported Employment Case

Before successfully closing a case with an SE outcome, in addition to the requirements outlined in VRSM B-600: Closure, the following conditions must be met:

* The SE specialist has successfully placed the customer in a job consistent with the SE plan.
* The customer has worked at least 90 days without substantial services funded by VR and without provision of services other than monitoring the established extended support.

When closing the case in RHW, ensure that the Employment Outcome at Closure, which is captured on the Successful Closure page in RHW, is updated to show "Supported Employment in Competitive Integrated Employment."

# Vocational Rehabilitation Services Manual C-1300: Transition Services for Students and Youth with Disabilities

## Introduction

TWC-VR provides transition services to eligible students and youth with disabilities who are between the ages of 14 and 24 years old. Students and youth with disabilities under the age of 14 and served on specialized caseloads, who were made eligible for VR services prior to September 30, 2017, can also receive transition services.

Transition services:

* prepare students with disabilities to progress from receiving special education services and services required under Section 504 of the Rehabilitation Act of 1973, as amended, to receiving VR services; and
* help minimize potential delays in service delivery during the transition from school to employment or independence.

Transition services are not a separate program; they are a subset of VR services. Although this chapter is devoted to specific transition topics, all processes and procedures in the VRSM apply to transition services, unless otherwise stated. Transition services are provided through a flexible multiyear process that develops with each student.

Two of the most significant amendments to the Rehabilitation Act of 1973 made by the Workforce Innovation and Opportunity Act (WIOA) were new definitions for the terms "student with a disability" and "youth with a disability."

|  |  |
| --- | --- |
| **Student with a Disability— Pre-Employment Transition Services (Pre-ETS)** | **Youth with a Disability for Supported Employment\*** |
| The student must:   * be age 14–22; and * be enrolled in school (public, private, home, or postsecondary). | The youth must:   * be age 14–24; and * have a disability that is designated as "most significant." |
| Defined for the purpose of designating who can receive services counted as Pre-ETS (toward the 15 percent expenditure requirement).  Can be eligible or potentially eligible for VR services. | Defined for the purpose of designating which customer expenditures count toward the 50 percent Supported Employment requirement. |
| Can receive services in the Pre-ETS categories. | If a youth also meets the definition of a student with a disability, then the youth can receive Pre-ETS. See VRSM C-1200: Supported Employment Services for more information.  If the youth has an individualized plan for employment (IPE) for his or her supported employment services, then the youth's Pre-ETS must stop. (Youth who receive Supported Employment services are not eligible for Pre-ETS). |
| Supported Employment services cannot be counted as Pre-ETS. | Extended services for Supported Employment can be provided to a youth for up to four years, or until the youth's 25th birthday, whichever comes first.  For more information on extended services, see VRSM C-1200: Supported Employment Services. |

The definition of students with a disability is a subset of the definition of youth with a disability. It is possible for an individual to age out of being a student with a disability and still need and receive VR transition services as a youth with a disability (see services under 34 CFR 361.5(c) (55)). The IPE must clearly identify and document the need for all VR transition services.

\*When individuals are in the 14-24 age range and have a disability, they will meet the "Youth with a Disability" definition. The disability only has to be considered "most significant" if they are also participating in Supported Employment services.

## C-1301: Legal Authorization

Transition services are mandated by the following federal laws:

### The Rehabilitation Act of 1973

The Rehabilitation Act of 1973 was reauthorized and amended by WIOA in 2014.

### 34 CFR 361.5(c) (55)

Federal regulations implementing WIOA define "Transition Services" as follows.

A coordinated set of activities for a student or [youth with a disability](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=c8ba67e1a80a0db1a118e322727e5777&term_occur=2&term_src=Title:34:Subtitle:B:Chapter:III:Part:361:Subpart:A:361.5) is:

"(i) Designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, [competitive integrated employment](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=780921f38226e9d2074ac6202d0918b6&term_occur=11&term_src=Title:34:Subtitle:B:Chapter:III:Part:361:Subpart:A:361.5), [supported employment](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=550edfb6a3f5b5853538d4f19b42ce1b&term_occur=9&term_src=Title:34:Subtitle:B:Chapter:III:Part:361:Subpart:A:361.5), continuing and adult education, adult services, independent living, or community participation;

(ii) Based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;

(iii) That includes instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;

(iv) That promotes or facilitates the achievement of the [employment outcome](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=0df727cd8b9e131a290f3319022bfeed&term_occur=12&term_src=Title:34:Subtitle:B:Chapter:III:Part:361:Subpart:A:361.5) identified in the student's or youth's individualized plan for employment; and

(v) That includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or [youth with a disability](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=c8ba67e1a80a0db1a118e322727e5777&term_occur=3&term_src=Title:34:Subtitle:B:Chapter:III:Part:361:Subpart:A:361.5)."

### 29 USC 701 (b)(4)(5)

Pre-Employment Transition Services are provided to students with a disability, as defined in WIOA "to increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and (5) to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and receipt of services under section 794."

### 34 CFR 361.65(a)(3)(i)

"Pursuant to section 110(d) of the Act, the State must reserve at least 15 percent of the State's allotment, received in accordance with section 110(a) of the Act for the provision of pre-employment transition services, as described at §361.48(a) of this part."

A Provision of the Rehabilitation Act of 1973  
(29 USC 701 et seq.) Section 402, §2(a) (29 USC 701(a))

''(7)(A) a high proportion of students with disabilities is leaving secondary education without being employed in competitive integrated employment, or being enrolled in postsecondary education; and ''(B) there is a substantial need to support such students as they transition from school to postsecondary life.''

### 34 CFR 104.33(a) and (b)

"A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap." "…the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met."

### 34 CFR 361.53 (d)

Coordination of services for students with disabilities:

The IPE for a student with a disability must be coordinated with the individualized education program or Section 504 services, as applicable, for that individual in terms of the goals, objectives, and services identified in the education program.

## C-1302: Roles of the Transition Services Team

The key members of the Transition Services Team are:

* the student (that is, the transition services customer);
* the TVRC;
* family members; and
* staff from the local education agency.

Transition services are student-centered. Success relies on collaboration between the members of the transition team and other support systems. Students and youth with disabilities will soon be adults who need jobs, homes, friends and family, and community involvement. Transition services that are facilitated by VR staff coordinate resources so that an independent life and vocational goals can be achieved. The earlier the planning begins, the sooner supports and services can be coordinated to help the student achieve his or her employment goals.

The transition team plans and develops long-term vocational and independent living goals that are consistent with the interests, needs, and preferences of the student. The key members of the transition team should include professionals and nonprofessionals who are interested in the success of the student.

### C-1302-1: Student or Transition Services Customer

The student (transition services customer) is the most important member of the transition team. WIOA defines a student with a disability as an individual who is attending school in a recognized educational setting.

A recognized educational setting may include public schools, private schools, home schooling, postsecondary, or other recognized setting, such as schooling provided by juvenile justice facilities.

In Texas, the definition of student with a disability is an individual who is:

* 14–22 years of age;
* enrolled in school; and
* receiving or has received services through special education programs or is considered eligible for Section 504 services.

The responsibility of the student is to actively participate in transition planning and services in order to decide on his or her postsecondary goals, based on his or her personal interests, preferences, and dreams. Working with the other members of the team will help the student explore and develop the steps to achieve his or her goals.

Transition planning must meet the needs of the student and not the needs of transition services or other members of the team.

### C-1302-2: Transition Vocational Rehabilitation Counselor

A transition vocational rehabilitation counselor (TVRC) is a qualified VR counselor who works a specialty caseload of transition students with disabilities. Some VR counselors have a dual-focus caseload; which means that they have a general caseload of adult VR customers and serve as the TVRC to students with disabilities at one or more of the secondary schools in the TVRC's geographic area. Throughout this chapter, when the term "TVRC" is used, it refers to the roles and responsibilities of any counselor that works with transition students with disabilities.

Based on the student's vocational and training needs, the TVRC:

* helps students and youth with disabilities develop and participate in work-based learning opportunities;
* provides information, support, and guidance to transition students, parents, and schools to promote effective transition services;
* helps eligible students develop an IPE;
* networks with school and community resources to develop and maintain referral sources to identify and reach transition students with disabilities;
* acts as a community educator;
* contacts and counsels the student, family, and significant others to help the student complete as many of the transition services included in the IPE as possible;
* manages case flow and caseload size to ensure that effective transition services for students;
* plans and promotes the use of Pre-ETS, where appropriate;
* plans and coordinates employability skill development and confidence building activities for students, such as summer work experience programs, workshops, seminars, and other employment transition services;
* identifies and helps students and their families access other appropriate resources, such as School-to- Careers programs, Tech-Prep career development services, Social Security income (SSI), work opportunity tax credits, and services from the Texas Health and Human Services Commission (HHSC) and appropriate Medicaid waiver programs, such as Community Living Assistance and Support Services (CLASS),
* acts as a consultant to TWC staff regarding transition issues;
* arranges for consultant services from other VR resources, such as Deafblind services, the Vocational Diagnostic Unit, Employment Assistance services, Autism services, the regional and state office program specialist, business relations consultations, the VR teacher, and the Criss Cole Rehabilitation Center;
* helps students obtain technology evaluations, recommended assistive technology, and training in the use of purchased equipment, when appropriate;
* supports students as they make the transition from secondary school to postsecondary education or employment;
* contacts appropriate representatives of other organizations to ensure interagency cooperation; and
* attends individualized educational plan (IEP) meetings, also known as ARD (Admission, Review, and Dismissal) meetings, person-centered planning meetings when invited, as well as other relevant community transition meetings. Attendance may be virtual by conference call, video meeting, and so on.

### C-1302-3: Family Involvement

Family involvement in the transition process can significantly enhance both successful transition services and a successful outcome. Each family has a unique set of values and cultural influences affect their concerns, opinions, and requests.

When family support is available, the family's role in the transition team is to:

* support the student by incorporating rehabilitation training and expectations at home;
* help the student identify and describe the student's and family's needs;
* express expectations for services;
* encourage the student to act as primary coordinator for all services; and
* help the student become an effective self-advocate.

### C-1302-4: Local Education Agency

The role of the local education agency (LEA) is to provide a free and appropriate public education for students with disabilities who are receiving special education or Section 504 services as required under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

IDEA defines transition services as follows:

"A coordinated set of activities for a child with a disability that (A) is designed to be a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation."

#### 20 USC 1401(34)

Schools are responsible for identifying and providing accommodations and/or modifications based on a student's need to access education. VR cannot provide services strictly for the purpose of accommodating a student to get access to their education, even if a student has an IPE in place. The counselor can partner with the LEA to provide Pre-ETS and other transition services while the student is still in secondary school.

The following table explains the differences between modifications and accommodations as adapted from Texas Education Agency (TEA) Division of IDEA Coordination.

#### Content Modification vs. Instructional Accommodations

|  |  |  |
| --- | --- | --- |
|  | **Instructional Accommodation** | **Instructional Modification** |
| **Explanation** | Changes how the content is:   * taught; * made accessible; and/or * assessed.   Accommodations DO NOT change what the student is expected to master. The objectives of the course or activity remain intact. | Changes how the content is:   * taught; * made accessible; and/or * assessed.   Modifications DO change what the student is expected to master. The objectives of the course or activity remain intact. Course or activity objectives are modified to meet the needs of the learner. |
| **Examples** | * One-on-one or small group instruction * Extended time on assignments and or assessments * Braille or large print materials * Shortened assignments and or assessments * Slant boards or study carrels * Oral administration of subject-area tasks that do not assess decoding or reading comprehension | * Instruction that focuses on select Texas Essential Knowledge and Skills (TEKS) for the grade-level, instead of all TEKS for the grade-level course * Changes in the scoring rubrics or grading scale * Reducing the complexity of the activity (for example, requiring only one step, as opposed to multiple steps, to solve a problem) * Cueing or prompting the student during a grade-level activity |

The LEA:

* co-advocates with the student and the family to plan and provide educational services to meet individualized educational objectives, which are documented on an IEP;
* works in partnership with the student, the student's family, and other community resources to coordinate services within the community; and
* provides ongoing information to the student and the family about the adolescent's educational development.

For students with visual impairments, the LEA provides specialized instruction called the Expanded Core Curriculum (ECC), which includes:

* independent living skills;
* career education;
* social interaction and leisure skills;
* self-determination;
* orientation and mobility;
* compensatory skills and sensory efficiency;
* assistive technology; and
* other services appropriate to the student's education.

#### 18+ Programs

When the need is established, some students may stay beyond the initial 4-year high school period to receive extra instruction in vocational, independent living, and, in some cases, programs like Project SEARCH. These programs are commonly referred to as "18+" programs.

Students participating in 18+ programs have completed their academic requirements to graduate but are still working toward IEP goals established by the ARD Committee. Services in 18+ continue until the student has met their goals and is exited by the ARD committee, they choose to no longer continue, or they age out. Students retain eligibility for these services through the year in which they turn 21. As long as the student is still 21 on September 1st, they will be eligible to receive services through that school year.

When a student who plans to attend 18+ completes their academic requirements, they are allowed to participate in graduation ceremonies with their class, however, they only receive a Certificate of Completion at that time. They do not receive their actual diploma until they have completed the 18+ services. For information on how 18+ programs factor into Measurable Skills Gain (MSG), please see VRSM A-500: Measurable Skill Gains.

#### Documenting 18+ in ReHabWorks

The customer's education information must be documented in ReHabWorks (RHW) and in the paper case file to ensure adequate reporting of Measurable Skill Gains (MSG). Refer to VRSM A-505: Documenting Measurable Skill Gains for additional information.

On the Initial Contact page in ReHabWorks, select "18+ Program in High School" in the "currently enrolled" field. On the Training Information page, select "High School Diploma" in the "degree/credential" field.

Once the customer has completed or exited their 18+ program, the initial contact page will need to be updated to reflect the customer's enrollment status. The Training Information page will need to be updated with a graduation date.

For additional information on entering education information in RHW, see the ReHabWorks User Guide B-300: Education History on the TWC SharePoint site.

### C-1302-5: Other VR Staff Members

VR staff who specialize in a variety of areas can help provide transition services and work with the TVRC, the student, and/or family. For example, regional and state office program specialists, employment assistance specialists, VR teachers, Vocational Diagnostic Unit diagnosticians, and deafblind specialists may provide additional direct or indirect support to the student.

### C-1302-6: Community Members

Additional support can be provided to students through collaboration with advocacy groups, other service providers and professionals, nonprofit organizations, clubs and associations, friends, church and faith-based organizations, and any other community member or resource.

## C-1303: Transition Services and the IEP Process

The transition services provided by schools, also referred to as LEAs differ from the transition services provided by VR. In Texas, special education services are planned through the ARD process or the IEP.

The ARD committee plans for and completes the IEP. The committee often consists of the transition student, parents, teachers, other special education staff, and school administration, but members can vary. Transition services provided by VR are coordinated with the transition services provided by the LEA during the ARD.

VR plays an important role in planning transition services as an integral partner in the IEP process.

In working with LEA staff and families throughout the IEP process, the TVRC:

* helps the transition student obtain the maximum benefit from educational services by supporting his or her educational program; and
* provides services to facilitate a smooth transition to postsecondary education and work environments.

Note: Transition students receiving services under Section 504 do not have an IEP and do not have ARD meetings. They receive accommodations but no curriculum modifications. Their services are documented on a Section 504 plan. Students on a Section 504 plan who otherwise meet the definition of a student with a disability are eligible for Pre-ETS.

TWC and TEA have a Memorandum of Understanding (MOU) in place to help create a framework for schools and VR in Texas to work together. The MOU can be found on the Transition Services intranet page.

Questions about the agreement may be submitted to a member of the state office transition team or by email to the VR Pre-ETS mailbox at [vr.pre-ets@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov).

### C-1303-1: Required for Planning and IPE Development

WIOA requires VR staff to attend ARD meetings when invited. Attendance may be virtual; that is, through conference calling, video meeting, and so on. Communication with school partners is vital to facilitate appropriate and timely invitations to ARD meetings.

The VR counselor works with the school, parents, community partners, and students to ensure that the student and parents or guardians are informed about available services and any associated program requirements, as a part of a set of coordinated transition services.

The VR counselor must do as follows:

* Explain the services provided by:
  + other appropriate resources;
  + the Texas School for the Blind and Visually Impaired (TSBVI);
  + the Texas School for the Deaf (TSD);
  + The Blind Children's Program under HHSC;
  + advocacy organizations, such as Partners for Assisting Texans with Handicaps (PATH)and Disability Rights Texas;
  + customer groups, such as the American Council of the Blind (ACB) and the National Federation of the Blind (NFB); and
  + the Criss Cole Rehabilitation Center.
* Obtain and use appropriate school records as a source to determine a student's eligibility and to develop an IPE. School testing that includes a diagnosis determined by school professionals (for example, a diagnostician, licensed specialist in school psychology, speech pathologist, etc.) may be used to establish an impairment for the purpose of determining eligibility. For information on eligibility determination, see VRSM B-300: Determining Eligibility, and for information on IPE development, see VRSM B-500: Individualized Plan for Employment and Post-Employment.
* Complete a comprehensive assessment of the eligible individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment services provided in the most integrated setting possible, consistent with the individual's informed choice, as defined by WIOA
* Provide transition services during secondary school as well as after secondary school, during the transition to postsecondary services, such as education, vocational training, and employment
* Coordinate services that align with the transitioning student's IEP
* Attend ARD meetings, when invited, in person or by alternative means such as teleconferencing or video conferencing (see CFR 361.22(b)(1))
* Provide students who have limited or no work experience the opportunity to develop soft and hard skills through Pre-ETS

The VR counselor must also:

* obtain a copy of the most recent IEP or Section 504 plan to help with transition-planning activities;
  + Note: When an IEP or Section 504 plan is not available, document that in a case note. This may occur when a student is not receiving services in one of these programs while in public school, has not yet started the process, or is enrolled in an educational setting that does not formally provide them (for example, homeschool, private school).
* document in ReHabWorks (RHW) whether the student has an IEP or Section 504 plan; and
* complete the IPE before the eligible student leaves the school setting and no more than 90 days from the time that the student's eligibility for VR services is determined.

IPE services must:

* be vocational in nature; and
* support and lead to achievement of the employment goal identified in the IPE.

IPE services:

* must not be the responsibility of the school district under IDEA or Section 504 of the Rehabilitation Act; and
* must not be readily available from the school district.

Students who receive transition services are usually in a career exploration stage of development while they are still in secondary school. Counseling and guidance, along with specific exploration activities and other Pre-ETS activities, is expected as part of the IPE. Multiple IPE amendments may be necessary as the student's rehabilitation needs and vocational goals change.

Depending on the complexity of the student's circumstances and need for services, TVRCs can begin working with students who are enrolled in secondary school at any time to help them move successfully from school to competitive integrated employment.

According to special education law, transition services must be included in the IEP of a student at age 16; although, in Texas, transition services may begin at age 14, or even earlier, if the IEP or the results of the ARD meeting indicates that the services are necessary.

Transition services promote or facilitate the development of the student's IPE while he or she is still in secondary school.

The IPE for transition services can include:

* Pre-ETS;
* postsecondary education;
* employment services;
* housing;
* daily living skills;
* long-term issues (such as attendant care, guardianship, assistive technology, and therapies);
* activities that promote confidence, team building, and effective communication; and
* transportation and/or maintenance to support other services.

The IPE must also:

* be based on current information regarding the student's knowledge, skills, interests, and preferences;
* set timelines with projected beginning and ending dates for all activities leading toward achieving the student's goals; and
* identify a network of support, such as family, friends, agencies, and community resources, that can help the student achieve the desired goals.

To prepare VR eligible students for success in postsecondary school and competitive, integrated employment, Pre-ETS, along with other VR services, can be provided to enhance or complement services that the school is already providing. Or these services may be provided in partnership with the school, with consideration that the services are not duplicative.

Services exempt from the customer's cost participation include the costs for:

* the assessment for determining the customer's eligibility;
* the assessment for determining the customer's VR needs, including associated maintenance and transportation;
* VR counseling and guidance and referral for other services;
* in-house services provided directly by VR staff;
* job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
* personal attendant services;
* any auxiliary aid or service (for example, interpreter services) that a customer with a disability requires to participate in the VR program;
* diabetes education services;
* orientation and mobility services;
* Pre-Employment Transition Services (Pre-ETS); and
* other VR services that directly support Pre-ETS, like transportation, maintenance, and personal assistant services (applicable for VR eligible students only). See the Pre-ETS Desk Reference Part 2 on the Transition services intranet page for a complete list.

This policy must be applied uniformly to all customers in similar circumstances.

### C-1303-2: Students Receiving Section 504 Services in Secondary Education

The TVRC may also work with students who receive services under Section 504 of the Rehabilitation Act instead of an IEP. Section 504 requires schools that receive federal funding to provide reasonable accommodations to enable students with disabilities to fully participate in the services and programs offered under the general curriculum.

As with the IEP, the TVRC must:

* request a copy of the Section 504 plan; and
* place it in the customer's case file.

### C-1303-3: Students Enrolled in Private School or Homeschool Settings

The TVRC or VR counselor may also work with students who are participating in private school or homeschool settings, which are considered recognized education programs. Therefore, these students are eligible to receive Pre-ETS as potentially eligible or VR eligible students if they are within the appropriate age range.

Students who are receiving homeschool or private school educations may not have special education services available to them in the same way publicly enrolled students do. TWC-VR is not obligated to provide or purchase special education services that are the responsibility of the LEA. If a private or homeschooled student needs a service that would normally be the responsibility of the LEA, TWC-VR may consider the need for that service based on the customer's individual circumstances and determine on a case-by-case basis whether the service is consistent with the student's VR program and is able to be supported. Services on an IPE in these situations are typically not readily available from a school district and are not the responsibility of a school district under IDEA or Section 504 of the Rehabilitation Act (see C-1303-1). Questions about these situations may be submitted to a member of the state office transition team or by email to the VR Pre-ETS mailbox at [vr.pre-ets@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov).

### C-1303-4: Helpful Checklist of Transition Considerations

When working with transition students, common counseling and guidance topics include the following:

* Advocacy and guardianship
* Assessment requirements
* Behavior-management planning
* Case management needs
* Career exploration
* Counseling in postsecondary education training
* Current educational needs
* Day programs
* Employment
* Income support
* Independent living skills
* Items that the school provides under IDEA
* Lifetime support and planning
* Medical needs and assistive devices
* Recreation and leisure
* Residential services
* Self-advocacy activities
* Supported employment
* Therapies and treatments
* Transportation
* Vocational education and training
* Work-based learning
* Workplace readiness
* Any other areas that need to be addressed

For additional information, refer to VRSM C-100: Counseling and Guidance.

## C-1304: Coordination and Providing Information

When working with transition students, coordination with schools is an essential part of planning. The legislation referred to in this chapter explains the coordination that is required.

### C-1304-1: Legal Authority

#### 34 CFR 361.22 Coordination with Education Officials:

"(a) Plans, policies, and procedures. (1) The vocational rehabilitation services portion of the Unified or Combined State Plan must contain plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of students with disabilities from the receipt of educational services, including pre-employment transition services, in school to the receipt of vocational rehabilitation services under the responsibility of the designated State agency.

(2) These plans, policies, and procedures in paragraph (a)(1) of this section must provide for the development and approval of an individualized plan for employment in accordance with §361.45 as early as possible during the transition services process and not later than the time a student with a disability determined to be eligible for vocational rehabilitation services leaves the school setting or, if the designated State unit is operating under an order of selection, before each eligible student with a disability able to be served under the order leaves the school setting.

(b) Formal interagency agreement. The vocational rehabilitation services portion of the Unified or Combined State Plan must include information on a formal interagency agreement with the State educational agency that, at a minimum, provides for—

(1) Consultation and technical assistance, which may be provided using alternative means for meeting participation (such as video conferences and conference calls), to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including pre-employment transition services and other vocational rehabilitation services;

(2) Transition services by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitate the development and implementation of their individualized education programs (IEPs) under section 614(d) of the Individuals with Disabilities Education Act;

(3) The roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services and pre-employment transition services;

(4) Procedures for outreach to and identification of students with disabilities who are in need of transition services and pre-employment transition services. Outreach to these students should occur as early as possible during the transition services process and must include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals;

(5) Coordination necessary to satisfy documentation requirements set forth in 34 CFR part 397 with regard to students and youth with disabilities who are seeking subminimum wage employment; and

(6) Assurance that, in accordance with 34 CFR 397.31, neither the State educational agency nor the local educational agency will enter a contract or other arrangement with an entity, as defined in 34 CFR 397.5(d), for the purpose of operating a program under which a youth with a disability is engaged in work compensated at a subminimum wage.

(c) Construction. Nothing in this part will be construed to reduce the obligation under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved."

#### Labor Code 352.108

"Coordination with Texas Education Agency:

(a) For purposes of this section, "transition services" means services provided to students with disabilities to assist the students in making the transition from secondary school to postsecondary education programs or competitive integrated employment.

(b) The commission and the Texas Education Agency shall collaborate to develop a mechanism to identify the areas of the state with the greatest needs for transition services for students with disabilities. The mechanism must account for the commission's limited resources and a school district's needs, including:

(1) the school district's resources for special education;

(2) the number of students with disabilities in the school district; and

(3) other factors that the commission and the Texas Education Agency consider important.

(c) The commission and the Texas Education Agency shall update the mechanism developed under Subsection (b) on a periodic basis.

(d) The commission shall develop uniform, statewide policies for transition services that include:

(1) the goal that a transition counselor initiate contact with a student approximately three years before the student is expected to graduate from high school;

(2) the minimum level of services to be provided to a student at the time that a transition counselor initiates contact with the student;

(3) standards, based on the mechanism developed under Subsection (b), for assigning a transition counselor to a school that ensure consistency among regions but that are not too restrictive;

(4) expectations for transition counselors to develop relationships with school personnel, including the employee designated to serve as the school district's designee on transition and employment services under Section 29.011(b), Education Code; and

(5) expectations for regional commission staff to work with education service center representatives on a regular basis to identify areas of greatest need and to discuss local strategies for coordination between transition counselors and schools.

(e) The commission and the Texas Education Agency shall enter into a memorandum of understanding to comply with the policies under this section and to improve coordination between the agencies. The memorandum of understanding must include:

(1) strategies to better inform transition clients, clients' families, and school personnel regarding the commission's available services and contact information for commission transition counselors; and

(2) a process to be used by the commission and the Texas Education Agency to develop and update the mechanism used to identify students who may need services."

The TVRC must provide to the student, parent, and school personnel information that describes the:

* purpose of the VR program;
* application processes for VR services;
* eligibility criteria for VR services; and
* scope of services that may be provided to eligible customers.

Specifically, the TVRC must ensure that families and students with disabilities are informed about their options and opportunities to choose methods and providers for delivery of all needed assessments, as well as decisions related to developing a plan of services. This leads to a foundation of information from which families and students can make informed choices about a coordinated plan of services for students to successfully transition to postsecondary activities and employment outcomes.

For additional information, refer to VRSM B-200: Processing Referrals and Applications.

## C-1305: Providing Transition Services

Transition services are not separate from VR services; they are a strategy of VR services designed to help students and youth with disabilities make the best use of VR services to achieve a successful vocational outcome. Services can be provided to individuals who are eligible or potentially eligible. Not all students who are referred and are potentially eligible will be eligible for VR services. When students are not eligible, they should be referred to other relevant community resources.

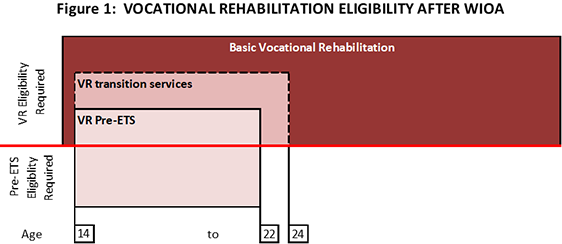


Figure 1 depicts the eligibility relationship between VR, VR transition services, and VR Pre-ETS. Figure 1 only explains eligibility. The figure illustrates that:

* Basic VR services include the full array of allowable services available to customers of any age that are documented in the IPE and are necessary for the customer to reach his or her vocational goal. An individual must be determined eligible for VR to receive Basic VR services.
* VR transition services are for students AND youth with disabilities. VR transition services are broader than Pre-ETS, are for students and youth up to age 24, and are more like the full array of services offered in Basic VR. Transition services are aimed at supporting the transition of the student or youth to postsecondary education and employment. If the individual has reached the maximum age for Pre-ETS and is no longer eligible for Pre-ETS activities, as long as the individual has not reached age 25, the transition services listed above are available. This is also true for Supported Employment. An individual must be determined eligible for VR to receive VR transition services.

### C-1305-1: Core Skills

It is often impractical for younger students to participate in comprehensive assessments like those used for adults; therefore, when working with students age 14–16 and their families, including students who are grandfathered in (that is, current customers who applied before a policy change in the age range), the TVRC can assess the student by using the following resources:

* The TVRC's observations of the student
* The TVRC's notes on the student's participation in group skills activities
* Any insight provided by the family
* Any documentation provided by the school district

These resources provide information about the student's:

* abilities;
* interests;
* capabilities;
* communication skills;
* travel skills;
* adjustment to the disability; and
* other skills.

The TVRC uses the information when working with the family and student to:

* plan the student's VR program; and
* support the student's IEP at school, when appropriate.

The TVRC can also consider the following core skill areas to evaluate the student's confidence and competence:

* Adjustment to blindness
* Independent living
* Travel
* Communication
* Development of support systems
* Development of a vocation

For a thorough description and examples of these six core skill areas, see Texas Confidence Builders on the intranet.

The TVRC can use the Core Skills Assessment (CSA) checklist on the intranet for students who are blind or visually impaired, if appropriate; however, the CSA is only one element of the overall assessment process. It provides information that is considered equal to the information provided by orientation and mobility (O&M) reports, low-vision evaluations, reports documenting the ARD processes, and other similar reports.

When the CSA checklist is completed, the TVRC:

* documents important information and recommendations within the Comprehensive Assessment case note that is entered into RHW;
* does not enter a stand-alone case note for the CSA checklist; and
* files a hard copy of the CSA checklist and any reports or notes used during the comprehensive assessment phase in the paper case folder.

### C-1305-2: Trial Work for Transition

For complete information on trial work, see VRSM B-310: Trial Work.

### C-1305-3: Referral to a Vocational Rehabilitation Teacher

Services from a VR teacher (VRT) are available to help transition students who are blind achieve their independent living and vocational goals. These and other services help the student become competent in the core skill areas, become emotionally adjusted, learn to cope, and ultimately find their place in society.

VR teachers (VRT) are only available to students who are blind. Because a VRT is not required to assess individual transition-aged students, when the TVRC refers a student to a VRT, the TVRC must identify, within the description of the service record, the specific skill areas to be addressed, based on the information obtained through the CSA checklist and/or other assessments.

### C-1305-4: Child Labor Laws

When making decisions about work-based learning activities that include work experience, child labor laws must be observed.

#### Minors 14 and 15 Years of Age

There is no special work permit required for this age range, but there are restrictions on:

* the number of hours that 14- and 15-year-olds may work;
* the times that they may work; and
* the type of work that they may do.

For example:

* when school is not in session, minors may not work more than eight hours a day and 40 hours a week;
* when school is in session, minors may not work more than three hours a day on school days or 18 hours a week outside of school hours;
* during the school year, minors may work from 7 a.m. to 7 p.m. only; and
* in the summer (June 1st through Labor Day), minors may work from 7 a.m. to 9 p.m.

Limitations are placed on the work that 14- and 15-year-olds may do when they work in retail, food service, and gasoline service establishments.

#### Minors 16 and 17 Years of Age

There are no child labor law restrictions on the number of hours and times that 16- and 17-year-olds may work.

There are restrictions on working in occupations declared hazardous by the US Department of Labor.

For more detailed information on child labor laws, refer to [Texas Child Labor Laws](https://www.twc.texas.gov/jobseekers/texas-child-labor-law).

### C-1305-5: Assistive Technology

The LEA must provide assistive technology and assistive devices to meet the educational needs of secondary school students. The student may use the equipment at home to complete homework assignments and school projects.

In accordance with IDEA requirements, if the student's ARD committee determines that a student with a disability needs home access to telecommunications, sensory devices, or other technological aids to meet the requirements of a free and appropriate public education (FAPE), the LEA must provide the devices for home use in order to implement the student's IEP.

#### Technology Evaluation

Students who may need assistive technology to achieve their postsecondary goals can be sent for an assistive technology evaluation during their senior year of secondary school.

#### Necessity Requirement

The TVRC may purchase the assistive devices and assistive technology only if the items are needed for the student's postsecondary education or long-term employment.

Note: In general, assistive technology should be purchased with basic VR funds, not Pre-ETS funds. However, in some circumstances when assistive devices are necessary and reasonable for participation in a Pre-ETS, like a work-based learning opportunity, the counselor may be able to purchase the assistive technology using Pre-ETS funds for VR eligible students with an approved IPE.

Auxiliary aids and services may be purchased with Pre-ETS funds for students with sensory or communication disabilities who are participating in a Pre-ETS activity and need an auxiliary aid to participate. For questions about purchasing auxiliary aids with Pre-ETS funds, contact the [Pre-ETS team by email](mailto:vr.pre-ets@twc.texas.gov). Examples of auxiliary aids include qualified interpreters, readers, material written in braille, screen readers, and auditory programs. See 28 CFR 35.104. These auxiliary aids and services can be purchased for both eligible and potentially eligible students.

#### Student Informed Choice

Assistive technology is changing rapidly. When appropriate, the VR counselor discusses the options with the student of having equipment purchased while the student is still in secondary school or waiting until after the student graduates.

If a student and TVRC agree to have equipment purchased while the student is still in secondary school and the assistive technology continues to meet the student's future employment needs, TWC may not be able to pay for more advanced technology at a later date.

#### Prior Consultation

To ensure that the school is unable to provide the assistive technology and that the appropriate funding is used, the TVRC must consult with the regional program specialist for transition services before any assistive technology purchases are made for the purpose of postsecondary education or employment before the student completes his or her senior year of high school.

#### Purchase Procedures

To purchase telecommunications, sensory, and other technological aids and devices, follow the procedures in RHW.

The justification for purchase in the case notes must clearly state that the assistive technology is being purchased for postsecondary education, long-term employment, or for participation in a Pre-ETS.

### C-1305-6: Providing Pre-Employment Transition Services

Under the Workforce Innovation and Opportunity Act (WIOA), vocational rehabilitation (VR) agencies are required to reserve and expend a minimum of 15 percent of their federal funding solely for pre-employment transition services (Pre-ETS).

Pre-ETS activities are provided to individuals who:

* meet the definition of a student with a disability; and
* are eligible or potentially eligible for VR services.

### C-1305-7: Student with a Disability

Based on federal regulations (34 CFR §361.5(c) (51)), in Texas, a student with a disability is defined as an individual between the ages of 14 [established by TWC and consistent with authority under 34 CFR §361.5(c) (51) (i)(A)(2)] and 22 who is:

* enrolled in a recognized educational program, which may include public schools (including charter schools), private schools, home schools, recognized post-secondary programs, or other recognized settings, such as the schooling provided by juvenile justice facilities;
* receiving services through the Individuals with Disabilities Education Act (IDEA) (Special Education); or
* considered eligible for Section 504 services (includes individuals who are receiving VR services).

Customers who meet the requirements above but who turn 22 years old before September 2 of the current fiscal year, no longer meet the definition of a student with a disability. For example, if a customer is 21 on September 2, he or she will meet the definition of a student with a disability until August 31 of the following year if he or she remains enrolled in a recognized educational program as described above. RSA provides the following guidance on what constitutes a recognized educational setting:

* Educational programming under the definition of a “student with a disability” would include programs that provide a recognized credential of education, such as a certified nursing assistant (CNA) program.

Graduating seniors in high school who will not be pursuing postsecondary training, or any other type of recognized educational program after high school, cease to meet the definition of a student with a disability upon graduation from high school; therefore, these individuals are not eligible for additional Pre-ETS. Graduating high school seniors who are attending postsecondary training or another recognized educational program in the subsequent fall term are still considered students with disabilities and remain eligible for Pre-ETS during the gap months of the summer, as long as they continue to meet the age requirement for a student with a disability. The following documentation should be used to document enrollment in a postsecondary program:

* Documentation that the individual with a disability graduated from secondary education
* Documentation that the individual with a disability has been accepted into a postsecondary educational institution or program
* Documentation of the individual's intention to enter the postsecondary institution or program or confirmation that he or she accepted the invitation to enter the postsecondary institution or program
* Documentation that the individual with a disability has been informed by the institution or program that a place is being held for the individual

Individuals who are eligible for VR but do not meet the definition of a student with a disability can receive individualized transition services and other VR services; however, they are not counted as recipients of Pre-ETS, and the services and goods must be paid for with Basic VR funds, not with Pre-ETS funds.

### C-1305-8: Types of Pre-Employment Transition Services (Pre-ETS)

The Workforce Innovation and Opportunity Act (WIOA) defines three types of Pre-ETS activities—required, coordinated, and authorized.

The five required Pre-ETS activities are as follows:

1. Career exploration counseling
2. Work-based learning experiences which may include in-school or after-school opportunities, or experiences outside the traditional school setting (including internships) that are provided in an integrated environment to the maximum extent possible
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education
4. Workplace readiness training to develop social skills and independent living
5. Instruction on self-advocacy, including peer mentoring

The four coordinated Pre-ETS activities are as follows:

1. Attending individualized education plan (IEP) meetings, when invited
2. Working with the Local Workforce Development Boards (Boards), Workforce Solutions Offices, and employers to develop work opportunities for students with disabilities
3. Working with schools to coordinate and ensure the provision of Pre-ETS
4. Attending, when invited, individual-centered planning meetings for students with disabilities who receive services under Medicaid (Title XIX of the Social Security Act)

The nine authorized activities are provided primarily by the VR state office and regional staff members; however, field staff may sometimes be asked to assist with these activities.

The nine authorized Pre-ETS activities are as follows:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces
2. Developing and improving strategies for individuals with intellectual disabilities and/or significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain competitive integrated employment
3. Providing instruction to VR counselors, school transition staff, and others who support students with disabilities
4. Disseminating information about innovative, effective, and efficient approaches to achieving WIOA goals
5. Coordinating activities with transition services provided by local education agencies (LEAs) under IDEA (20 USC §1400 et seq.)
6. Applying evidence-based findings to improve policy, procedure, practice, and staff preparation to achieve WIOA goals
7. Developing model transition demonstration projects
8. Establishing or supporting multistate or regional partnerships that involve states, LEAs, designated state units, developmental disabilities agencies, private businesses, and other participants to achieve WIOA goals
9. Disseminating information and developing strategies to improve the transition to postsecondary activities for individuals who are members of traditionally unserved populations

In the final WIOA regulations, the RSA clarifies that Pre-ETS is a set of services intended to occur in the earlier phases of the career exploration and work preparation continuum. This is important to remember, as Pre-ETS can be provided or purchased for students with disabilities at any point in the VR process. For students who reach active services status, Pre-ETS activities must be based on the needs identified in the IPE. The primary focus is on experiences and learning opportunities for students with disabilities. While Pre-ETS required and coordinated activities can be provided in many phases of the VR process, Pre-ETS funds may not be used to provide services in the employment or post-employment phases of the VR process.

### C-1305-9: Funding

Purchases for customers and students are made with either Basic VR or Pre-ETS funding, depending on the type of purchase. The Pre-ETS Desk Aid on the intranet provides additional explanation and guidance on what is funded by Basic VR and what may be funded by Pre-ETS, tracking Pre-ETS time, and capturing Pre-ETS provided directly by counselors (at no cost). For eligible students receiving VR, it is also important to note that it may be necessary to access both Pre-ETS funding and Basic VR funding. Staff members are encouraged to use both types of funding to help the student achieve his or her vocational goal. For example, an eligible VR student is participating in a workplace readiness activity but needs hearing aids to ensure effective communication. Pre-ETS funds may be used to pay for the workplace readiness activity but not the hearing aids, because Pre-ETS cannot fund personal assistive devices. Basic VR would pay for the hearing aids. In February 2020, the Rehabilitation Services Administration (RSA) published a policy clarification that provided additional flexibility to states to allow the use of Pre-ETS funds for certain support good and services for students with disabilities who have been determined eligible for VR services. The same support services may not be purchased with Pre-ETS funds for potentially eligible students. For more information, please see the Pre-ETS Desk Aid, referenced above, or email the [VR Pre-ETS mailbox](mailto:vr.pre-ets@twc.texas.gov).

Examples of these services include:

* transportation,
* maintenance,
* assistive technology,
* job skills training,
* personal attendant services,
* assessments, and
* food and lodging when it supports participation in a residential Pre-ETS program.

This flexibility to use Pre-ETS funding for supporting goods and services is not applicable for potentially eligible students.

Staff salaries are paid by Basic VR or Pre-ETS funding, depending on the activities that staff members perform. For example, if a transition vocational rehabilitation counselor (TVRC) provides a required or coordinated Pre-ETS activity to an eligible or potentially eligible student with a disability, then the TVRC documents the time spent providing the service, including related travel time, in the TWC Time Tracking System (TTS). Additionally, if any VR staff member participates in an authorized Pre-ETS activity, that time also must be documented in TTS; it should be noted that all related travel time and costs for participating in authorized Pre-ETS activities must be charged to Basic VR and not to Pre-ETS. For additional information and guidance, see the Pre-ETS Desk Aid: Pre-ETS Time Tracking Guidance on the Transition services intranet page.

When uncertainty exists about whether to enter an activity into TTS, staff consults with the VR supervisor or submits an inquiry to the [VR Pre-ETS mailbox](mailto:vr.pre-ets@twc.texas.gov).

### C-1305-10: Working with Potentially Eligible Students

To receive Pre-ETS and be considered potentially eligible for VR services, an individual must meet only the definition of a student with a disability. The individual does not have to apply for VR services, unless the individual chooses to do so. The purpose of the potentially eligible designation is to give more students with disabilities the opportunity to participate in Pre-ETS. VR requirements are only applied for services provided to VR-eligible customers. The only VR requirements that are applied to potentially eligible individuals are informed choice, confidentiality, and access to the client assistance program (34 CFR §361.38, §361.52, and §361.56). Potentially eligible students are not subject to Basic Living Requirements or other cost sharing requirements.

Students who are potentially eligible may receive a single Pre-ETS or multiple Pre-ETS according to their need and desire to participate. Providing or purchasing Pre-ETS for potentially eligible students is not intended to be an avenue to circumvent the VR process, and at some point, a potentially eligible individual may need VR services that Pre-ETS cannot fund, such as durable medical equipment or tuition. Generally, and as a best practice after the provision or purchase of a Pre-ETS, the TVRC or VR counselor assigned to a potentially eligible case should counsel and provide the student with appropriate information related to the following options:

* The individual may continue as a student who is potentially eligible and able to access additional Pre-ETS;
* The student may apply for the full array of VR services, which include additional Pre-ETS and Transition services, as needed; or
* The VR counselor may close the case if the student does not wish to access additional Pre-ETS or to apply for additional VR services.

To access VR services, a potentially eligible individual must apply for VR, be determined eligible, and have an IPE for provision of the additional VR services.

As long as the individual meets the definition of a student with a disability, the individual will continue to be potentially eligible until the age requirements are exceeded or the individual applies for VR services and eligibility is determined. If a potentially eligible student has completed the VR application process and has been determined ineligible, the provision of Pre-ETS stops, and he or she is no longer considered potentially eligible.

WIOA requires VR to document specific data (listed below) for anyone receiving Pre-ETS. This requirement differs, depending on whether the customer has been determined to be potentially eligible or eligible for VR. The data required for a student with a disability who is requesting or participating in Pre-ETS activities and has not applied for VR services can be captured on the Form VR1820, Request to Receive Pre-Employment Transition Services form, which includes fields for entering the student's:

* Social Security number (preferable if available) or another unique identifier such as a student school identification number, a state-issued identification card number, or driver's license number;
* date of birth;
* race (required if student is in secondary education);
* ethnicity (required if student is in secondary education); and
* student's disability (as indicated in supporting documentation listed below).

Applicable release forms must also be obtained to allow the exchange of information and establish parental permission to participate in services.

The completed VR1820 and release forms paired with verification of disability from the list below completes the paperwork needed to begin providing Pre-ETS. Supporting documentation that is required to verify the student's disability may include the following:

* Case notes documenting VR counselor observations, review of school records, and statements of education staff
* A signed statement from a school professional with the identification of a student's disability and school enrollment status (A template of the VR Disability Verification Letter is available to capture this information.)
* A copy of an IEP, Social Security Administration (SSA) beneficiary award letter, school psychological assessment, documentation of a diagnosis or disability determination, or documentation relating to Section 504 accommodations

Note: When a potentially eligible student is participating in a work placement as part of work-based learning, whether paid or unpaid, the requirements established in VRSM B-204-2: Customer Identification and Authorization for Employment for documentation of legal status to work in the United States must be met. However, for all other Pre-ETS activities, only the information listed above and found on the VR1820 is required for potentially eligible students.

An activity is considered a work placement when it is treated as an employment relationship and when paperwork (for example, Form I-9, Employment Eligibility Verification (I-9)) becomes part of the process.

Examples of work-based learning placement include:

* internships
* apprenticeships
* volunteer opportunities where the employer requires paperwork
* placements through Paid Work Experience or Work Experience

Other activities that would normally be considered work-based learning but do not require that an employment relationship be established are allowable for potentially eligible students who do not have employment authorization documents. Some typical examples are:

* job shadowing;
* informational interviews; and
* tours of businesses.

For information about paper case file requirements for potentially eligible students, refer to VRSM D-303-1: Two Sided or Six-Sided Case Files.

The TVRC or VR counselor assigned to the potentially eligible case must enter case notes in RHW that document information about the student, justification for services, progress, and outcomes. This may be one case note or multiple as the counselor continues to work with the student. Topics that must be documented, when applicable, are:

* a description of the disability, functional limitations, and counselor observations;
* a record of the disability from the student’s perspective;
* counseling and guidance and other Pre-ETS provided directly by the VR counselor;
* a service justification case note that indicates the planned services, including the type of, and rationale for, Pre-ETS; and
* the skills gained, as well as other progress made by the student as a result of receiving Pre-ETS.

VR counselors can enter data for and track potentially eligible students as well as issue payment for purchased Pre-ETS in ReHabWorks (RHW). For additional assistance and guidance on purchasing for potentially eligible students, see the Pre-ETS Desk Reference 2 on the intranet.

### C-1305-11: Capturing Pre-Employment Transition Services Activity in ReHabWorks

In addition to tracking preemployment transition services (Pre-ETS) staff time and funding, it is essential to capture and document the number and type of substantial Pre-ETS being provided to each student by entering in ReHabWorks (RHW) a provided services service record (SR) or a Pre-ETS activity record for provided, arranged, and purchased Pre-ETS. For guidance on these processes, please see the Pre-ETS Desk Aid: Tracking Pre-ETS and the Guide for Creating Pre-ETS Activity Records on the intranet.

An SR for provided Pre-ETS should be entered and used only by the in-house VR staff, such as vocational rehabilitation teachers, employment assistance specialists, and orientation and mobility instructors, who typically serve blind and visually impaired students. VR counselors and transition VR counselors (TVRCs) should not use the SR tracking method and instead should capture and track all Pre-ETS (arranged, provided, and purchased) via the Pre-ETS Activities functionality in RHW.

For example, when a TVRC provides career exploration counseling to a student during a counseling and guidance session, the Pre-ETS Activity functionality in RHW should be used. For more information and examples of entering Pre-ETS activity records, see the Guide for Creating Pre-ETS Activity Records.

For in-house providers, more information, and examples of entering provided Pre-ETS SRs, see the Pre-ETS Desk Aid on the intranet.

### C-1305-12: Case Note Documentation

Case notes for students who receive transition services must also include the following components unique to transition services:

* Documentation of career exploration activities
* Family involvement in making informed choices
* Collaboration with school partners
* Use of comparable benefits provided by the school or other partners

When documenting Pre-ETS in a RHW case note, select the appropriate topic (such as Counseling and Guidance or Service Justification) and check the "Pre-ETS" box.

For additional information about required documentation, refer to VRSM E-300: Case Note Requirements.

### C-1305-13: Group Skills Training

At times, it is more effective for the student and more efficient for the program to bring groups of individuals with disabilities together to teach a set of vocational skills. These activities are known as Group Skills Training (GST) and are intended specifically for students with any disabilities (see 34 CFR §361.5(c) (51)). A GST has an agenda, defined start and end dates, and specific learning objectives. For every GST, VR staff must be able to clearly state what the students will learn and be able to accomplish after participation.

GST sessions focus exclusively or primarily on providing one or more of the following five required Pre-ETS activities (34 CFR §361.48(a)(2)):

* Job exploration counseling
* Work-based learning experiences, such as in-school or after-school opportunities, or experiences offered outside of traditional school settings (including internships), in an integrated environment to the maximum extent possible
* Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs
* Workplace readiness training to develop social and independent living skills
* Instruction in self-advocacy, which may include peer mentoring

GST sessions are designed by VR staff and often include multiple Pre-ETS. They may be conducted by VR staff and may also include other providers, such as an employment services provider (ESP). Often, a GST requires multiple types of purchases, and staff must follow all applicable procurement and purchasing requirements. For example, an ESP, an external speaker, and lodging each entail different purchase requirements.

Note: When purchasing Work Experience Services through an ESP, transition educator, or a nontraditional provider for a student participating in a GST, the Work Experience Plan does not have to be completed.

To the greatest extent possible, each GST must be designed to maximize use of Pre-ETS funds and minimize the need for Basic VR funds. For example, a day program that is focused primarily on delivery of Pre-ETS activities and that uses facilities that VR can obtain at no or minimal cost maximizes use of Pre-ETS funding. It is acceptable for a combination of eligible and potentially eligible students to participate in GSTs. However, when potentially eligible students are participating, purchases for those students are limited to those allowed under the required Pre-ETS listed above. For VR eligible students, some additional VR services, like transportation, lodging, and maintenance associated with the GST are allowable for Pre-ETS funding.

Contracts may also be required for some GST activities, requiring staff to plan for GST sessions several months in advance to allow sufficient time for procurement, planning, and obtaining required approval. Partners may include education service centers, local colleges, Workforce Solutions Offices, Boards, the Texas School for the Blind and Visually Impaired, the Blind Children's Program under HHSC, Texas School for the Deaf, and other entities.

Each GST must have clear vocational goals with associated objectives to demonstrate how the activity will meet the goals.

For example, if the GST provides workplace readiness training, the objectives may include:

* developing the orientation and mobility required to navigate a city to reach a postsecondary school;
* developing communication skills, including appropriate interpersonal skills;
* attending team-building exercises in which individuals with different personalities are required to work together to create a product or achieve a result; and
* learning about appropriate work attire and etiquette.

A GST must not be a solely or predominantly social or recreational event, and the following training activities may be part of a GST but are not GSTs when provided as stand-alone trainings:

* A mini-immersion training conducted by the Criss Cole Rehabilitation Center
* Classes provided by VR teachers
* Training activities provided by an ESP, such as Project Search, Vocational Adjustment Training, Personal Social Adjustment Training, or those provided through a Pre-ETS contract

When a GST is conducted over several days or weeks, periodic recreational activities may be proposed to facilitate customer interaction and further prepare the student for the workplace (for example, focusing on social interaction, being comfortable in new environments and situations, promoting leadership and problem-solving activities during team-building exercises, and emphasizing the importance of collaboration).

To the extent possible, recreational activities for students who are blind or visually impaired may be designed using the approach known as Structured Discovery Cane Travel (SDCT), as well as other methods that challenge the participants. SDCT instruction includes nonvisual techniques, problem-solving strategies, experiential learning, and confidence-building experiences.

Eligible students who attend a GST must have goals in their IPE that make participation in the specific GST necessary for their vocational development. If goods and services other than the required Pre-ETS activities must be purchased for the eligible student to participate in the GST, those purchases must be:

* documented in the student's IPE;
* necessary to perform the actual activity or task, or to achieve the goal of the GST; and
* reasonable, meaning that the cost does not exceed fair or market cost for purchases made under the same or similar circumstances.

In short, the purchase of food, transportation, lodging, clothing, or backpacks (or similar types of purchases) for any GST must be necessary and reasonable.

These supporting goods and services are allowable Pre-ETS expenditures for VR eligible students only.

If it is advisable for students to wear a T-shirt that identifies them with a VR group when students participating in a GST are in a public setting, the T-shirts must be reasonably priced and must be plain, as the additional cost of printing on the shirts is not permitted. The purchase of T-shirts must follow all applicable procurement and purchasing requirements, and documentation must be retained to justify the purchase.

For information on purchasing food, refer to VRSM D-213-6: Food Purchased for Customer Training.

#### Planning a Group Skills Training

Planning is essential for developing and providing a high-quality GST for students. The Pre-ETS Group Skills Training (GST) Template for Group Skills Training proposals is on the Transition services intranet page and available to assist staff and to facilitate the management approval process.

While it is expected that most GSTs proposed by staff will be accommodated by the template, staff may alter the template to propose other types of training if:

* the proposed GSTs meet all requirements established in policy; and
* all required elements of the template remain

When completing a GST template, staff may refer to examples of activities provided by the [Workforce Innovation Technical Assistance Center: What are the required Pre-Employment Transition Services?](http://www.wintac.org/topic-areas/pre-employment-transition-services#required_preemployemnts)

#### Group Skills Training Application, Review, and Contract Processes

The GST application, review, and contract processes are as follows:

1. Each August, the VR state office provides to VR field staff a list of the approved GSTs from earlier in the fiscal year. VR staff members review the list, discuss with the relevant VR Manager the GST proposals that are being submitted for consideration in the upcoming fiscal year, and provide an initial response with Regional Director approval to the VR state office's list by September 15. If more than one region is involved, all RDs should provide approval.
2. For new and repeating GST activities, designated VR state office staff members review the proposal to ensure compliance with policy and submit the template and supporting documentation to the VR deputy division director for Field Services Delivery and the VR director.
3. The VR deputy division director for Field Services Delivery and the VR director review the proposed GST. When necessary, the VR director consults with executive management before approving the GST.
4. The VR deputy division director for Field Services Delivery notifies the regional director as to whether the GST proposal has been approved.
5. The regional director notifies the VR Manager.
6. The VR Manager ensures that designated VR staff implements the GST as approved and follows all required policies and procurement processes.
7. VR staff must have approval for a GST before goods and services are procured, before contracts are developed, and before commitments are made to students, families, and potential partners.

If a student from one unit or region can benefit from participating in a GST that is planned by another unit or region, the student's VR counselor must hold a staff meeting with the other appropriate unit or regional staff to discuss the activity and coordinate participation for the student. In some cases, the requesting VR counselor’s participation in the GST may be necessary; this participation is contingent on approval from the RD if travel is required outside the region.

VR Managers and Regional Directors are responsible for ensuring that GST proposals are complete, accurate, and fully compliant with policy before submitting them to State Office for review and approval.

After a GST is conducted, the VR Manager is also responsible for reviewing the GST budget and planned activities to evaluate whether the activities were effective and well executed, whether the participants achieved the learning objectives, and to compare budgeted versus actual costs. The VR Manager should document the results of the review, retain them for future GST planning, and provide them to TWC and regional management upon request.

#### Approval Time Frames

If all required information is included in the initial submission, a GST may be approved by the VR Division Director within two weeks of submission to the Pre-ETS mailbox. If information is incomplete, inaccurate, or not compliant with policy, the approval process will be delayed until the proposal is revised to meet all requirements.

Staff submits GST proposals as far in advance of the proposed GST as possible. Where contracts must be executed, the contracting process must follow approval of the GST by executive management. Staff must allow at least four months for the contract development and execution process.

#### Family Member Participation

Depending on the goals of the GST, participation by parents or guardians may be essential for the student to receive the benefit of the training activities.

Family members may participate in GSTs when:

1. the GST activities are designed to include the parents or guardians as part of the skill attainment process during the GST and thereafter;
2. the primary purpose of the GST is to provide education, training, and resources to the student and parents and/or guardians; or
3. the parent must attend to provide attendant care for a student who requires such care to participate.

If a parent's and/or guardian's participation is necessary for a GST, the TVRC and VR Supervisor must:

* consider whether more than one parent or guardian is needed to participate; and
* justify the need in the program description.

Another family member may participate in the GST in place of the parent or guardian.

#### Budget

The VR Manager must consider the anticipated costs associated with a GST and develop a proposed budget. Most of the proposed costs would be attributed to Pre-ETS. When necessary, the budget may contain supporting costs attributed to either Pre-ETS or Basic VR. The proposed budget on the GST template identifies which costs are attributed to Pre-ETS and Basic VR.

#### GST Site

Facility and room rentals, as standalone purchases, are typically not allowable Pre-ETS expenditures. All GST sites must be accessible, according to the standards established by the Americans with Disabilities Act (ADA). When a contract or written agreement is required to rent a room or facility, all approval and procurement processes must be followed.

#### Contracts

Contracts that are necessary for one or more GST activities must:

* be developed with and approved by TWC Procurement and Contract Services; and
* comply with TWC policy and state and federal law.

The VR Manager must ensure that at least four months are allowed for the contract development and execution process.

#### Lodging

Lodging costs are only an allowable Pre-ETS expenditure for VR eligible students, so GST activities should be planned only when it is reasonable and necessary for participation.

When lodging is necessary for the GST, and family member participation is also proposed, the VR Manager must carefully consider whether it is necessary for more than one family member to participate.

The VR Manager must also consider that it is generally easier to supervise students in camp or dormitory settings rather than at a hotel. If more than 10 hotel rooms are needed, the VR Manager must first obtain approval from the VR Division Director and then coordinate with TWC Conference Planning at [ConferencePlanning.Media@twc.texas.gov](mailto:ConferencePlanning.Media@twc.texas.gov).

#### Materials

The VR Manager must allow sufficient time for the approval, printing, and mailing of outreach and other materials necessary for the GST. Materials such as brochures and flyers must provide all essential information. Applications must include mandatory signatures. All printed materials must be provided in an accessible format.

Staff must follow the External Publications and Procedures guidelines found on the VR Standard Operating Procedures intranet page.

#### External Presenters and Contributors

When external presenters and contributors of in-kind resources (such as free lodging or meeting space) are an option, presenters or vendors must be approved through TWC Conference Planning at [ConferencePlanning.Media@twc.texas.gov](mailto:ConferencePlanning.Media@twc.texas.gov).

Gifts or donations valued at $500 or more must follow TWC's procedures for the acceptance of gifts. Refer to Section 1.9 of the TWC's Personnel Manual regarding Ethics/Standards of Conduct on the intranet for more information related to gifts made to a TWC employee.

#### Partners

The VR Manager must allow sufficient time to work with partners who may be part of the GST. Regardless of who the partners are, the GST must meet the requirements of this policy and must focus predominantly on required Pre-ETS activities.

#### Consent Forms

For students applying to participate in a Pre-ETS GST, the VR1827, Medical Information and Consent to Participate form should be used to capture the following with their application:

* Permission to participate signed by a parent or legal guardian
* A signed emergency medical release
* Emergency contact information
* Written permission for transporting the student, if relevant

Providing a photograph of the student is optional.

If the GST is to be held overnight, students must include the following information on the VR1827, Medical Information and Consent to Participate form, when applicable:

* A list of the medications that the student takes
* A statement from the student, parent, guardian, or a doctor indicating whether the student can monitor his or her own medication
* Information about the student's medical conditions
* A list of the student's allergies (medication- or food-related)
* A statement that explains the relevance of the GST to the student's IPE

#### Student Safety and Supervision

The VR Manager must ensure that there is a safety system to ensure that all students are accounted for and are transported safely. For example, the VR Manager may:

* hire a security guard, nurse (for example medication assistance), certified life guard, or licensed commercial driver, if a TVRC determines that there is a need; or
* make cell phones available in vehicles that transport students;

The amount of adult supervision needed varies depending on the type of event and the needs of the students. When a training activity does not include parents, at least one adult must be in attendance for every six adolescent students. In some circumstances, there may be a need for a higher staff-to-participant ratio.

#### Post-Group Skills Training Follow-Up

Once the training is completed:

* the VR counselor documents the student's participation and the GST training activities in a case note in RHW and explains how the GST is meeting the student's needs;
* the VR Manager reviews the GST to:
  + evaluate whether the activities were effective and well-executed;
  + evaluate whether the participants achieved the learning objectives; and
  + compare budgeted versus actual costs.
* the VR Manager must document the results of the review, retain them for future GST planning, and provide them to VR regional management upon request.
* The VR State Office may request from VR regional management a summary of activities in their region annually.

### C-1305-14: Dual Credit Courses

Dual credit offers high school students at select high schools the opportunity to participate in college coursework while enrolled in high school. These students can earn up to 60 college credit hours. The list of approved high schools can be found on the [Texas Education Agency (TEA)](https://tea.texas.gov/ECHS/) website. Comparable benefits should be considered before sponsorship for dual credit is purchased. Comparable benefits may include funds available through the school.

Early College High Schools:

* may provide dual credit at no cost to students;
* offer rigorous instruction and accelerated courses;
* provide academic and social support services to help students succeed;
* increase college readiness; and
* reduce barriers to attending college

Because students are concurrently attending high school and college courses, it is normal for these students to be carrying less than a full-time course load.

### C-1305-15: Temporary Learning Experience

Temporary learning experiences include Pre-ETS funded activities such as camps, seminars, workshops, and conferences. For temporary learning experiences, submit information about the activity to [VR.Pre-ETS@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov). A contract will be required with the provider if the costs related to an approved Temporary Learning Experience exceed $10,000. For more information, refer to VRSM D-209: Types of Purchases.

### C-1305-16: Camps

Camps can increase a student's self-confidence by providing opportunities for the student to participate in challenging activities. Camps generally focus on career exploration activities or increasing the student's vocational and work readiness skills to prepare the student for other VR services in the future. Each camp must have clear vocational goals with associated objectives to demonstrate how the activity will meet the goals. A camp must not be a solely or predominantly social or recreational event.

Camp-related expenses can include costs that are considered Pre-ETS (such as career exploration) as well as related costs that are also considered Pre-ETS (such as travel, room, and board) for VR eligible students.

### C-1305-17: Workshops and Seminars

Seminars and workshops may be held for a few hours or a few days.

Topics may include focus areas such as making the transition from school to work, driving with low-vision aids, succeeding in college, and the services provided by guide dogs.

Depending on the subject, the topics may or may not be considered Pre-ETS.

### C-1305-18: Pre-ETS as a Contract Type

Pre-ETS as a contract type allows a provider to combine the five required Pre-ETS, within certain parameters, when doing so does not meet the standards for other contracted services. For more information about Pre-ETS contracts, please see VR-SFP Chapter 15: Pre-Employment Transition Services.

## C-1306: Pathways to Careers Initiatives

### C-1306-1: Summer Earn and Learn

Summer Earn and Learn (SEAL) is a statewide strategy that includes employability skills training and paid work experience for students with disabilities. It is offered in each of the 28 local workforce development areas (workforce areas) during the summer, when students are out of school. Participants in SEAL must meet the definition of a student with a disability, including current VR customers and those who may be potentially eligible for VR services. Most employers prefer students to be at least 16 years old to participate in work experience; however, some employers, particularly those in the public sector, may be willing to offer work experiences for younger students.

Additionally, students must meet the following conditions:

* Exhibit behavior that is appropriate for a work setting. If the student has, at times, displayed behaviors that are not work-appropriate, the student should be able to be redirected with minimal intervention.
* Be receptive to counseling and guidance about the importance of appropriate workplace behavior.
* Be motivated to participate in the work-based learning program.

If a participant in SEAL needs services to access the program or support successful participation, such as sign language interpreting or Work Experience Training, these support services can be purchased with Pre-ETS funding.

When purchasing Work Experience Services through an ESP, transition educator, or a nontraditional provider for a student participating in SEAL or a GST, the Work Experience Plan does not have to be completed.

Other support services, such as transportation or maintenance, may be purchased with Pre-ETS funding and may only be provided for eligible participants, not for potentially eligible participants.

#### Social Security Beneficiaries in SEAL

VR counselors must consider the effects of SEAL wages on students' Social Security benefits and provide information, as appropriate, to increase student understanding of and compliance with SSA reporting requirements. See VR Guidance Memorandum 19-03: SEAL and the Student Earned Income Exclusion (PowerPoint presentation) on the intranet under Program Operations for guidance on how wages will affect Supplemental Security Income (SSI) beneficiaries and Social Security Disability Insurance or Childhood Disability Benefits beneficiaries. For information on the Student Earned Income Exclusion for SSI beneficiaries, including how to submit relevant documentation to SSA, see VR Guidance Memorandum 19-03: Request for Student Earned Income Exclusion from SSA template on the Program Operations intranet page.

#### Roles and Responsibilities

TWC VR enters into contracts with each Board to:

* purchase work readiness (employability skills) training;
* identify work sites;
* arrange placement and monitoring; and
* pay student wages and associated costs for SEAL students.

Requisitions are generated in WRAPS, and invoices are submitted by the Boards to the Accounts Payable mailbox at [appo@twc.texas.gov](mailto:appo@twc.texas.gov). Processing of invoices for payment will be handled by Accounts Payable staff. As mentioned earlier in this subsection, if additional supports on the work site are needed, including transportation, local VR staff are responsible for service authorizations for those services.

Local VR staff work in partnership with each Board via a joint planning committee to:

* identify students who might benefit from the program;
* conduct outreach and recruitment activities;
* identify worksites; and
* provide additional services that are necessary for the students to complete the program.

Although Boards are responsible for certain components and contract deliverables of SEAL, VR staff members are fully responsible for performing certain functions to support the program and ensure its success for participating students.

The VR counselor's primary role is to provide support. If an issue arises, the VR counselor is consulted to address and resolve the issue. Additional roles and responsibilities of the Boards and VR staff are discussed in the Board VR Requirements Chapter 1: Summer Earn and Learn.

### C-1306-2: Student HireAbility Navigator Program

The Student HireAbility Navigator program is a part of the expansion of the Pathways to Careers Initiative (PCI) approved by the Texas Workforce Commission (TWC) in 2017. The role of the Student HireAbility Navigator is to create strong partnerships between VR Workforce Solutions Offices, independent school districts, community organizations, employers, and others to expand and improve access to employment and training services and to increase employment opportunities for students with disabilities. Board VR Requirements Chapter 3: Student HireAbility Navigator Program, describes the roles, responsibilities, and payment structure for the Student HireAbility Navigator program.

Student HireAbility Navigators are employees of the Board or Board contractor. There is one Student HireAbility Navigator in each of the 22 small and midsize workforce areas and two Student HireAbility Navigators for each of the six large workforce areas. The six large workforce areas are Alamo, Greater Dallas, Gulf Coast, Lower Rio Grande Valley, North Central Texas, and Tarrant County. Each Student HireAbility Navigator serves as a resource in the workforce area to support, expand, and enhance the provision of Pre-ETS.

The Student HireAbility Navigators perform duties and provide deliverables in the following three areas:

* Capacity building and systems development
* Partnering and collaboration
* Informing and engaging employers

The goal of the activities within the three areas is to increase the likelihood that students with disabilities achieve independence and inclusion in communities and competitive integrated workplaces, as well as successful participation in postsecondary education experiences. If the Student HireAbility Navigator is not a Board staff member, he or she may assist with some direct services to students with disabilities as appropriate, although that is not the Student HireAbility Navigator's primary role. The primary role and responsibility of the Student HireAbility Navigator is not direct service delivery, but rather the planning, coordination, promotion, and development of systemic and collaborative strategies that result in the provision of quality Pre-ETS for students with disabilities in the workforce area.

Examples of the tasks performed by Student HireAbility Navigators include, but are not limited to:

* Creating a three-year action plan for the workforce area in consultation with the Board and VR offices, ISDs, and other community partners;
* Identifying the Pre-ETS resources available to students with disabilities in the workforce area;
* Promoting the use of career exploration, postsecondary education planning, and work-readiness tools available through TWC's Labor Market and Career Information department;
* Developing and/or disseminating information and resources to Workforce Solutions offices, VR offices, local education agencies, employers, community partners, parents, and students with disabilities;
* Developing effective and innovative strategies to improve the transition to postsecondary activities of students who are members of traditionally unserved and underserved populations (for example, homeschooled students) and expanding and enhancing the provision of Pre-ETS;
* Developing and coordinating events, campaigns, and other activities to increase and foster student and family awareness of and access to Pre-ETS;
* Providing information, training, and technical assistance to Workforce Solutions offices, VR offices, school districts, education service centers, community partners, and employers regarding resources and activities available to assist students with disabilities to transition successfully to postsecondary education/or employment;
* Providing training and/or resources to increase employers' awareness of disability etiquette and accommodations for students with disabilities; and
* Collaborating and serving as points of contact with partner agencies to develop work- based learning opportunities for students with disabilities, including internships, summer employment (for example, the Summer Earn and Learn program), pre-apprenticeships, and other employment opportunities available throughout the school year.

The Student HireAbility Navigator's role is intended to supplement the work done by VR counselors and staff, not replace it. Examples of how the two entities may work together may include:

* Providing information regarding the pre-employment transition services available to students with disabilities within the workforce development area;
* Supporting the Student HireAbility Navigator's efforts to develop and sustain relationships with the school districts and Education Service Centers in the workforce development area; and
* Contributing information needed for the development of the three-year action plan.

Refer to Board VR Requirements Manual Chapter 3: Student HireAbility Navigator Program for information about the roles and responsibilities of Boards and VR staff.

### C-1306-3: Explore STEM!

The Explore STEM! program is a partnership between Texas Workforce Commission–Vocational Rehabilitation (TWC-VR) and higher education institutions that provides week-long, nonresidential camps for students with disabilities during the summer months. The camps provide students exposure to the fields of science, technology, engineering, and math (STEM). During the camps, students interact with professionals who work in various STEM fields and participate in hands-on, interactive, and accessible activities. Explore STEM! participants learn about postsecondary training opportunities in the areas of STEM and necessary work-readiness skills.

The roles of VR staff are as follows:

* Work in partnership with higher education institutions to plan for and conduct outreach for the Explore STEM! program
* Identify and refer participants to the Explore STEM! program using VR1828, Referral Form to Explore STEM!, and review referrals received from institutions
* Provide disability awareness information to participating institution staff, if requested
* Provide counseling and guidance to participants regarding Explore STEM! participation
* Ensure that the service authorization is in place before the camp starts and that the invoice and report are received afterward for payment

For more information, please contact the Pre-employment Transition Services (Pre-ETS) mailbox at [VR.Pre-ETS@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov).

### C-1306-4: Advise TX

Students with disabilities enroll in postsecondary higher education at substantially lower rates than students who do not have disabilities. To address this challenge, the Advise TX Innovation and Opportunity (Advise TX IO) program, administered in partnership with the Texas Higher Education Coordinating Board (THECB), enhances services to students with disabilities under the existing Advise TX program, which seeks to increase the number of low-income and underrepresented high school students who enter and complete postsecondary education. The program employs recent college graduates trained by one of four Texas partner universities (Texas A&M University, Texas Christian University, Trinity University, and the University of Texas at Austin) to serve as full-time, near-peer college advisers in high schools that have historically low college-going rates. Advisers provide one-on-one assistance to students to match their academic and career goals to optimal postsecondary options.

For Advise TX IO, each adviser is required to do the following:

* Undergo a six-week training program in college advising provided by one of the four partner universities
* Undergo additional training in working with students with disabilities and providing them instruction in self-advocacy (This training is conducted by TWC-VR and Educational Service Center staff.)
* Work for a period of no more than two years to maintain near-peer status
* Mentor and provide guidance to students with disabilities, including those who are potentially eligible for VR Pre-ETS and help each student who is interested in postsecondary education to identify options that best fit his or her academic and career goals as well as his or her accessibility and accommodation needs. Advisers will:
  + mentor students on self-advocacy related to postsecondary education;
  + provide guidance on how to research, select, and apply to colleges and technical schools;
  + help with completion of financial aid (FAFSA/TASFA) applications;
  + provide feedback on college essays;
  + help interpret and compare financial aid award letters;
  + help identify whether individual accessibility and accommodation needs might be sufficiently met at colleges of interest;
  + coordinate college admission representative visits to high schools; and
  + help coordinate student visits to college campuses.

For additional information on the referral process to the Advise TX Innovation and Opportunity program, including related costs, refer to the Advise TX IO Program page on the intranet.

### C-1306-5: Paid Work Experience

Paid Work Experience (PWE) is intended to increase work-based learning opportunities through Texas' integrated workforce system for VR participants who are students with disabilities.

TWC has executed fee-for-service contracts with the Boards to purchase wage payment services for students in PWE. PWE placements are for eligible or potentially eligible individuals who are students with disabilities. If the customer has been determined eligible, PWE is an identified service on the IPE. PWE, described in Board VR Requirements Chapter 2: Wage Services for VR Participants in Paid Work Experience, is a standalone service that is separate from the SEAL program.

PWE is available throughout the year and is authorized by VR counselors on an individual basis. Chapter 2 of the Board VR Requirements Manual describes the scope of work, responsibilities, deliverables, and payment structure for PWE services.

Through PWE services, Boards pay students' wages for time worked, thereby enabling students to be paid as they develop work skills that improve their career preparation and increase their employability.

Students are placed at the work site by TWS-VRS, which is responsible for monitoring each work site, providing case management, and providing counseling and guidance, as needed. TWS-VRS staff are responsible for ensuring completion of a work site agreement before the start of all PWE assignments. The work site agreement may be completed by TWS-VRS staff (or a contracted ESP, if applicable).

Form I-9 is used to verify the identity and authorization for employment of individuals who are hired in the United States. TWS-VRS staff may help students prepare the I-9. TWS-VRS staff members may sign the I-9 as a preparer or translator; however, they must be aware that they are attesting under oath that they have helped to complete the form and that, to the best of their knowledge, the information is true and correct. The Board or the Board contractor, whichever will be the employer of record, completes and signs the employer section of the I-9 before employment commences.

PWE assignments may not exceed 12 weeks per student per work site assignment (see VRSM C-421: Work Experience Services). Paid work-experience assignments may not exceed 20 hours per week per student. A student may be either an eligible VR customer or a potentially eligible customer participating in the work experience service. If the VR counselor determines that additional assignments will help a student with career exploration and development of work readiness skills, the student may participate in more than one PWE assignments.

Participation in PWE and WIOA Title 1 programs such as WIOA youth program work experiences is permitted. VR and Workforce Solutions Office staff must ensure that the services that are provided are complementary and not duplicative, and that both sets of services are documented in the student's RHW case, indicating which are purchased and which are arranged.

#### Staff Roles and Responsibilities for Paid Work Experience

TWS-VRS field staff are responsible for:

* Developing paid work-experience opportunities, placements, and work sites in the public and private sectors. TWS-VRS complies with the Board's exclusions and exceptions to the type of work sites or businesses. TWS-VRS staff is permitted to coordinate with each Board or contractor staff to identify work sites with which the Board has existing relationships.
* Participating in an initial orientation and coordination meeting with the Board and/or, as applicable, the Board's contractor, before initiating work experience services. TWS-VRS staff participation in the orientation meeting is determined by VR regional management.
* Purchasing work experience services from a TWC VR contracted Employment Services Provider (ESP) based on the significance of a student's impediments to employment and associated support needs. For additional information about work experience services delivered through an ESP, refer to VR Standards for Providers (VR-SFP) Chapter 14: Work Experience Services. ESPs do not provide wage payment services.
* Assisting the student with preparing any required I-9 paperwork. TWS-VRS staff may sign the I-9 as a preparer or translator; however, staff must be aware that they are attesting under oath that they have assisted in the completion of the form and that to the best of their knowledge the information is true and correct.
* Notifying Board staff or designated Board contractor staff of worksite incidents involving injury, property damage, or behavioral concerns that result in termination of the student's placement at the worksite as soon as possible and not later than 48 hours after the incident.
* Issuing a service authorization to the Board or designated Board contractor, authorizing Board payment of wages for a student (eligible or potentially eligible). With the service authorization, TWS-VRS staff includes a VR1990, Paid Work Experience Worksite Agreement. The work site agreement provides the following information:
  + Student's name
  + RHW Case ID
  + Name and physical address of the work site
  + Name of designated work site supervisor or contact person who will be responsible for signing or certifying the student's timesheets
  + Contact information for the designated work site supervisor or contact person
  + Work experience begin and end dates
  + The student's projected work experience schedule
* Providing additional documentation or information as agreed and documented in the local coordination and referral procedures established by the Board and TWC-VR as described in Board VR Requirements Manual, Section 2.3.3 Paid Work Experience Eligibility. TWS-VRS staff must ensure that releases are completed before releasing confidential information.
* Timely processing of service authorizations and invoices from Boards. Payment is made to Boards for wages paid for actual time worked at the work site and for the other costs associated with payroll, including federal income tax withholding, Federal Insurance Contributions Act (FICA) expenses, workers' compensation insurance, and fees associated with payroll processing as described in the Board VR Requirements Manual Chapter 2: Wage Services for VR Participants in Paid Work Experience.
* Determining eligibility for participation in PWE services.
* Obtaining documentation and verifying that potentially eligible individuals meet the "student with a disability" definition. VR counselors must follow VRSM C-1305-10 regarding potentially eligible individuals.
* Providing case management services.
* Tracking the PWE to ensure that it does not exceed 20 hours per week and is not more than 12 weeks in duration

Boards are responsible for the following:

* Setting an hourly wage rate for the PWE component that is consistent with or based on the hourly wage the Board uses for PWE under the WIOA Title 1 Formula Youth Program. Wages must be paid in a timely manner and include the other costs associated with payroll processing.
* Notifying VR of the hourly wage rate that will be paid to students in PWE within 30 days of contract execution. They must include in their notification a description and breakdown of the other costs associated with payroll as described in Board VR Requirements Manual, Section 2.5.1 Allowable Costs.
* Notifying VR of the name and contact information of the contractor when contracting with another entity to perform all or part of the PWE services deliverables.
* Notifying VR of exceptions or exclusions to the type of work sites or businesses that may serve as a work site.
* Notifying VR 30 days in advance of changes in the Board's contractor, hourly wage rate, or other payroll costs, and of exceptions or exclusions to the type of work sites or businesses. If such changes are made, the hourly wage rate for a student may not be reduced during the student's PWE assignment.
* Conducting an orientation meeting with VR regional management before initiating PWE services. The orientation meeting must include the Board's contractors, if such contractors will perform functions under Board VR Requirements Manual, Chapter 2: Wage Services for VR Participants in Paid Work Experience. The purpose of the meeting is to:
  + identify points of contact for the Board, Board contractors, and VR;
  + review the Board's hourly rate and associated payroll costs;
  + review the Board's exceptions and exclusions to the types of businesses or work site, if applicable; and
  + establish procedures to facilitate local coordination and referral, including the information and documentation (I-9 and W-2 forms) that are necessary to permit a customer to receive wages (the Board must document the procedures and provide a copy to VR).
* Maintaining records for the participants, wages paid, and associated fees for PWE services.
* Submitting a complete invoice for payment, along with supporting documentation. Boards may invoice VR weekly, biweekly, or monthly based on the Board or Board contractor's payroll cycle or other billing cycle. TWC will make payment by direct deposit to each Board's account.
* Boards may refer potential students to TWC-VR and should provide appropriate referral documentation when doing so.

#### Purchasing Paid Work Experience

Specifications for PWE can be found in RHW under Pre-Employment Transition Services. RHW contains a set of specifications for each of the six VR regions, which include the 28 workforce areas. Level 4 specifications have rates specific to each Board. If the Level 4 specification does not show a unit rate for the Board, VR staff submits an email message to the [Pre-ETS mailbox](mailto:vr.pre-ets@twc.texas.gov).

The unit cost for student wages is the hourly wage rate paid to the participant plus required taxes and insurance, plus processing and invoice fees. The wage service rates for each Board have been setup in RHW. For the payroll processing fee, setup fee, or invoice fee, VR staff must enter this information into RHW manually when building the service record. VR staff must know the number of pay periods that will take place during the service to enter the accurate fees for payroll processing. For additional information, refer to Board VR Requirements Manual, Section 2.5.5 Paid Work Experience Services Cost Calculations.

## C-1307: Participation in Cost of Services

### C-1307-1: Student Participation in the Cost of Training Seminars and GSTs

GSTs, seminars, workshops, camps, and work experiences are training activities related to Pre-ETS. The student is not required to contribute to the cost of these services, regardless of whether or not the customer's net income or liquid assets exceed the basic living requirements (BLR).

Students are expected to provide their own money for incidental expenses while participating in a GST or similar training or activity, but they will not be asked to participate in the cost of transportation, maintenance, or other supporting goods or services associated with the Pre-ETS training.

The TVRC may use any TWC-approved method for providing transportation to students. When available, transportation that is of no cost to TWC is used. If this is not available, the most cost-effective and reasonable method of transportation must be used.

### C-1307-2: Family Participation in Training Seminars and GSTs

When parents (or legal guardians) of eligible VR students participate in a training activity, including Pre-ETS, with the student to further the student's vocational adjustment or rehabilitation, the cost of the training is not subject to customer contribution requirements or BLR. However, these requirements must be applied for all incidental expenses and transportation costs for family members unless a parent or representative is required to participate in the activity for the student to attend.

If a parent and or representative is providing supervision or attendant care for their child in conjunction with a TWC-VR sponsored activity, any applicable transportation and food costs for one parent will be included in the training costs regardless of economic resources. These must be reasonable and the same costs that any participant in the GST would incur.

On a case-by-case basis, a waiver of the BLR criteria for an additional family member may be requested from the VR Manager when the parent and/or legal guardian is providing supervision or attendant care for the student.

### C-1307-3: Texas School for the Blind and Visually Impaired

A student attending the Texas School for the Blind and Visually Impaired (TSBVI) can be served by the TVRC located in the student's home community. The TVRC in the Austin region is available as a courtesy counselor on an as-needed basis.

### C-1307-4: Supported Employment

For complete information on supported employment policy, see VRSM C-1200: Supported Employment Services.

VR agencies are required to reserve 50 percent of their supported employment grant for students who meet the definition of a youth with a disability. The reserved grant funding can be used for successive benchmarks and services, once the youth has been placed in a job. VR can also provide or arrange for extended services to youth with disabilities for up to four years, or until the youth turns 25 years of age, whichever comes first. For the definitions of youth with a disability and extended services, see the VRSM Glossary.

If a student is likely to need ongoing support to find and keep competitive, integrated employment after completing secondary school, the TVRC can begin planning for supported employment (SE) services, as appropriate.

Planning for SE services allows the TVRC and the student to explore possibilities and the choice of:

* a SE provider;
* possible SE opportunities;
* customized employment techniques;
* additional diagnostics; and
* additional active services that may be needed for the student to successfully complete SE services.

The student remains on a transition caseload until:

* the student completes all worksite and other community-based training related to staying employed; and
* the case status is advanced to Benchmark 5: Job Stability.

When the case status is Benchmark 5: Job Stability, the student's employment status is considered stable and the case is transferred to a general VR caseload.

Note: Supported Employment services, including all benchmarks and extended services, are solely VR services and not considered to be Pre-ETS.

## C-1308: Transferring a Transition Services Case

For information on transferring a transition services case, see VRSM D-304: Transfer of Cases and Caseloads.

# Vocational Rehabilitation Services Manual C-1400: Supportive Goods and Services

## Introduction

This section describes policies and procedures that apply to goods and services that:

* are necessary to support Vocational Rehabilitation (VR) services that are listed on the customer’s IPE or IPE amendment; and
* are included in the Individualized Plan for Employment (IPE), the current IPE amendment, or in a service justification case note.

Supportive goods and services may also be provided when they are necessary for a customer to participate in assessments to determine eligibility for VR services and identify VR needs.

These goods and services may include:

* maintenance;
* customer transportation;
* personal attendant services;
* services to family members;
* child care services;
* occupational licenses; or
* tools and equipment.

In addition to the goods and services listed above, other goods and services detailed throughout this manual may be considered supportive goods and services as long as it is clear that they are necessary to support planned VR services.

If a counselor has determined that an exception will facilitate a customer’s progress and there is not an approval exception listed in policy, counselors are encouraged to staff the request through their chain of management to the Deputy Division Director for Field Services for consideration. VRSM clearly states when no exceptions are allowed.

## C-1401: Maintenance

Maintenance is a type of financial support that can be paid directly to an individual who has applied for and/or is receiving VR services.

VR uses three categories of maintenance:

* Recurring maintenance
* Nonrecurring maintenance
* Short-term housing maintenance

To be approved, all maintenance expenditures must be clearly documented in the case file as necessary and reasonable under the circumstances prevailing at the time a decision is made.

Decision-making factors to consider include, but are not limited to:

* individual rehabilitation needs consistent with the individual's informed choice;
* market rates or limitations specified by Texas Workforce Commission (TWC) policy;
* availability of cost-effective alternatives; and
* all other established policies and procedures, including policies and procedures for customer participation in cost of services, also known as basic living requirements (BLR).

Maintenance cannot be used for costs directly associated with transportation, such as mileage or driver services. For more information about transportation as a supportive service, refer to VRSM C-1402: Transportation Services.

### C-1401-1: Legal Authorization

VR may authorize and pay maintenance to a customer in accordance with the definition of "maintenance" found in federal regulations at 34 CFR §361.5(c) (34).

#### 34 CFR §361.5(c) (34)

"Maintenance means monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment."

VR may authorize and pay maintenance only for expenses that are in excess of the normal expenses of the individual and that are necessary for participation in:

* assessments for determining eligibility and vocational rehabilitation needs; or
* services under an IPE.

#### Normal Living Expenses Policy

As approved by TWC's three-member Commission, "normal living expenses include such items as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance."

#### 2005 Texas Government Code Chapter 2252

State law prohibits the state comptroller from issuing a maintenance warrant directly to an individual who owes the state or federal government delinquent taxes or a defaulted debt (for example, a Texas Guaranteed Student Loan).

### C-1401-2: Recurring Maintenance

Recurring maintenance (also referred to as "weekly maintenance" in ReHabWorks (RHW) is used for expenses that are incurred on a recurring basis as a direct result of participation in VR services.

Recurring maintenance payments may:

* not exceed $55 per week;
* be paid during VR academic or vocational training, as determined necessary, but:
  + must not exceed 104 weeks for a customer who is pursuing vocational training;
  + must not exceed 156 weeks for a customer who is pursuing academic college-level training;
* be paid to a customer in self-employment, as determined necessary, but must not exceed 16 weeks; and
* be paid for health insurance premiums for customers who do not have health insurance if insurance is required by a business for participation in the following:
  + Work Experience Services;
  + Paid Work Experience purchased through Local Workforce Development boards (Boards);
  + Wage Services for Work Experience through WorkQuest;
  + Practicums;
  + Clinicals; and
  + Internships.

Note: Health insurance premiums may only be purchased while the customer is participating in the above bulleted services. VR staff must document the options explored for health insurance and the justification for which option best meets the customer’s vocational needs. The VR Manager may make an exception to exceed $55/week for the health insurance premiums.

VR Manager review and approval are required for all recurring maintenance service authorizations.

#### Documentation of Recurring Maintenance

Customers must be informed that they are required to maintain the Form VR2180, Maintenance Expense Log, to verify that the maintenance funds are being used for their intended purpose. The Form VR2180 must be turned in and reviewed by the VR counselor monthly. Customers must maintain copies of receipts to verify the content of the Form VR2180, Maintenance Expense Log, for audit purposes, but these receipts do not need to be turned in to VR with the VR2180 form.

If the Form VR2180, Maintenance Expense Log for recurring maintenance is not turned in in a timely manner or if it is determined that the funds were not used for their intended purpose, no additional maintenance payments can be authorized. VR Manager review and approval is required before recurring maintenance is reinstated.

VR Manager review and approval must be completed and documented in RHW before a service authorization is issued.

### C-1401-3: Nonrecurring Maintenance

Nonrecurring maintenance (also referred to as "one-time maintenance" in RHW) is used for onetime expenses that are incurred as a direct result of participation in VR services.

Nonrecurring maintenance may also be used to purchase the following:

* Maximum Affordable Payment Schedule (MAPS) goods and services (only when the vendor will not accept a VR service authorization) as follows:
  + Applicable MAPS rate must still be applied to determine the amount of maintenance to be paid
  + The process may not be used to exceed established MAPS fees.
  + VR Manager approval is required
* Business start-up costs for self-employment. (Refer to VRSM C-1100: Self-Employment for details.)
* Escort or attendant supports (when required) for a customer (use current state per diem rate).
* Initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement or to participate in VR services.
* Health insurance premiums - for customers who do not have health insurance if insurance is required by a business for participation in the following:
  + Work Experience Services;
  + Paid Work Experience purchased through Local Workforce Development Boards (Boards);
  + Wage Services for Work Experience through WorkQuest;
  + Practicums;
  + Clinicals; and
  + Internships.

Note: Health insurance premiums may only be purchased while the customer is participating in the above bulleted services. VR staff must document the options explored for health insurance and the justification for which option best meets the customer's vocational needs.

#### Documentation of Nonrecurring Maintenance

The customer must provide a receipt that shows proof of purchase from the vendor to verify that funds were used for their intended purpose.

If a receipt for nonrecurring maintenance is not turned in or if it is determined that the funds were not used for their intended purpose, authorization of any additional maintenance funds for any purpose requires VR Manager review and approval.

VR Manager approval is required for all nonrecurring maintenance that is equal to or greater than $400 for a single service authorization.

Note: Staff must send an email to [VR RHW Provider Services](mailto:vr.rhw.providerservices@twc.texas.gov) to have the customer established as a provider when the amount is over $400.

VR Manager review and approval are required before maintenance can be paid to the customer to purchase goods or services that have more specific purchasing processes and/or specifications available in RHW.

VR Manager review and approval must be completed and documented in RHW before the service authorization is issued.

### C-1401-4: Short-Term Housing Maintenance

Short-term housing maintenance paid to a customer is used only for short-term housing expenses that are incurred as a direct result of participation in vocational rehabilitation (VR) assessments or services. It must not be used to pay a customer's mortgage payment or usual and customary rent for housing, which are considered normal living expenses.

When it is expected that short-term housing maintenance (in excess of normal living expenses—see VRSM C-1401-1: Legal Authorization for the definition of "normal living expenses") will exceed a total of three months (cumulatively or consecutively), the VR team must initiate the process to establish the landlord or lessor as a provider for "short-term housing" during the first month for which short-term housing maintenance is authorized. See VRSM D-211: Setting Up and Paying Providers and VRSM C-1401-5: Short-Term Housing for more information on this process.

If the landlord or lessor declines to be established as a provider for any reason, or if he or she has a hold through the comptroller and cannot be paid, alternate housing must be explored. If no other acceptable options are available, justification for paying short-term housing maintenance to the customer requires VR Manager approval. See "Documentation of Short-Term Housing Maintenance" for more information on documentation requirements when the customer is receiving the funds to be paid to the landlord or lessor.

Once the landlord or lessor is established as a VR provider, short-term housing maintenance is paid as short-term housing to the providing landlord or lessor.

See VRSM C-1401-5: Short-Term Housing and VRSM D-213-2: Advance Payments for additional information.

#### Creating a Service Record for Short-Term Housing Maintenance

A service record must be created with the following specifications for short-term housing maintenance payments:

* Level 1 – Maintenance
* Level 2 – Maintenance, Third Party, and Short-Term Housing
* Level 3 – Third Party and Short-Term Housing
* Level 4 – Short-Term Housing

#### Documentation of Short-Term Housing Maintenance

The customer must provide a receipt that shows proof of payment to the provider to verify that funds were used for the intended purpose before any additional funds are released to the customer for any purpose. If a receipt is not turned in or if it is determined that the funds were not used for the intended purpose, authorization of any additional funds for any purpose requires VR Manager approval.

#### Approval Requirements for Short-Term Housing Maintenance

VR Manager approval is required for all short-term housing maintenance and is limited to three-month increments (cumulatively or consecutively). For example, a VR Manager may approve an initial three months of short-term housing maintenance; if additional short-term housing maintenance is needed beyond the initial three months for any reason, additional VR Manager review and approval is required for each three-month period.

VR Manager approval must be completed and documented in ReHabWorks (RHW) before the service authorization is issued.

### C-1401-5: Short-Term Housing

Short-term housing is used only for short-term housing expenses that are paid to a providing landlord or lessor and incurred by the customer as a direct result of participation in VR assessments or services. It must not be used to pay a customer's mortgage payment or the customer's usual and customary rent for housing, which are considered normal living expenses.

The VR counselor may approve an amount for short-term housing paid to a provider that is more than the customer's normal living expenses only when:

* the amount is the best-value decision to support VR assessments and services other than training; and
* the service is not available in the customer's local community (the same town as the customer's residence or within a 50-mile radius of the customer's residence).

Customers attending CCRC Outreach Mini-trainings are exempt from the 50-mile radius requirement.

Short-term housing maintenance can be used to pay initial short-term housing while the landlord or lessor is being set up as a provider. It cannot be used once the landlord or lessor is set up for direct payment in RHW.

#### Creating a Service Record for Short-Term Housing Expenses

A service record must be created with the following specifications for short-term housing payments:

* Level 1 – Multiple Goods and Services Including Child Care; Youth Goods and Services, Booth Rental and Room and Board for Training and Short Term Housing for Other Services
* Level 2 – Room and Board for Training, Short Term Housing for Other Services; Meeting Room Space and Booth Rentals
* Level 3 – Short-Term Housing for Other VR Services
* Level 4 – Short-Term Housing for Other VR Services

#### Approval Requirements for Short-Term Housing Expenses

VR Manager review and approval are required for all short-term housing and is limited to three-month increments (cumulatively or consecutively).

### C-1401-6: Restrictions on the Use of Maintenance

Maintenance is not used for the following services unless an exception is obtained from the Deputy Division Director of Field Services Delivery:

* tuition or fees
* compensation for an on-the-job training program
* goods and services that are under contract
* mortgage payments, usual and customary rent for housing, and any associated fees or expenses
* reimbursements

No exceptions are allowed for any items listed in VRSM D-206: Purchasing Restrictions.

### C-1401-7: Processing Maintenance Payments

Maintenance may be authorized and paid in advance.

Maintenance checks, or warrants, are mailed:

* directly to the customer or third-party payee; or
* to the VR field office in exceptional circumstances and only with the VR Manager's approval. Refer to VRSM D-207-5: Customer Warrants Mailed to the VR Office.

#### Maintenance Service Authorizations

A service record must be created with the following specifications for maintenance:

* Level 1—Maintenance—93150
* Level 2—Maintenance, One Time—93150-90335
* Level 2—Maintenance, Recurring—93150-90340
* Level 2—Maintenance, Third Party, and Short-Term Housing—93150-90330

Choose the appropriate Level 3 and 4.

## C-1402: Transportation Services

Transportation is a type of financial support that can be paid directly to an individual who has applied for and/or is receiving VR services or to a third party that will provide the transportation. Transportation payments may not be used to pay for any "normal living expenses."

VR pays transportation to the customer for the use of the customer's vehicle for transportation when this is the most economical and effective method.

VR uses the following categories of transportation:

* Recurring transportation paid to a public or private carrier,
* Nonrecurring transportation paid to a public or private carrier, and
* Airfare.

To be approved, all transportation expenditures must be clearly documented in the case file as necessary and reasonable under the circumstances prevailing at the time a decision is made.

Decision-making factors to consider include, but are not limited to:

* Customer's informed choice,
* Best value,
* Use of comparable benefits, and
* Required customer participation in cost of services (also referred to as BLR).

For more information refer to VRSM D-203: Purchasing Decisions.

If transportation assistance is anticipated at the time the Individualized Plan for Employment (IPE) is completed, it must be included on the customer's IPE. However, if the need for nonrecurring transportation is identified after the IPE has been completed, a service justification case note can be used to document this service unless the case is in employment phase in RHW. If the case is in employment phase in RHW an IPE amendment is required. All recurring transportation must be included on the IPE or IPE amendment.

Refer to VRSM B-500: Individualized Plan for Employment and Post-Employment for more information on IPEs.

Refer to VRSM E-300: Case Notes Requirements for more information on documentation.

### C-1402-1: Legal Authorization

#### 34 CFR §361.5(c)(56)

"Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems."

If a warrant is issued to a customer or other individual who owes the state delinquent taxes, defaulted debt, or other funds, receipt of that payment could be subject to substantial delays. Reference: Texas Government Code Chapter 2252.

### C-1402-2: Transportation Providers

Transportation can be provided through the following:

* Public carrier
* Private carrier

Transportation of a customer for any purpose must be by the most economical and effective carrier.

Criss Cole Rehabilitation Center (CCRC) staff members who are formally approved to transport customers may do so but must drive only TWC-owned vehicles. Exceptions to this require consultation with the VR Division Deputy Director of Field Services Delivery and the Office of General Counsel.

With the exception of CCRC staff who are approved to transport customers, VR staff members are not allowed to transport VR customers. There are no exceptions allowed to this restriction.

#### Public Carrier

A public carrier is a vehicle or set of vehicles in the business of transporting the public, for example:

* city transit service;
* airline;
* bus company; and
* taxi company.

#### Private Carrier

A private carrier is an individual or private organization that owns a vehicle and is not customarily for hire.

### C-1402-3: Recurring Transportation

Recurring transportation includes advance payments that should be paid weekly to the private carrier for transportation that is necessary for the customer to participate in VR services.

VR Manager approval is required for any additional recurring transportation that exceeds a total of 104 weeks. The approval is limited to six-month increments (cumulatively or consecutively).

Transportation costs that are more than $400 for a single service authorization require VR Manager approval.

#### Documentation of Recurring Transportation

Documentation for recurring transportation must include:

* VR Manager approval (if required); and
* a case note that includes:
  + calculations,
  + the source used to define "actual mileage," and
  + confirms the service for which transportation is required.

Customers must be informed that they are required to maintain the Form VR2181, Transportation Log, to verify that the private carrier recurring transportation funds were used for their intended purpose. The customer must turn in the Form VR2181, Transportation Log monthly, which must be reviewed by the VR counselor before the next payment is authorized.

If the Form VR2181, Transportation Log, for private carrier recurring transportation is not turned in or if it is determined that the funds were not used for their intended purpose, VR Manager review and approval is required before additional transportation payments can be authorized or any new service authorizations for transportation are issued.

VR Manager review and approval must be documented in ReHabWorks (RHW). See the ReHabWorks Users Guide E-100: Purchase Approval Requests on the TWC SharePoint for additional information about RHW Purchase Approvals.

#### Documentation of Recurring Bus Passes for Customers

Documentation for bus passes must include a case note that documents:

* the quantity of bus passes needed to support the VR service, and
* a confirmation of the service for which transportation is required.

If the VR office purchases bus tickets in bulk and issues them directly to the customer, a case note must be entered in RHW identifying the date the customer picked up the bus pass. A copy of the Form VR2014, Rehabilitation Equipment, Item, and Bus Pass Receipt signed by the customer must be filed in the customer's paper case file. Refer to VRSM C-1402-6: Local Bus Passes for VR Customers for more information.

Customers must be informed that they are required to maintain the Form VR2181, Transportation Log, to verify that the bus passes are being used for their intended purpose. The Form VR2181 must be turned in and reviewed by the VR counselor before the next bus pass is issued or purchased.

If the Form VR2181, Transportation Log for recurring transportation is not turned in, or if it is determined that the funds were not used for their intended purpose, VR Manager review and approval is required before additional transportation payments can be authorized or any new service authorizations for transportation are issued.

### C-1402-4: Nonrecurring Transportation

Nonrecurring transportation is a onetime advance payment to the private carrier for transportation that is necessary for the customer to participate in a single VR assessment or IPE service.

Transportation costs that are more than $400 for a single service authorization (this excludes airfare) require VR Manager approval.

#### Documentation of Nonrecurring Transportation

Documentation for transportation must include:

* VR Manager approval (if required); and
* a service justification case note that includes:
  + calculations,
  + the source used to define "actual mileage," and
  + confirms the service for which transportation is required.

If the case is in employment phase in RHW an IPE amendment is also required.

#### Documentation of Nonrecurring Bus Passes for Customers

Documentation for transportation must include:

* a service justification case note or be included in the IPE or IPE amendment;
* the quantity of bus passes needed to support the VR service; and
* a case note that confirms the service for which transportation is required.

If the case is in employment phase in RHW an IPE amendment is required.

If the VR office issues bus passes, a case note must be issued in RHW identifying the date the customer picked up the bus pass. A copy of the Form VR2014, Rehabilitation Equipment, Item, and Bus Pass Receipt signed by the customer must be filed in the customer's paper case file. Refer to VRSM C-1402-6: Local Bus Passes for VR Customers for more information.

### C-1402-5: Processing Transportation Payments

VR staff must email [VR RHW Provider Services](mailto:vr.rhw.providerservices@twc.texas.gov) to have the customer established as a provider when the amount is more than $400 for a single service authorization. Refer to VRSM D-211: Setting Up and Paying Providers for more information.

VR staff must authorize the payment of transportation in advance to the customer. The allowable transportation payment rates listed below are based on the rates published on the [Texas Comptroller of Public Accounts](https://fmx.cpa.texas.gov/fmx/travel/textravel/rates/current.php) website. VR reviews and, when necessary, updates these rates annually.

As of April 1, 2020, transportation payments (recurring or nonrecurring) are limited to one of the following:

* Actual cost to customer for public transportation
* Actual mileage times the federal privately-owned vehicle mileage rate published on the [Texas Comptroller of Public Accounts](https://fmx.cpa.texas.gov/fmx/travel/textravel/rates/current.php) website.

Recurring transportation payments should be issued monthly or for the duration of the semester or grading period. Transportation payments are advance payments and should be paid in advance.

For example:

An SA for recurring transportation payments for the fall semester is issued for the entire semester. Transportation payments are paid weekly in advance. The customer is required to turn in the Form VR2181, Transportation Log monthly. If the Form VR2181 is not turned in, no further payments are authorized unless VR Manager review and approval is obtained.

Do not use "Maintenance" specifications in RHW to make transportation payments.

Do not split service authorizations to avoid threshold requirements based on specific dollar amounts.

Transportation warrants are mailed:

* directly to the customer or legally appointed third-party payee; or
* to the VR office in exceptional circumstances and only with VR Manager approval. Refer to VRSM D-207-5: Customer Warrants Mailed to the VR Office.

#### Transportation Service Authorizations

A service record must be created with the following specifications for transportation payments:

Level 1—Transportation and Relocation Services—78111

Choose the appropriate level: Level 2, 3, or 4.

### C-1402-6: Local Bus Passes for VR Customers

The management support team purchases local bus tickets, passes, tokens, and transfers in bulk for VR customers. Bus passes are distributed to VR customers that are directly related to and required for their participation in VR services. Once received in the VR office, the bus passes must be kept under lock and key.

When the need for bus passes are identified, the:

1. VR counselor must enter service justification case note in RHW justifying the need for transportation, unless the case is in employment phase in RHW. If the case is in employment phase in RHW an IPE amendment is required;
2. Customer/representative must be present and sign the Form VR2014, Rehabilitation Equipment, Item, and Bus Pass Receipt once they receive the bus pass;
3. Staff will request the bus pass from the management team or designee;
4. VR staff are required to enter the date, customer's name, and case ID number onto the Form VR2015, Office Bus Pass Log;
5. Management team or designee will also sign the Form VR2015, Office Bus Pass Log,
6. Once the Form VR2014, Rehabilitation Equipment, Item, and Bus Pass Receipt document has been completed, VR staff are required to place it in the customer's paper case file; and
7. The Form VR2015, Office Bus Pass Log must be kept with the management team.

Refer to VRSM C-1402-3: Recurring Transportation and VRSM C-1402-4 Nonrecurring Transportation for additional information.

### C-1402-7: Airfare

Airfare can be purchased to meet a customer's transportation needs only if:

* airfare is the most cost-effective method (flying versus driving);
* airfare is an appropriate means of transportation for the customer based on potential disability-related factors; or
* no reasonable alternative exists.

When considering the cost of airfare as a transportation alternative, the VR counselor considers all related costs, such as the cost of transportation to and from the airport, parking, vehicle rental, fuel, or taxi. The VR counselor documents the cost comparison clearly in a case note.

Customer airfare purchases are completed using the Customer Central Billed Account (CBA).

Using the CBA for customer airfare purchases allows caseload-carrying staff members to purchase customer airfare at state-contracted rates.

In addition to reducing airfare costs for customer travel, using the CBA has the following benefits:

* Advance purchase is not necessary
* No minimum or maximum length of stay
* 100 percent refundable tickets if cancelled or unused

When using the CBA, reservations must be made at least 14 days in advance and ticketed at least seven days in advance to allow for review and to ensure that the itinerary is acceptable to the customer. For travel being requested during holiday periods (October through January), reservations must be made at least 30 days in advance.

#### Requesting Customer Air Travel

The VR staff member:

* completes and signs Form VR1762, Central Billing Request for Consumer Airfare, and include the service authorization number in the Comments field (see ReHabWorks Users Guide, E-200: Case Service Record, E-203-10: Consumer Airfare for details on the TWC SharePoint site); and
* emails the signed Form VR1762 to the Accounting–Consumer Airfare Team at [Payables.ConsumerAirfare@twc.texas.gov](mailto:Payables.ConsumerAirfare@twc.texas.gov).

On Form VR1762, VR staff notes any special needs or requirements that the customer or passenger may have. For example, VR staff documents whether the customer:

* needs to be on a specific flight to travel with a group;
* requires accommodations; or
* requires special seating (describe the circumstances).

#### Reserve and Verify Customer Airfare

The following procedures must be used to book and verify the travel:

1. Accounting–Consumer Airfare Team authorizes the charge to the Customer CBA.
2. Travel agency books the airfare and emails the reservation and ticket confirmation itinerary to the Accounting--Consumer Airfare Team.
3. Accounting–Consumer Airfare Team maintains a printed copy of the itinerary in the Customer CBA and forwards the confirmation by email to the VR staff member who requested the travel.
4. The VR staff member must respond by email to the [Consumer Airfare](mailto:payables.consumerairfare@twc.texas.gov) mailbox to confirm that the forwarded itinerary is acceptable.
5. The VR staff member, upon confirming the itinerary as acceptable, completes a service record and service authorization using the date, purchase price, and fees information provided. (Note: The VR staff does not create the service authorization for payment now; this will be done in step 8.)
6. The customer or passenger must provide the itinerary or confirmation number and a valid driver's license, photo ID, or other acceptable proof of identification. (Acceptable forms of identification are found at [Transportation Security Administration Identification](https://www.tsa.gov/travel/security-screening/identification).)
7. The VR staff member receives a mass email from the Accounting–Consumer Airfare Team paying the bank statement once the customer's travel is shown on the bank statement. (Note: The email names all customers that traveled within that bank statement period. The VR staff copies and redacts names of all other customers from the document before filing with the customer's purchasing records.) See ReHabWorks Users Guide, E-200: Case Service Record, E-203-10: Customer Airfare on the TWC SharePoint site for details.
8. The VR staff member adds the service authorization number in the appropriate column for the customer.
9. Accounting verifies and audits the service authorization and lets the VR staff member know when he or she can receive and authorize payment for the customer's travel.

#### Processing the Payment

For the Accounting–Consumer Airfare Team to process the payment for customer travel, the VR team must have created the service record and service authorization in RHW.

If discrepancies are noted between the service record, service authorization, or invoice received by the Accounting–Consumer Airfare Team, a team member emails the VR team to resolve the differences.

#### Cancelled Flights

The ticket is paid for using a VR CBA credit card. If the customer's ticket requires cancellation, the VR team must notify the Accounting–Customer Airfare Team immediately by email at [Payables.ConsumerAirfare@twc.texas.gov](mailto:Payables.ConsumerAirfare@twc.texas.gov) or by phone at 512-463-1671, option 4, for immediate assistance. The following responsibilities and conditions apply:

* The customer is not authorized at any time for any reason to make any changes or cancel his or her flight itinerary. Additional costs incurred will be the responsibility of the customer. The customer must go through the VR team to make any changes or cancel flight itinerary.
* The VR team is responsible for closing the service authorization in RHW. For all state-purchased Short's Travel itineraries, a cancellation fee is assessed.

#### Airfare Limits

Air transportation for customers who are attending in-state or out-of-state training is limited to no more than two round-trip economy tickets per year. Exceptions require review and approval by the VR Manager.

If there are questions regarding customer airfare procedures, contact the Accounting–Consumer Airfare Team in one of the following ways:

* Email [TWC Consumer Airfare](mailto:payables.consumerairfare@twc.texas.gov)
* Phone 512-463-1671, option 4

### C-1402-8: Relocation

If the customer cannot participate in IPE services or employment because transportation is not available, the VR counselor discusses with the customer the option of relocating to a community that meets the customer's transportation needs.

If the customer decides to move, then the VR counselor determines the extent of help necessary to achieve the move. Some customers require minimal help (for example, helping to pay for moving van rental, mileage, and boxes) while others, because of disability-related limitations, may require full assistance (such as packers, movers, and unpackers).

If the VR counselor plans to purchase services from a moving company, he or she contacts TWC Consumer Procurement at [consumer.procurement@twc.texas.gov](mailto:consumer.procurement@twc.texas.gov) for help in determining if using a state term contract results in best value.

Initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement or to participate in VR services. These are allowable maintenance costs. Refer to VRSM C-1401-3: Nonrecurring Maintenance.

### C-1402-9: Vehicle Repair

As with other transportation services, VR provides payment for the repair of the customer's vehicle only when necessary for the customer to participate in other planned services, such as vocational training and job-related services.

#### Payment for Vehicle Repair

Payment for vehicle repair, including parts and labor, is authorized only when:

* no comparable services or benefits are available to meet this customer's transportation needs; and
* repair is the most cost-effective means to meet those needs.

Authorization covers only repairs that are required to make the vehicle safe and operable.

#### Approval Requirements

VR Supervisor approval is required for vehicle repairs when the total cost of the repair is greater than $2,500, or when the total cost exceeds the vehicle's value.

#### Documentation Requirements

Before authorizing payment, the VR counselor considers and documents in a case note that:

* the vehicle is:
  + owned by the customer or a family member (if not, VR Manager approval is required); and
  + the customer's primary means of transportation;
* vehicle repair is a best-value decision to meet the customer's transportation needs, and:
  + based on the vehicle's overall condition, ongoing repairs are not expected; and
  + repair costs do not exceed the vehicle's value as estimated from Kelly Blue Book using the "sell to private party" value (After the VR counselor reviews and makes the decision to authorize the service, he or she files a copy of the computer-generated estimate in the case file.)
* there are no comparable services and benefits available to meet the customer's transportation needs, such as public bus service; and
* the customer has a plan for how to meet transportation expenses after case closure.

For additional information about repairs to vehicle modifications, see C VRSM -204: Vehicle Modification Services.

### C-1402-10: Vehicle Rental

Vehicle rental can be purchased if:

* it is economically justified; and
* no reasonable alternative exists.

#### Approval Requirements

VR Supervisor approval is required for vehicle rentals.

Required Vehicle Rental Procedures

VR staff obtains two quotes for an economy class vehicle from a reputable auto rental agency or vehicle modification provider. If the customer requires a higher class of vehicle, document the justification for management review. (Note: Do not request state rates, because only state employees may use them.)

VR staff obtains copies of documents for the customer's case file that confirm that the customer or the customer's driver is:

* over 21 years old;
* has a valid driver's license; and
* has proof of insurance.

If the customer or his or her driver does not have collision insurance, VR may pay the rental agency's additional daily rate for required insurance. VR does not pay for personal accident insurance.

The customer is responsible for:

* returning the rental vehicle in the condition in which it was received; and
* paying any costs above and beyond the original rental agreement.

## C-1403: Personal Assistant Services

Personal assistance services (PAS) involve a range of services provided by one or more individuals. The service is designed to help a customer with a disability with on-the-job activities or job-related daily living activities that the customer would perform if he or she did not have a disability.

### C-1403-1: Legal Authorization

#### 34 CFR §361.5 (38) (i)(ii)(iii)(iv)

"(38) Personal assistance services means a range of services, including, among other things, training in managing, supervising, and directing personal assistance services, provided by one or more persons, that are—

(i) Designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability;

(ii) Designed to increase the individual's control in life and ability to perform everyday activities on or off the job;

(iii) Necessary to the achievement of an employment outcome; and

(iv) Provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services."

#### 34 CFR §361.42 (d)(i)(iv)

"(iv) The designated State unit must provide appropriate supports, including, but not limited to, assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences."

### C-1403-2: Planning and Fees

The VR counselor and the customer must try to identify assistive devices and alternative methods to enable the customer to perform tasks independently without a personal assistant.

PAS may not be provided as a stand-alone service; they may only be provided to support other VR services that are included on the IPE, such as vocational training, academic training, attending the Criss Cole Rehabilitation Center (CCRC), employment services, supported employment, or job placement.

PAS must be included in the customer's IPE or IPE amendment.

VR Supervisor approval is required to continue PAS after six months, and approval is limited to six-month increments.

#### Comparable Benefits

Comparable benefits must be used before case service funds are encumbered when these benefits are readily available and appropriate for the customer's needs. The VR counselor may supplement these comparable services, as necessary, with case service funds.

#### Fees

Fees for PAS are negotiated by the customer, personal assistant, and VR counselor, with the final determination made by the VR counselor. Fees vary depending on the needs of the customer, the availability of personal assistants, local prevailing rates for PAS, and other factors. (Note: To find the local prevailing rates for PAS, check with WorkInTexas.com labor market review information for the area of services.)

Any fee previously negotiated between VR and an organization when PAS are provided by that organization must be used.

#### Payments

The personal assistant or his or her company must be set up as a provider for VR and paid directly for services. VR Managers may not make an exception to this requirement.

For more information on setting the personal assistant as a provider, see VRSM D-200: Purchasing Goods and Services.

### C-1403-3: Responsibilities

The customer is responsible for deciding if a personal assistant is qualified to meet the customer's personal attendant needs. The prospective personal assistant must have orientation and training in providing PAS. Due to the individualized nature of the services that the attendant provides, the customer is primarily responsible for instructing the personal assistant regarding specific needs and informing the VR counselor of issues related to the on-the-job performance of the personal assistant.

A plan must be in place for the customer to assume financial responsibility for the PAS if this service is needed after he or she is employed. See VRSM C-1403-5: Providing Assistant Services while Providing Employment Assistance for related service limitations.

The VR counselor and the customer share the responsibility for locating a suitable personal assistant. However, because of the individualized nature of PAS, the customer must assume primary responsibility for instructing the personal assistant regarding his or her specific needs. The customer must inform the VR counselor of the assistant's job performance.

Centers for Independent Living Services (CILS) and student service offices on college campuses are often sources for locating and training personal assistants.

The information and referral (I&R) coordinator at local CILS may be a source for locating PAS for assisting the customer with independent living. The local Department of State Health Services (DSHS) office and home health agencies are sources for PAS when the customer's needs also include health maintenance services delegated by a registered nurse.

In searching for PAS, the customer must be involved to the greatest degree possible in determining:

* the type and range of services needed;
* the number of PAS hours needed; and
* the location of PAS—home, community, or workplace.

The VR counselor and the customer may find information on local personal assistant resources from the following:

* CILS
* CILS I&R coordinators
* Other CILS customers who use PAS
* Home health agencies
* RNs who coordinate PAS
* Local DSHS offices

Note: When possible, the customer must:

* contact the PAS resource to get information on services;
* interview several PAS providers;
* talk to references; and
* hire the personal assistant.

### C-1403-4: Customers Hiring Their Own Personal Assistants

VR may not be the employer of record for a customer's personal assistant. A customer who hires a personal assistant is the employer under applicable employer tax laws and is responsible for:

* hiring and dismissing the assistant;
* training the assistant in the delivery of services; and
* supervising the assistant in the delivery of services or arranging for a friend or relative to provide direct supervision of the assistant.

### C-1403-5: Providing Assistant Services while Providing Employment Assistance

When employment assistance and counseling and guidance are the primary services being provided, PAS are limited to a maximum of six months.

The case file must clearly document ongoing employment assistance activities while VR is paying for PAS.

The VR counselor may continue ensuring that PAS are available for:

* 60 days after the customer enters employment; or
* up to a maximum of 120 days with documented rationale.

### C-1403-6: Supporting Relocation from a Nursing Home or Institution

PAS may be provided for up to 12 months, if a customer is relocating to a private residence from a:

* nursing home;
* community residential or group home; or
* mental health facility.

#### Payment for Personal Assistance Services

To receive payment for PAS, the customer or service provider must submit a monthly written statement to VR that contains:

* the services rendered by the personal assistant during the customer's VR activity;
* the number of hours worked by the personal assistant; and
* any additional information specified by the customer's VR counselor that is needed to process reimbursement.

## C-1404: Services to the Customer's Family Members

VR may arrange, purchase, or provide services to the customer's family members only if without such services, the customer would be unable to begin or continue his or her IPE, and the program would be jeopardized or interfered with to the extent that the employment goal would be unnecessarily delayed or could not be achieved.

When required, services are furnished only for family members meeting the definition of family as defined in 34 CFR §361.5(c)(22). The services are not available through existing community resources, agencies, or comparable services or benefits.

### C-1404-1: Legal Authorization

#### 34 CFR §361.48(b)(9)

"(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(9) Vocational rehabilitation services to family members, as defined in §361.5(c) (23), of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome."

#### 34 CFR §361.5(c)(22)

"(22) Family member, for purposes of receiving vocational rehabilitation services in accordance with §361.48(b)(9), means an individual—

(i) Who either—

(A) Is a relative or guardian of an applicant or eligible individual; or

(B) Lives in the same household as an applicant or eligible individual;

(ii) Who has a substantial interest in the well-being of that individual; and

(iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome."

### C-1404-2: Documentation of Services for Family Members

Documentation of services to family members must meet all documentation requirements for that service as outlined throughout this manual. Additionally, the VR counselor must clearly describe in case notes:

* the name of the family member or members who need the services;
* the family member's relationship to the customer;
* what services are needed; and
* how the services are expected to make a substantial contribution to the customer's ability to participate in and complete planned VR services and goals.

## C-1405: Child Care Services

If a customer has children under the age of 13 and the customer cannot complete planned vocational activities without child care, the VR counselor may assist the customer in exploring the availability of child care services. Children 13 and older who require supervision because of a disability also qualify for this service. Examples of activities related to the vocational goal include diagnostic services, physical restoration, training, and employment.

### C-1405-1: Child Care Resources

Child care services can be purchased with VR funds only when they are required for participation in VR services and when they are not available through existing community resources, agencies, or comparable services or benefits.

The VR team can also explore resources such as the customer's family members, neighbors, or community day-care programs to see if they can meet the customer's child care needs.

[Texas Workforce Commission Workforce Solutions Child Care program](https://www.twc.texas.gov/students/child-care-program) offers child care for low-income individuals who are working or participating in training or educational activities leading to employment. Customers must apply for this resource to meet their child care needs before VR funds are authorized.

If the customer is not eligible for the TWC Child Care program or if the TWC Child Care program has a waiting list, or if the customer has no comparable benefits, VR may purchase child care services. The customer must select a provider who is licensed, registered, or listed on the [Texas Department of Family and Protective Services (DFPS) website](http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilitySearchDayCare.asp).

The selection of a provider is the customer's responsibility as a parent. VR staff may help the customer access information about how to select appropriate, safe child care through the DFPS website.

### C-1405-2: Acceptable Child Care Providers

DFPS licenses, registers, or lists the following categories of providers (see definitions at [Childcare Providers Licensed, Registered or Listed through the Department of Family Protective Services](http://intra.twc.state.tx.us/intranet/drs/programs/vr/docs/ChildCarePrvidrsApprvdByDFPS.docx)):

* Licensed Child Care Center
* Licensed Child Care Home
* Registered Child Care Home
* Listed Family Home

VR does not pay for services provided by an individual who is not identified on the [DFPS website](http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilitySearchDayCare.asp) as a provider in one of these categories. Exceptions may not be made to this policy.

If a customer wants to use someone to provide child care who is not currently recognized by DFPS, he or she must contact his or her [local DFPS](https://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp) licensing office to learn how to become licensed, registered, or listed. The procedure for becoming a Listed Family Home requires limited documentation and may be appropriate for a family member or friend who wants to provide child care. See the Procedure for Becoming Listed as a Child-Care Provider on the TWC-VR intranet.

### C-1405-3: Establishing a Child Care Provider as a Vendor

If the customer selects an acceptable child care provider who is not already a VR provider, VR staff emails [VR RHW Provider Services](mailto:vr.rhw.providerservices@twc.texas.gov) to begin the process.

The child care provider must be set up as a provider for VR and paid directly for services. VR Managers may not make an exception to this requirement. For more information on setting the child care provider as a provider, see VRSM D-200: Purchasing Goods and Services.

### C-1405-4: Child Care Payment Guidelines

If no comparable benefits are available for child care, VR may pay up to 100 percent of the customer's child care costs during training, not to exceed the maximum rates listed in WD Letter 22-22, Attachment 1: Fiscal Year 2023 Child Care Provider Reimbursement Rates (PDF). Child care payments during training are limited to the duration of training.

VR adopts and implements the rates used and monitored by TWC for child care rates.

Payments may not exceed the maximum allowed rates listed in the Increased Rates table.

#### Maximum Full Day Rates for Child Care

Each Local Workforce Development Board (Board) sets the maximum rates for child care services. Those rates are outlined in the state's Child Care and Development Fund State Plan.

The rates are set for (1) Licensed Child Care Centers, (2) Licensed Child Care Homes, and (3) Registered Child Care Homes. Each of these categories has additional rates for each of these provider types that are Texas Rising Star providers (2-, 3-, or 4-star providers). This information is found in WD Letter 22-22, Attachment 1: Fiscal Year 2023 Child Care Provider Reimbursement Rates (PDF).

Age groups in each provider type are as follows:

* Infants age 0 to 17 months
* Toddlers age 18 to 35 months
* Preschool age children from 36 to 71 months
* School age children 72 months to 13 years

#### Procedures

The following procedures are used to find the amount in fees that VR pays for child care. If the fees exceed the maximum rate listed in WD Letter 22-22, Attachment 1: Fiscal Year 2023 Child Care Provider Reimbursement Rates (PDF), VR pays the amount that is listed as the maximum rate.

#### Table for Calculating Daily Rates

|  |  |
| --- | --- |
| **Calculating Daily Rates** | **To obtain the daily rate:** |
| Providers with monthly rates | Divide the rate by 4.33, then divide the result by 5. |
| Providers with biweekly rates | Divide the rate by 2.165, then divide the result by 5. |
| Providers with weekly rates | Divide the weekly amount by 5. |
| Providers with hourly rates | Multiply the hourly rate by 12 to calculate the full-day rate and by 6 to calculate the part-day rate. |

Providers with multiple rates within an age category average all applicable rates to obtain the published rate for the age category, then determine the daily rate using the appropriate method.

Some providers may charge a registration fee in addition to ordinary child care costs. VR may pay the registration fee to the facility once per calendar year for each child who will be participating in child care.

When identifying applicable fees, VR staff must be aware that activity fees include only the fees that all parents are required to pay and do not include fees for optional activities such as field trips or optional classes.

VR may pay for child care after a customer has achieved employment for a total of no more than two months at the following percentages:

* 100 percent for the first four weeks
* 80 percent for the fifth week
* 60 percent for the sixth week
* 40 percent for the seventh week
* 20 percent for the eighth week

## C-1406: Occupational Licenses

An occupational license is any license, permit, or fee for the examination of a license, or other written authorization required by the state, city, or other government unit that must be obtained to work or to run a small business. Occupational licenses are one of the tools used in the rehabilitation process.

### C-1406-1: Legal Authorization

#### 34 CFR §361.48(b)(16)

"(b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(16) Occupational licenses, tools, equipment, initial stocks, and supplies."

### C-1406-2: Occupational License Fees

VR pays fees only for:

* licenses; and
* necessary examinations or registrations.

VR does not pay state or municipal tax assessments on occupations. Management must not make any exceptions.

VR does not pay for dues to a professional association or trade union unless paying the dues meets best-value purchasing criteria or unless the VR counselor can justify the purchase as critical to the success of the customer's employment. If the VR counselor believes that payment to a professional association or trade union is critical to the success of the customer's employment, the VR counselor must enter a case note in RHW that explains the justification for the decision and obtain VR Manager approval. The VR Manager may consult with TWC Office of General Council as needed to determine if use of VR funds is allowed.

VR funds cannot be paid to organizations that financially support a lobbyist.

## C-1407: Tools and Equipment

VR purchases only tools and/or equipment required to support a customer's planned employment outcome. "Required tools and equipment" must be included as a service on the IPE before authorizing purchase or transfer of items to the customer.

#### Customer Responsibility

The customer is required to take reasonable care of the tools, equipment, and supplies provided and is liable for loss and damage resulting from wrongful act or neglect.

#### VR Counselor Responsibility

The VR counselor must assure that the proper tools are purchased and that they are not ordinarily provided by the employer. It is also the responsibility of the VR counselor to exercise reasonable diligence in recovering items and document in the case record the circumstances relating to any loss or damage to equipment.

### C-1407-1: Tools

A tool is defined as an instrument (such as a saw, file, knife, or wrench) used or worked by hand or machine to perform a task.

Tools required for employment must be used by the customer:

* to participate in a training program; or
* for entry into an employment situation.

Tools that are purchased or provided for customers include only those tools that are normally required for workers in the same or similar trade or profession.

In many instances, tools that are required for training or employment are provided by the training facility or owner of the business rather than by the employee. If tools are provided without cost to other students or employees, VR does not purchase or provide tools for a customer.

### C-1407-2: Equipment

Equipment is defined as fixtures, apparatuses, machinery, or appliances that are normally found in a place of business, the function of which is to carry out the requirements of the business in an efficient manner. This includes motorized equipment such as:

* power accessories;
* garden tractors;
* portable vending stands;
* special motor scooters;
* stationary equipment; and
* special lighting fixtures.

Examples of items not considered equipment are:

* automobiles;
* operating capital;
* buildings;
* operating cost; and
* land.

Equipment required for employment must be used by the customer:

* to participate in a training program; or
* for entry into an employment situation.

Equipment that is purchased or provided for customers includes only those items that are normally required for workers in the same or similar trade or profession.

In many instances, equipment that is required for training or employment is provided by the training facility or owner of the business rather than by the employee. If equipment is already provided without cost to other students or employees, VR does not purchase or provide the equipment for a customer.

### C-1407-3: Purchasing and Documenting Tools or Equipment

VR may purchase required tools and equipment for the customer when the following conditions are met:

* The IPE shows that the customer is entering a training program or employment
* Purchased tools and equipment are of good quality and are regularly required for the chosen occupation, trade, or profession
* The cost of tools and equipment does not exceed a total of $5,000 for all tools and equipment

If the cost of required tools and equipment exceeds $5,000, management approval is required according to the following thresholds:

* Greater than $5,000 to $15,000—VR Manager approval required
* Greater than $15,000 to $25,000—Regional director or deputy regional director approval required
* Greater than $25,000—VR Division Director approval required

For additional purchasing requirements, refer to VRSM D-205: Purchasing Threshold Requirements.

Tools and equipment may be repaired if replacement is more expensive.

Remind the customer of the agreement in the IPE to:

* safeguard and maintain proper custody of tools and equipment;
* not dispose of tools and equipment unless they are unserviceable or obsolete; and
* return usable tools and equipment not used as planned to VR.

If a customer reports that their tools and equipment were lost or stolen, they must provide a copy of a police report.

VR must recover usable tools and equipment that the customer no longer needs. When a customer refuses to return VR property, refer to VRSM C-1407-5: Reporting Lost or Stolen Tools and Equipment for further action.

VR retains residual title to all tools, equipment, and unused supplies issued to a customer during the rehabilitation process.

#### Paying for Goods

VR staff must obtain the customer's signature on an itemized receipt or cash register receipt that describes each good purchased, or Form VR2014, Rehabilitation Equipment Receipt and Agreement, and place the signed receipt in the case file.

Refer to VRSM A-210: PIN and Signature Procedures for more information on signatures.

#### Receipt of Items

Form VR2014, Rehabilitation Equipment Receipt and Agreement, provides VR with a list of rehabilitation equipment items issued to the customer and familiarizes the customer with the terms of the transaction. It also provides evidence of the return of the equipment.

Form VR2014 is used for rehabilitation equipment issued by:

* VR field staff; and
* Employment Assistance Services (Customer Technical Support).

Note: Do not use Form VR2014 when purchasing items associated with physical restoration, such as low-vision aids and glucometers.

#### When Initiated in the Field

When initiated in the field, the VR counselor:

* lists all customer-tagged and/or nontagged equipment, as outlined on the customer's IPE, which are issued to the customer;
* verifies that the customer is aware of the responsibility to properly care for the equipment and understands the other terms of the agreement;
* has the customer sign and date the form acknowledging receipt of the equipment;
* places the signed original Form VR2014 in the customer's case file; and
* gives a copy of Form VR2014 to the customer.

#### When Initiated by the Customer Technical Support Technician

When initiated by the Customer Technical Support Technician:

* Customer Technology Services lists all customer-tagged and/or nontagged equipment that is being sent on Form VR2014;
* the VR counselor reviews Form VR2014 and the contents of all boxes sent, and documents in RHW with a case note;
* the VR counselor meets with the customer and verifies that the customer is aware of the responsibility to properly care for the equipment and understands the other terms of the agreement;
* VR staff has the customer sign and date the form acknowledging receipt of the equipment;
* the VR counselor places the signed original Form VR2014 in the customer's case file; and
* the VR counselor gives a copy of Form VR2014 to the customer.

### C-1407-4: Returning, Recovering, and Transferring Tools and Equipment

#### Returning Tools or Equipment

Upon return of the tools or equipment, the VR staff member completes and signs the bottom portion of the original Form VR2014, Rehabilitation Equipment Receipt and Agreement, signifying return of the equipment and releasing the customer from responsibility.

#### Recovering Tools or Equipment

When VR becomes aware that the customer is no longer using the VR-issued tools or equipment for the intended purpose or the customer no longer needs the tools and equipment for any reason, then VR works with the customer and/or his or her family to recover VR property that is still usable.

The VR counselor documents recovery efforts and the outcome of recovery efforts in a case note in the customer's electronic case file. Recovered tools and equipment that are still usable can then be issued to another customer to meet his or her needs in the VR process.

Note: VR staff must exercise good judgment and keep in mind the degree to which normal wear and tear has affected the property's usability. If it is believed that the tools or equipment are no longer usable by other VR customers, VR staff must document this decision and the facts that led to the decision in a case note.

#### Transferring Tools or Equipment

Occupational tools, equipment, and supplies originally purchased for a customer and later recovered may be transferred to another customer if the equipment is still serviceable or under warranty.

The administrative supervisor transfers customer equipment from one customer location to another and:

* assesses the condition of the equipment; or
* hires a local consultant to assess it, when necessary; and
* reports the equipment condition to the receiving administrative supervisor.

The VR counselor documents transfers and reissues in case notes of both customers involved. The VR counselor does not enter the name of one customer in another customer's case file.

### C-1407-5: Reporting Lost or Stolen Tools and Equipment

Reporting the misappropriation of tools and equipment

If a customer sells, pawns, loans, uses as loan collateral, transfers to an unauthorized known third party, refuses to return items that are no longer being used to support VR outcomes, or otherwise uses tools or equipment unlawfully, then VR staff:

* notifies the third party immediately that the state has title to the property;
* requests that the property be returned; and
* contacts TWC's Office of General Counsel before VR files theft charges against the customer.

## C-1408: Wage Services for Work Experience through WorkQuest

WorkQuest is a private, nonprofit corporation that links Texans with disabilities to meaningful employment opportunities, improving quality of life for thousands of individuals across the state. TWC has entered into a contract with WorkQuest to provide Wage Services for VR customers. Wage Services allow VR to pay a customer's wages when he or she is participating in a Work Experience Service. Wage Services includes gross earnings, worker compensation and associated costs including payroll processing, payroll reporting, and other payroll processing functions.

Work Experience Services are intended to be short-term (12 weeks or less) and part-time. For additional information, refer to VRSM C-421: Work Experience Services.

WorkQuest CRPs define part-time as not exceeding an average of 30 hours per week over the course of the entire work experience assignment (training period). A customer may work up to 40 hours per week for one or more weeks during the training period, if such a schedule is necessary for completion of training or demonstration of readiness for full-time employment, so long as the average of 30 hours per week over the training period is not exceeded. For services described and purchased through VR-SFP Chapter 13: Work Readiness Services the customer's hours cannot be greater than part-time.

WorkQuest through one of their Community Rehabilitation Providers (not a TWC-VR provider) will:

* be the employer of record for the customer;
* be responsible for onboarding the customer and completing tasks such as I-9 verification;
* coordinate and collect payroll documentation from the VR customer's work experience worksite entity;
* accurately process a bimonthly paycheck, unless a different frequency is agreed to in writing by VR and WorkQuest;
* make direct deposits or deposits to a pay card, that include a pay stub on the pay date;
* provide W-2 forms in accordance with Internal Revenue Service requirements;
* prepare supplemental payroll to correct errors in pay when necessary and applicable;
* notify the VR counselor of any worker's compensation claims made by or on behalf of VR customers; and
* notify the VR counselor of worksite incidents involving injury, property damage, or behavioral issues that result in termination of a customer's placement at the worksite, as soon as possible, but not later than forty-eight (48) hours after the incident.

Wage Services provided through WorkQuest are intended to support VR customers and "students and youth with disabilities," including those who are potentially eligible when participating in Work Experience Services as defined in the VR-SFP Chapter 14: Work Experience Services.

Students with disabilities, including students who are potentially eligible, may also receive Wage Services through WorkQuest when a Workforce Development Board (WDB) does not provide Wage Services. If Wage Services are available through the WDB, VR Supervisor approval is required when using WorkQuest for students and youth with disabilities instead of a WDB’s Wage Service. If Wage Services are not available through the WDB, VR Supervisor approval is not required to use WorkQuest. For additional information on WDBs that provide Wage Services, refer to the Year-Round Paid Work Experience intranet page.

Pre-ETS funds may be used in cases where the customer meets the Student with a disability criterion established in VRSM C-1302-1: Student or Transition Services Customer. When a "student with a disability" is potentially eligible, the VR counselor must follow policy found in VRSM C-1305-6: Providing Pre-Employment Transition Services, Working with Potentially Eligible Students.

Wage Services can be purchased for multiple work experiences for the same customer when necessary to meet the customer's goals. Wage Services should not be purchased for a customer to be placed in the same type of position at the same work experience site. Refer to VRSM C-421: Work Experience Services and VR-SFP Chapter 14: Work Experience Services for additional information.

Wage Services can be purchased when a customer obtains a work experience placement through various ways or avenues such as:

* VR-SFP Chapter 14: Work Experience Services;
* On an exception basis to support students in work experience opportunities, when a Workforce Development Board (WDB) is not contracted to perform wage services, or the wage services is otherwise unavailable from the WDB; and
* When VR staff work directly with a business to develop a training model designed around their business structure that includes paid work experience. In these models, the goal is for VR customers to gain training that leads to employment with the business partner. These models are to be coordinated with the Business Relations Coordinator and approved by the Deputy Regional Director or Regional Director.

When VR customers are placed at the job site TWS-VRS staff are responsible for monitoring each worksite.

Prior to making a referral for Wage Services, the customer must obtain a work experience placement, that matches the customer's individualized plan for employment (IPE) or the trial work plan (TWP).

For a Work Experience Placement obtained via VR-SFP Chapter 14: Work Experience Services, a Form VR3142, Worksite Agreement for Wage Services must be signed by the representative from the work experience site. Either the VR counselor or Work Experience Specialist can obtain the required signatures on the Form VR3142, Worksite Agreement for Wage Services. The Form VR3142, Worksite Agreement for Wage Services must be in place prior to making a referral to WorkQuest for Wage Services and before issuing a service authorization for wage services. For additional information refer to Chapter 14: Work Experience Services.

Work Experience via Summer Earn and Learn and work experience placements arranged by VR staff may require a work site agreement or other related agreement.

### C-1408-1: Determining the Wage and Associated Cost for Work Services

VR work experience placements are classified into three levels using O\*NET's My Next Move Job Zones found at <https://www.onetonline.org/find/zone>. The VR counselor must identify the 6-digit SOC code that represents the position for which the customer will be fulfilling in the work experience placement and enter the 6-digit SOC code into My Next Move to identify the Job Zone the position falls under. The Job Zone level identifies what the customer's gross income and WorkQuest corresponding bill rate when wage services are purchased for a customer.

### C-1408-2: Wage Levels and Rates

The customer hourly wage rates were derived from My Next Move wage rates supplied by the Bureau of Labor Statistics (BLS) data as adapted by O\*Net and they serve as the basis for the WorkQuest Bill Rate which are "fully-loaded" with all applicable taxes, insurance, and fees.

TWC-VR is using the O\*Net, Job Zones to describe the Entry, Intermediate, and Advanced wage levels associated with a customer's position when in work experience.

#### Entry Level: Includes O\*Nets' My Next Move Job Zones One and Two

* Purpose:
  + determine if customer is ready for competitive integrated employment;
  + explore possible career options for customer; and
  + develop skills to increase a customer's employability.
* Knowledge, experience, responsibilities and level of supervision of a customer:
  + little or no previous work-related skill, knowledge, or experience;
  + may have some transferable skills, basic knowledge from experience;
  + knowledge of the tasks, duties and responsibilities related to position;
  + follows standard procedures and written instructions to accomplish assigned tasks;
  + work is routine, and tasks are standardized; and
  + works under direct supervision.
* Education and training of the customer may require a high school diploma or GED certificate.
* The associated gross wage is $10.90 per hour, and
* WorkQuest bill rate per hour is $19.96.

Examples of positions classified as entry level include, but are not limited to: (Refer to <https://www.onetonline.org/find/zone> for a complete list.)

* Baristas
* Cooks/ Food preparations / Food Servers
* Counter attendants
* Customer services representatives/ Order Clerk/ Receptionist/ Information Clerk
* Data Entry/Word Processor
* Floral Designer
* Helpers for carpenters. electricians, installers, mason
* Home Health Aides/ Personal Care Aides/ Nursing Assistant/ Physical Therapy Assistant
* Janitors/Cleaners/ House Keeper/ Maid
* Landscapers/ Ground Keepers
* Nursery Worker/ Nanny/ Child Care Worker
* Office Clerk/ File Clerks/ Mail Clerk
* Painter/ Construction/ Maintenance Worker
* Parking Attendant/ Security Guard
* Reservation/ Ticket agent
* Stock Clerks
* Telemarketers
* Waiters/ Waitresses

#### Intermediate Level: Includes O\*Nets' My Next Move Job Zone Three

* Purpose:
  + demonstrate skills and gain experience applicable to potential vocational or associates degree trainings; and
  + evaluate if the customer still has capacity to continue to work in a field due to acquired vocational barrier(s).
* Knowledge, experience, responsibilities and level of supervision of a customer:
  + previous work-related skill, knowledge, or experience (completion of training program);
  + demonstrates and applies the fundamental concepts, practices and procedures of field of specialization;
  + performs work that is varied and may be somewhat difficult; and
  + performs work under minimum supervision that is somewhat difficult and requires limited responsibility.
* Education and training the customer may be required to complete:
  + an apprenticeship; or
  + one or two years of vocational training (certificate program or on the job training) or associate degree.
* The associated gross wage is $13.92 per hour, and
* WorkQuest bill rate per hour is $24.74.

Examples of positions classified as intermediate level include, but are not limited to: (Refer to <https://www.onetonline.org/find/zone> for a complete list.)

* Auto mechanic-certified
* Book Keeping/Accounting/Audit Clerk
* Computer Operators
* Construction and Building Inspectors
* Court Reporters
* Dental Assistant/Hygienist
* Desktop Publishing
* Electrician
* Emergency Medical Technician
* Fire Inspector
* Fitness Trainer/Aerobics Instructor
* Hairdresser/Hairstylist/Cosmetologist/Barber
* Human Recourse Assistant
* Insurance Claims Clerk
* Licensed Vocational Nurse
* Manufacturing Production Technician
* Medical/Clinical Lab Technician
* Medical/Legal Secretaries
* Medical Assistant
* Surveying Technicians
* Tailors/Dress maker/Custom Sewers
* Teacher Assistant/ Preschool Teacher
* Occupational Therapy/Physical Therapy Assistant
* Plumbers
* Police Officer
* Veterinary Assistant
* Welder

#### Advanced Level: Includes O\*Nets' My Next Move Job Zone Four

* Purpose:
  + demonstrate skills and to gain experience related to the degree; and
  + evaluates if the customer still has capacity to continue to work in a field due to acquired vocational barriers.
* Knowledge, experience, responsibilities and level of supervision of a customer:
  + works with general supervision;
  + possesses and applies a broad knowledge of principles, practices, and procedures of particular field of specialization to the completion of difficult assignments;
  + work responsibilities maybe board in nature; and
  + competent in skills and may assist or teach others.
* Education and training the customer may be required to complete a four-year bachelor's degree or higher degree.
* The associated gross wage is $20.32 per hour, and
* WorkQuest bill rate per hour is $34.83

Examples of positions classified as advance level include, but are not limited to: (Refer to <https://www.onetonline.org/find/zone> for a complete list.)

* Adult Basic/ Secondary Education/ Special Education/Literacy Teachers and Instructors
* Advertising Agent
* Automotive/Bio Chemical/ Chemical/ Civil Engineers
* Budget Analysts
* Clinical Data Manager
* Construction Manager
* Database Administrator/Architect
* Editors
* Logisticians
* Manufacturing Engineers
* Museum Technicians & conservators
* Park Naturalist
* Patient Representative
* Program Directors
* Public Relations/Fundraising Manager
* General/Operational Manager
* Human Resource Specialists/Manager
* Insurance Sale Agent
* Landscape Architect
* Real Estate Broker
* Occupational/ Physical/Recreational/Music Therapist
* Sale Representative Wholesale/Manufacturing
* Sales Manager
* Software Developers
* Storage/Distribution Manager
* Training and Development Specialist/Manager

Note: The "net pay" the customer will receive will vary based on the individual customer's W-4 information.

### C-1408-3: VR Counselor Roles and Responsibilities in Wage Services

VR staff should proactively collaborate and coordinate with prospective employers to connect individuals with disabilities to opportunities for successful employment. VR counselors are encouraged to work with their local Business Relations Coordinator to help set up a training model with a local employer. When VR customers are placed at the job site, VR staff are responsible for monitoring each worksite.

When students with disabilities are participating in paid work experience and WIOA Title I programs, such as WIOA youth program, work experience is permitted. VR staff must ensure the services provided are complimentary and not duplicative, and that both sets of services are documented in the student's ReHabWorks (RHW) case, indicating which services are purchased and which are arranged.

To make a referral for Wage Services, the VR counselor must submit an encrypted email to [djones@uandispreadthelight.com](mailto:djones@uandispreadthelight.com):

The email should include the following:

* must include the TWC SA #xxxxxxx in the email subject line;
* an attached Service Authorization;
* an attached Form VR3141, Referral for Wage Services -  WorkQuest; and
* a Worksite Agreement (when applicable).

When a customer is actively receiving Wage Services from WorkQuest, the VR counselor ensures the following are completed by VR staff:

* develop or coordinate the work experience placement that is made by VR directly, or an employment service provider;
* purchase work experience training from an employment service provider when a customer needs more training or supervision than the work experience site can provide;
* explain the availability of TWS-VRS sponsorship of wage services while the customer is participating in a work experience when placements are established by an employment service provider;
* obtain worksite agreements if one is required
* issue a SA to WorkQuest authorizing payment of wages for a VR customer;
* complete a Referral Form to accompany the SA;
* assist the customer with completing documents provided by the WorkQuest CRP for onboarding purposes. The employer of record is responsible for verifying information on the I-9 and is the signatory of record;
* monitor the worksite and addressing any needs or concerns shared by the worksite supervisor or worksite contact person regarding the customer's performance at the worksite, or by the employment services provider as outlined in the VR Standards for Providers;
* monitor the work experience to ensure that the customer's hours worked does not exceed the number of hours indicated on the Referral Form and SA; and
* process invoices received from WorkQuest in a timely manner.

A VR counselor should provide counseling and guidance to the customer through their participation in a work experience gaining information on hours work and skills learned. Refer to VRSM C-100: Counseling and Guidance.

### C-1408-4: Creating a Service Record for Wage Services in ReHabWorks

A service record must be created with the following specifications. MAPS Code "WRKQST" can assist with locating the specifications.

#### VR Basic:

Level 1 - Wage Services for Paid Work Experience WorkQuest (TIBH) only

Level 2 - Wage Services for Paid Work-based Learning Programs - VR Basic Support (Payroll accounting services) WorkQuest only CONTRACT REQUIRED [84111-84111]

Choose the appropriate specifications for Level 3 and 4 based on the core service to be provided.

#### Pre-ETS:

Level 1 - Wage Services for Paid Work Experience WorkQuest (TIBH) only

Level 2 - Wage Services for Paid Work Experience - VR Pre-ETS (Payroll accounting services) WorkQuest only CONTRACT REQUIRED [84111-84112]

Choose the appropriate specifications for Level 3 and 4 based on the core service to be provided.

# Vocational Rehabilitation Services Manual C-1500: Business Enterprises of Texas

## Introduction

The Business Enterprises of Texas (BET) program provides opportunities for Vocational Rehabilitation (VR) customers who are legally blind to manage food service and vending facilities on public and private properties throughout Texas. BET is federally sponsored and state-administered. BET supports the Texas Workforce Commission's (TWC) VR goals of independent living and employment.

## C-1501: Legal Authorization

BET was developed from federal legislation enacted in 1936 by the Randolph-Sheppard Act. Under this law, individuals who are blind must be given an opportunity to operate vending facilities on federal properties. The Rehabilitation Act of 1973, as amended, also supports BET.

Operation of BET facilities in Texas is provided by state legislation called "The Little Randolph-Sheppard Act" (Texas Labor Code, Chapter 355), which parallels the federal act. The State law appoints the Texas Workforce Commission as the state licensing agency to administer the program.

## C-1502: Mandatory Requirements

The VR counselor and BET staff must verify that a customer is qualified to operate a vending facility.

To fulfill the mandatory prerequisites for BET certification, a customer must:

* be legally blind (that is, "having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees," as stated in Texas Labor Code §355.001(1));
* reside or be physically present in Texas;
* be a US citizen; and
* successfully complete all BET assessment and training requirements to become a licensed BET manager.

## C-1503: Curriculum

The BET curriculum includes coursework on college-level business practices, BET standard accounting procedures and forms, cost management practices, customer service practices, BET operations and procedures, and other business management training.

## C-1504: Training

BET training for VR customers is provided by a BET training specialist at a training site in Austin.

## C-1505: On-Site Training

On-site training to work at a BET facility is provided by the licensed manager of the BET facility.

## C-1506: Role of the VR Counselor in the BET Process

### C-1506-1: Determining Appropriate Candidates for BET

The food service and vending industry is a challenging environment. It is not a fitting occupation for every VR customer. Successful BET candidates will operate their own businesses, which can be much more challenging than other forms of employment.

BET candidates must demonstrate that they are:

* self-starters;
* self-disciplined;
* willing and capable of working at least 60 hours per week;
* organized;
* confident in their basic skills, as related to their blindness;
* emotionally adjusted to blindness; and
* able to be flexible and adapt to change, as needed.

BET candidates also must have:

* excellent problem-solving skills;
* independent orientation and mobility skills;
* demonstrated independent living skills;
* high school-level math and accounting skills (completed coursework);
* effective money management skills;
* demonstrated use of adaptive technology;
* good oral communication skills;
* good print or braille communication skills; and
* a general knowledge of customer service techniques.

### C-1506-2: Diagnostics

The VR counselor obtains comprehensive diagnostics before referring a customer to the Criss Cole Rehabilitation Center's (CCRC) general training program with a BET focus. All diagnostic findings must indicate that the customer is capable of participating in the BET program.

The required diagnostics are as follows:

* A consultation with an employment assistance specialist
* An assessment made by the Vocational Diagnostic Unit (VDU). (VDU staff members understand BET requirements better than psychologists, who are not BET staff.)
* A minimum of two informational interviews with successful, licensed BET managers. (The VR counselor contacts the BET Training Specialist in Austin for a list of BET managers available for interviewing in the VR counselor's area).
* An orientation and mobility assessment

All VDU recommendations must be addressed before BET training begins.

In addition to the comprehensive diagnostics listed above, the following assessments are recommended:

* An assessment by the Assistive Technology Unit
* An assessment by a VR teacher
* A low-vision evaluation, if applicable
* An assessment of the customer's physical capability

If these assessments cannot be completed in the field, the VR counselor makes appropriate arrangements to have the assessments completed at CCRC.

### C-1506-3: Referring the Customer to CCRC

If the VR counselor and the customer agree that the individual has the potential to be an appropriate BET candidate, but the customer requires comprehensive blindness training, the VR counselor refers the customer to CCRC for evaluation and training through CCRC's Basic Blindness Skills program, a general training program with a BET focus. For more information on referring customers to CCRC, see VRSM C-503-2: Referrals to the Training Program.

## C-1507: Role of the CCRC VR Counselor in the BET Process

The first benchmark of the BET program is to pass the BET math test with a score of 80 percent or higher.

The BET candidate must attend orientation and work as a trainee in the CCRC cafeteria for at least two weeks, depending on the customer's training needs.

After the customer completes the orientation and training, the CCRC VR counselor arranges for the customer to attend a two-week work evaluation at a BET facility with a licensed BET manager.

### C-1507-1: BET Facility Evaluation

The CCRC VR counselor must ensure that the customer's general training program with a BET focus includes a two-week work experience at a BET facility. The facility evaluation allows the customer to experience the work environment of a licensed manager and decide whether to participate in the program.

The licensed BET manager selected to conduct the customer's evaluation:

* instructs, assists, and observes the customer in all phases of the facility's operation;
* forwards weekly assessments of the customer's performance to the CCRC VR counselor; and
* reviews with the customer the results of the two-week assessment.

The BET manager is paid for providing the instruction and evaluation after:

* the CCRC VR counselor encumbers the funds; and
* the BET manager submits the assessment to the VR counselor.

If necessary, more than one location and more than one licensed manager is used for the customer's evaluation at the BET facility.

The evaluation may be terminated or extended after consultation with the CCRC VR counselor and approval from the BET training specialist.

A score of three or better on a scale of five is required to participate in the BET training program.

It is the responsibility of the counselor to review the application and determine if the applicant should be recommended for the BET program.

Once the customer has passed the final BET assessment and has successfully passed the selection panel interview, the VR counselor must ensure that the BET candidate has the appropriate equipment to participate in the BET training program prior to the training start date.

## C-1508: Applying for the BET Program

The determination to allow a customer to apply for the BET program is based on:

* the customer's successful completion of BET-focused training at CCRC;
* the customer's evaluation score, earned over the course of the BET-facility evaluation (a score of three or better on a scale of five is required); and
* the recommendation of the CCRC VR counselor for BET training.

The CCRC VR counselor helps qualified candidates who are participating in BET-focused training complete a VR2201, Business Enterprises of Texas Application for Training.

The following must be attached to each customer's application:

* The results of an ophthalmologic exam (Interagency Eye Examination Report), completed by a medical doctor no later than 12 months before the application deadline
* The results of a physical exam (General Physical Examination Report), completed by a medical doctor no later than 12 months before the application deadline
* The results of a facility BET assessment
* Proof of successful completion of BET skills training at CCRC
* A birth certificate or other appropriate proof of US citizenship
* Information on the customer's work experience and goals
* A high school diploma, General Educational Development (GED) credential, or college transcript
* The results of a VDU evaluation, completed no later than 12 months before the application deadline

The CCRC VR counselor delivers the customer's application packet to the BET training specialist in Austin.

Based on the customer's individualized needs, required equipment is listed below. The CCRC VR counselor should note that some customers will already have some of the listed items. The CCRC VR counselor carefully reviews the following list with each BET candidate to be sure that the customer has the equipment and supplies needed to successfully complete the BET training:

* A VR standard computer with adaptive software and a removable USB drive, as recommended based on the customer's evaluation by the Assistive Technology Unit
* Closed-circuit television, if applicable
* Low-vision devices appropriate to the customer's needs, such as reading glasses, low-vision aids, and magnifiers
* An accessible calculator (large-print display or talking), with an ear piece
* An accessible thermometer
* Note-taking equipment and supplies appropriate to the customer's needs, such as a Perkins brailler, a slate and stylus, electronic notetaking device, paper for a Perkins brailler or large-line paper, and 20/20 bold-writing pens
* Appropriate training attire (the required uniform for the customer's on-site training is black pants, a white shirt, and black nonslip shoes)
* Other items needed by the customer for training, mobility, or health maintenance while participating in BET training, such as a bill reader, a white cane, or talking scales

## C-1509: Other Required Training

In addition to the BET-facility evaluation, the CCRC VR counselor must ensure that the customer successfully completes the following training:

* BET-focused technology training, including training in Microsoft's Windows operating system, Microsoft Word, and Microsoft Excel
* A course in BET-preparatory career guidance, including training in budgeting assessments, finance, interviewing, business plan writing, résumé development, and related business skills
* Additional training in notetaking
* Calculation

## C-1510: BET Panel Interview

Upon receiving a complete application packet and proof of completed CCRC training, a BET staff member schedules and conducts an assessment to determine the skill level of the applicant.

The assessment may include computer navigation, math proficiency, note-taking, reading and comprehension, and/or assessments of other skills necessary for successful participation in the BET program.

All skills assessments are timed.

Candidates must score 70 percent or higher on each assessment to proceed.

If the customer successfully completes the skills assessment, the VR counselor schedules a panel interview to assess the customer's personal interview skills, appearance, interests, and applicable business knowledge.

The CCRC VR counselor arranges the customer's round-trip transportation to panel interview.

## C-1511: Acceptance into the BET Program

The BET training specialist closely monitors all aspects of the customer's training and considers all recommendations from the CCRC VR counselor to confirm that the customer has met all criteria to enter the BET program.

If the customer meets the criteria to enter the program, the customer participates in the BET assessment process.

If the customer passes all sections of the assessment, the customer proceeds to the selection part of the process.

### C-1511-1: When a Customer Is Accepted

Once a customer is accepted into the BET training program, the customer's VR counselor arranges transportation, with the exception of Austin residents.

For customers who live outside of Austin, the CCVR counselor schedules transportation:

* to and from BET training; and
* for incidental needs relating to the customer's BET training.

The regional VR counselor then encumbers funds for:

* transportation to and from BET training sites;
* fees for BET on-site training; and
* incidental needs relating to the customer's BET training.

### C-1511-2: When a Customer Is Not Accepted

If a customer is not accepted into BET training, the customer, the CCRC VR counselor, and the VR counselor must discuss other employment opportunities.

## C-1512: Upon Completion of Training

After a customer completes BET training, the CCRC VR counselor will assist the customer with transportation arrangements back to the customer's region.

## C-1513: Once the Applicant Has Been Licensed

Customers who successfully complete BET training program and receive a BET license remain on the VR rolls until 90 days after the customer has been assigned a BET facility to manage.

VR counselors and customers should be aware that immediate assignment to a BET facility is not always possible.

## C-1514: Reasons for Justifiable Termination of BET Training

A customer's participation in BET training may be terminated because of the following:

* Medical reasons, after confirmation of the medical condition, if terminating participation is deemed to be in the best interest of the trainee's safety
* Inappropriate behavior, including, but not limited to, belligerent behavior, shouting, use of foul language, or fighting
* Inability to remain actively involved either in the classroom or in the BET facility during on-the-job training for example, but are not limited to, sleeping in class or not being able to work a full day's schedule
* Inability to comprehend materials and/or show proficiency at the pace required by the curriculum
* Refusal to cooperate or refusal and/or inability to complete assignments
* Missing five or more days of class or BET on-site training
* Consuming alcohol, consuming illegal or controlled substances, or being under the influence of alcohol or illegal or controlled substances on state property, during class, or while attending BET on-site training
* Any other behavior considered harmful or potentially harmful, either physically or otherwise, to the trainee, other trainees, the instructor, a licensed BET manager, BET staff, VR staff, or the program in general
* Failure to adhere to the CCRC Standards of Conduct published in the CCRC handbook
* Refusal to sign the On-Site Training evaluation form

# Vocational Rehabilitation Services Manual D-100: Case Service Budget

## Introduction

This chapter describes the requirements and staff responsibilities for customer service budget allocation, distribution and monitoring.

The overall Vocational Rehabilitation (VR) budget in ReHabWorks (RHW) establishes the operational financial parameters for the program and is a subset of the grant awarded to the Texas Workforce Commission (TWC). Depending on what is being purchased and when, individual transactions may be paid for using federal funds, state funds, or a combination of both.

## D-101: Legal Authorization

The following are the federal requirements to which VR is held accountable by the Rehabilitation Services Administration (RSA):

* 34 CFR §361.60-65, which addresses the funding for state VR services
* 34 CFR §363.20-25, which outlines how state-supported employment services programs are financed

### D-101-1: Agency Accountability

VR complies with:

* federal requirements, including grant award notifications, documentation of nonfederal cost shares or matches (for example, interagency transfers, third-party cooperative arrangements (TPCAs), establishment projects, and private donations), maintenance of effort (MOE), and the audit findings and corrective actions related to a program's income documentation;
* requirements that are set forth in state or agency allocation or budget documents and annual fiscal reports; and
* agency policies, procedures, and forms (for example, monitoring, personnel cost allocation, and procurement).

VR also ensures that the documentation of obligations and expenditures is clear and complete, including the documentation of contracts, service authorizations, invoices, and supporting documentation.

### D-101-2: Prohibition against Subgrants

RSA has determined that a state agency may not create subgrants using funds granted under the Rehabilitation Act of 1973, as amended by WIOA, for VR and supported employment (SE) programs. (See the Catalog of Federal Domestic Assistance (CFDA) §84.126A and §84.187A.) This prohibition distinguishes the VR program from other workforce system programs that create subgrants for contractors. VR services are purchased by VR staff on behalf of VR customers.

### D-101-3: Preemployment Transition Services

Changes under the Workforce Innovation and Opportunity Act (WIOA) have significantly affected the VR budget. §110(d) of the Rehabilitation Act of 1973, as amended by WIOA, requires a state to reserve at least 15 percent of its state allotment, under the state VR services grant, for the provision of preemployment transition services (Pre-ETS) under §113 of the Rehabilitation Act (CFDA Section 84.126A).

Pre-ETS activities must follow the provisions published in 34 CFR §361.48(a).

According to 34 CFR §361.65(a)(3)(ii), the funds reserved for Pre-ETS:

* must be used only for the Pre-ETS described in 34 CFR §361.48(a); and
* must not be used to pay for the administrative costs of providing Pre-ETS or any other VR services.

For more information about Pre-ETS, refer to VRSM C-1300: Transition Services.

### D-101-4: General Appropriations Act Requirements

The General Appropriations Act (GAA), as signed by the Texas governor each biennium, gives TWC the authority to spend VR funds.

VR funding is addressed in Article VII of the GAA and is subject to performance measures and riders found in the TWC bill pattern. It is also subject to GAA Article IX, General Provisions, which typically applies to all state agencies.

## D-102: Budget Administration

VR is responsible for administering federal and state funds efficiently and effectively.

VR's responsibilities include overseeing administrative and customer budgets as well as state and federal performance goals. Title 2 CFR, Part 200.400, states, in part, that the nonfederal entity is responsible for the efficient and effective administration of the federal award through the application of sound management practices.

Based on WIOA and federal regulations, as implemented under state law and the GAA, VR receives an annual operating budget from TWC financial operations.

### D-102-1: Financial Systems

The VR budgets are loaded into the Workforce Reporting Accounting and Procurement System (WRAPS) and then into the RHW case management system.

## D-103: ReHabWorks Budget Allocation

Annual budget allocations to the field are developed using the methodology approved by the Division Director of Vocational Rehabilitation Services in consultation with the TWC Financial Services, the Deputy Director of Workforce Solutions, and the TWC Executive Director.

VR's Program Operations team develops this methodology by applying multiple factors, factors that need to be considered and weighted to support the accuracy of the comprehensive allocation strategy.

Each year of the biennium, TWC budget staff members determine the funding available, based on federal allocations and expenditure rates. After determining the amount of available funding, responsibilities and processes differ depending on the organizational level at which a program's budget is handled.

Funds are allocated by VR state office to each of the VR regional offices, based on the allocation plan. The initial amounts or percentages to be distributed to each unit within a region are provided as well as the timing of the distributions.

The Deputy Regional Director (DRD) oversees the regional budgets. The DRD's oversight may include determining unit allocations, monitoring encumbrance rates and paid-out rates for each budget line item, cleaning up records from previous fiscal years, and redistributing funds within the region.

The DRD may delegate authority to perform budget-related tasks at the regional level to one of the DRD's subordinates. For each of the regions, the DRD (Region Level) is the designated point of contact for budget allocation to the units. Based on the distribution plan, the DRD distributes funds to the unallocated budget levels for all of the region's management units.

The regional offices maintain a contingency fund to pay for unanticipated expenses related to:

* complex cases;
* cases requiring more intensive or extensive services;
* planned expenditures that would deplete a caseload budget; or
* other vocationally related customer needs.

The VR Program Operations team recommends an amount to be set aside for contingency funding, but the amount retained is at the discretion of and is the responsibility of the regional director (RD) and DRD.

## D-104: Budget Adjustment Request (BAR)

The Budget Adjustment Request (BAR) document is a tool used by regional management staff to:

* request additional budget from the VR division, or
* have an existing budget moved between regions or programs.

BARs are submitted to [VR's budget email box](mailto:vr.budget@twc.texas.gov).

The VR Program Operations Director is responsible for:

* approving all requests for additional funds; and
* ensuring approval of the VR Division Director as required.

For a copy of the BAR or instructions for completing the BAR, see the VRD Budget intranet page in the Program Operations SharePoint.

## D-105: Tracking

VR Program Operations regularly monitors VR administrative and service-delivery budgets.

Multiple systems and applications are used for monitoring specific budgets, such as staff travel. The systems used include WRAPS, RHW, Work Incentives Seminar Events (WISE), and Access applications.

Each quarter, operations monitoring and performance reviews are conducted as explained in Guidance Memorandum (GM) 19-06, which can be found on the Program Policy and Support intranet page under Resources. Monitoring reviews are conducted with each region on-site or by web conference. The review process establishes a consistent, documented method for VR to effectively and proactively monitor administrative and customer services budgets, purchasing, performance, inventory, and full-time equivalent positions (FTEs). The process includes the identification of risks, tasks, tolerances, time frames, and the roles and responsibilities of VR staff at the state office, regional offices, and field offices.

Each VR Manager works with the regional management team to develop a budget management strategy for the management units. This strategy must follow the guidance issued by the TWC state office regarding the management and reporting of VR budgets. The VR manager may delegate the authority to perform budget-related tasks to the management unit level.

The VR Manager is responsible for managing the management unit’s budget, ensuring timely and appropriate encumbrance of funds, and reviewing high-cost cases, to ensure that providing appropriate VR services remains the focus.

### D-105-1: Caseload Carrying Staff Responsibility

Caseload carrying staff are responsible for ensuring good stewardship of funds for individual customer's needs. Caseload-carrying staff are also responsible for identifying and ensuring that their customers utilize available comparable benefits, to the greatest degree possible, as required by WIOA (34 CFR §361.53).

For more information about best-value purchasing practices and the use of comparable benefits, refer to VRSM D-203: Purchasing Decisions.

Management tools such as ad hoc queries, RHW, WISE reports, and case reviews are used to maintain accountability at all levels and ensure that purchases are vocationally relevant, comparable benefits are appropriately used, and fiscal responsibility remains a critical part of the VR process. For more information, refer to VRSM D-300: Quality Assurance.

All TWC-VR staff are responsible for ensuring good stewardship of funds, compliance with purchasing processes and procedures, and use of best-value purchasing practices.

All purchasing activities are subject to internal and/or external review, audit, and investigation at any time. As public servants who are responsible for assisting Texans and serving Texas taxpayers, all VR staff are expected to maintain the highest level of ethical conduct. For more information, refer to VRSM D-200: Purchasing Goods and Services.

## D-106: Allocating and Distributing the Budget in ReHabWorks

The electronic case management system, ReHabWorks (RHW), is used to manage the funds with which VR and OIB services are provided to VRD customers.

For information on accessing and using functions in RHW that are related to the case service budget, refer to the ReHabWorks Users Guide, Chapter 15: Budget.

For more information on allocating and distributing budgets in RHW, refer to the ReHabWorks Users Guide, Chapter 15: Budget.

### D-106-1: Distribution Parameters in ReHabWorks

Each year of the biennium, the TWC budget office determines what funds are available to provide VR services. After determining the funding available, responsibilities and processes differ, depending on the organizational level at which a program's budget is handled. The budget office begins the distribution process by transferring funds to a division's unallocated budget.

The following parameters apply:

* A service authorization cannot be generated until funds have been:
  + transferred to the appropriate budget level; and
  + moved from an unallocated budget to a requisition budget.
* Only unallocated funds can be transferred between budget levels.
* Unallocated funds can be transferred up and down budget levels but never directly across budget levels.
* Only the budget office transfers unallocated funds at the division level.
* Funds can be transferred between budgets only by a budget manager with responsibility for both budgets.
* User roles determine what permissions one must have to make and save changes to the budget at different levels.

For more information about distributing budgets in RHW, refer to the ReHabWorks Users Guide, Chapter 15: Budget.

### D-106-2: Budget Parameters

Every program can have the following budgets at every level designated:

* An unallocated budget (savings)
* A requisition budget (checking)

Only unallocated funds can be moved between levels. Funds must be available in a requisition budget to encumber (obligate) and voucher (pay).

The following guidelines apply:

* An unallocated budget is like a savings account. It is where money is initially loaded and moved from level to level, but money is never spent from this budget.
* Unallocated budget pages move money from unallocated (one level) to unallocated (on another level).
* A requisition budget is like a checking account. Money is moved in and out of a requisition budget to an unallocated budget but never from a requisition budget to another requisition budget. Money is spent from this budget.
* Requisition budget pages move money from an unallocated budget to a requisition budget and from a requisition budget to an unallocated budget.

In RHW, the totals displayed on all of the pages under the Budget menu (in the left-hand navigation) are real-time—that is, as of the moment. The budget reports under the Reports menu (in the top horizontal menu bar) are end-of-day—that is, as of the end of the previous day.

For more information about distributing budgets in RHW, refer to the ReHabWorks Users Guide, Chapter 15: Budget.

# Vocational Rehabilitation Services Manual D-200: Purchasing Goods and Services

## Introduction to Purchasing

This chapter describes the requirements for purchasing goods and services for the Texas Workforce Commission's (TWC) Vocational Rehabilitation (VR) customers.

For information on unique or additional purchasing requirements (such as approvals, consultations, and specific documentation), see the section relevant to the service (for example, sections on assistive technology or medical services).

This chapter, along with other chapters of the Vocational Rehabilitation Services Manual (VRSM) and the VR Standards for Providers (VR-SFP) manual, establishes statewide operating procedures for VR programs that:

* define services and service limitations; and
* support the highest compliance with federal and state law through:
* best-value purchasing;
* use of comparable benefits;
* customer participation in the cost of services;
* documentation in ReHabWorks (RHW) and/or the customer's paper case file;
* informed customer choice;
* professional and ethical obligations;
* provider and facility qualifications; and
* the individualized plan for employment (IPE).

All purchasing activities are subject to internal and external review, audit, and investigation at any time. As public servants who are responsible for assisting Texans and serving the Texas taxpayers, VR employees are expected to maintain the highest level of ethical conduct. Violation of these policies may result in disciplinary action up to and including dismissal and, in some cases, referral to state or federal law enforcement agencies. For more information, see the TWC Personnel Manual, 1.9 Ethics/Standards of Conduct.

The VRSM is not intended to create immovable barriers in the VR process. However, there are certain goods and services that cannot be purchased with VR funds or that require a specific level of review and approval before authorizing the purchase. For more information on restricted goods and services, see VRSM D-205: Purchasing Thresholds and Restrictions and VRSM D-206: Purchasing Restrictions. For more information about required approvals and consultations, refer to the relevant sections of the VRSM and to the Required Approvals and Consultations Table in the appendices of this manual.

When there is a clearly demonstrated vocational need that cannot be approved at the local field office, the VR counselor discusses the circumstances with the VR Supervisor, VR Manager, and/or a regional or state office program specialist. Together, they determine whether there is justification for requesting an exception to published policies and procedures. If the need is justified, then the VR counselor sends a request for an exception to policies and procedures through your chain of management to the Deputy Division Director for Field Services for consideration. However, exceptions to policies and procedures based on federal and state laws, statutes, and rules or regulations are not allowable.

For additional information on other required approvals and consultations, refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications and content throughout this manual.

## D-201: Legal Authorization

The state and federal laws governing the purchase of goods and services for VR customers include the following:

* Education Department General Administrative Regulations, 34 Code of Federal Regulations (CFR) Parts 76, 77, 79, 81, and 82
* 34 CFR Part 361
* 2 CFR Part 190, as adopted in 2 CFR Part 3485
* 2 CFR part 200, as adopted in 2 CFR Part 3474
* 34 Texas Administrative Code, Part I, Chapter 20, Statewide Procurement and Support Services
* Texas Government Code, Chapter 2155

VR does not discriminate on the basis of race, color, sex, national origin, age, disability, or veteran status when purchasing goods and services for customers.

### D-201-1: Policy, Procedure, and Guidance Documents

VR counselors, designated technicians, and other VR staff members who purchase goods and services for customers also must follow the policies, procedures, and guidance published in the following TWC manuals:

* Vocational Rehabilitation Services Manual
* VR Standards for Providers Manual
* Criss Cole Rehabilitation Center Policy Manual (Word)
* VR Guidance and Information Memoranda
* Independent Living Services for Older Individuals Who Are Blind Policies and Procedures Manual (Word)
* Medical Services Required Practices Handbook (PDF)
* MOSAIC (Monitoring Oversight and Internal Controls) Process Guide (Word)
* ReHabWorks (RHW) User's Guide
* Texas Review, Oversight, and Coaching System (TxROCS) User's Guide (Word)

## D-202: VR Staff Responsibilities

All VR staff members must ensure compliance with purchasing processes.

### VR Counselor

Only a VR counselor and his or her supervisor may authorize the use of VR funds to purchase a good or service. Other VR staff members who provide direct services to customers may recommend a purchase as a part of the VR team, but the VR counselor is ultimately responsible for ensuring that the service is reasonable, is appropriate, and is necessary to achieve the employment goal described in the customer's IPE.

Before the service authorization (SA) is generated, the VR counselor makes the purchase in compliance with the published policies, procedures, and guidelines, including completing all required documentation and obtaining all of the reviews or approvals that are required to authorize the purchase in RHW.

### Internal Program Resource Staff

The following individuals are available to provide specialized oversight, support, and consultation for purchasing processes and procedures:

* Designated subject matter experts
* Dental consultants
* In-house providers
* Medical services coordinators
* Medical consultants
* Psychological consultants
* Assistive technology specialists
* Managers and management teams
* Unit support assistants and unit support coordinators
* Program specialists (unit, regional, and state office)

VR staff members who have purchasing questions that are not addressed in this chapter, elsewhere in the VRSM, or in other policy and procedure manuals, must consult with the appropriate program staff members before completing an SA.

### D-202-1: Documentation Requirements

RHW is an electronic case management system. It communicates with TWC's financial system to authorize and track payments for all customer goods and services.

Purchasing documentation is kept in both RHW and in the paper case file.

All documentation that supports the purchase of a good or service must be entered into RHW and filed in the customer's paper case file by VR staff before obligating VR funds.

VR funds are obligated at the time that a SA is generated in RHW.

#### IPE, IPE Amendment, and Case Notes

The only goods and services that may be purchased before the customer's IPE is completed are the goods and services that are necessary to:

* complete diagnostics;
* support the completion of diagnostics;
* assess eligibility; or
* develop the IPE.

Purchases made before the IPE is completed must be documented in a service justification case note. After the customer is determined eligible and an IPE is completed, substantial services (such as training, surgery, and vehicle modifications) may be purchased only if they are included in the customer's current IPE or in an IPE amendment in RHW.

Services that support substantial services (such as maintenance or ancillary services; for example, X-rays and lab work) can be documented in the original IPE, in an IPE amendment, or in a service justification case note.

Documentation of the service justification may also be included as part of another case note in RHW, such as in a Counseling and Guidance case note or a Joint Annual Review (JAR) case note.

If the case is in employment phase in RHW an IPE amendment is required. Refer to VRSM B-506: Post-Employment Services.

When there is no clear association between a purchased service and a service identified in the IPE or IPE amendment, the VR counselor must document the association clearly in an RHW case note.

For more information about content that must be included in specific case notes, refer to VRSM E-300: Case Note Requirements and content for specific services throughout this manual.

For more information about completing an IPE, JAR, or IPE amendment, refer to VRSM B-400: Individualized Plan for Employment.

For more information on creating service records and SAs in RHW, refer to the ReHabWorks User's Guide (RUG), E-200: Case Service Records and RUG E-300: Case Service Authorizations.

#### Paper Case File Documentation

All documents related to the purchasing process are legal records and must be kept in the customer's paper case file.

Purchasing-related documents include:

* bids;
* invoices;
* reports;
* printed SAs; and
* related correspondence.

Purchasing documentation must be:

* date-stamped on the day that it is received by the VR office; and
* filed in the customer's paper case file.

RHW does not store copies of SAs that are revised; therefore, the following applies:

* When the initial SA is generated, the VR staff must
* print a paper copy of the SA,
* have the issuer sign the SA, and
* file the SA in the customer's paper case file.
* If an SA is changed while it is still open, the VR staff
* print a paper copy of the revised SA,
* have the issuer sign the revised SA, and
* file the revised SA in the customer's paper case file.

The issuer may sign the SA using a digital signature. Refer to Authorizing Services Remotely for step by step instructions for digital signatures. This is located on the ReHabWorks intranet page under ReHabWorks Desk Aids and Tutorials.

All printed SA's remain in the customer's case file, even if the SA is revised.

To ensure that the provider's file accurately reflects the purchasing activities in RHW, the VR staff sends a copy of the SA to the provider:

* when the SA is generated; and
* when an open SA is changed.

If an SA is closed because the service is no longer authorized, VR staff members must notify the provider no later than the same business day that the SA is closed. Document the notification of the provider in a case note in RHW.

Note: Electronic copies of closed SAs are kept in RHW. Therefore, even if an SA is changed as a result of closing the SA, printed copies of closed SA's are not required in the paper case file.

## D-203: Purchasing Decisions

All goods and services purchased with VR funds must be appropriate and necessary to support a competitive integrated employment outcome.

For additional information about documentation requirements for purchasing, refer to VRSM D-202-1: Documentation Requirements.

When authorizing the purchase of a good or service, the VR counselor considers:

* the cost, accessibility, type, and duration of the services;
* the customer's informed choice;
* the customer's satisfaction with the proposed services;
* the provider's compliance with the Americans with Disabilities Act;
* the qualifications of the service provider;
* the setting in which the services are provided; and
* the provider's history of success with other customers.

Additionally, the following must also be considered for each purchase:

* Best value
* Use of comparable benefits
* Required customer participation in cost of services (also referred to as BLR)
* Separation of duties
* Ethics and purchasing

### D-203-1: Informed Customer Choice

The customer (and, as appropriate, his or her representatives) must be involved in decision making related to all aspects of the customer's VR services, including selecting the goods, services, and providers during the purchasing process.

The VR counselor must document in a case note the customer's involvement in the selection of goods, services, and providers.

For more information about informed choice and the VR process, refer to VRSM B-102: Informed Choice.

### D-203-2: Best Value Purchasing

Because VR uses tax revenue to pay for services, VR must purchase the least expensive services that meet the customer's vocational needs.

To accomplish this, VR staff members apply the best-value purchasing approach. The approach ensures that, when authorizing a purchase, staff members consider not only the initial cost but also the factors that influence the total cost and value to both the customer and TWC.

These factors include, but are not limited to:

* installation costs;
* warranties;
* life-cycle costs;
* quality and reliability;
* delivery costs and terms;
* the timeliness of the delivery;
* the cost of training associated with a purchase; and
* the indicators of the provider's probable performance (for example, the provider's past performance, financial resources, ability to perform, experience, responsibility, reputation, and ability to provide reliable maintenance and support).

### D-203-3: Comparable Services and Benefits

Comparable services and benefits, including accommodations and auxiliary aids and services, are resources that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits. These resources must be available to VR customer at the time needed and they must be commensurate to the services that the customer would otherwise receive from the TWC-VR. (Based on 34 CFR §361.5(c)(8).)

Comparable services and benefits do not include:

* scholarships or other awards of merit;
* student loans;
* personal loans; or
* customer contributions to the cost of services.

#### Requirement to Use Comparable Services and Benefits

When a customer is determined eligible for VR services, 34 CFR §361.53 requires that prior providing any VR service, TWC-VR must determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the customer. When comparable services benefits are available, these resources must be used for planned services before using VR funds.

#### Exceptions for Use of Comparable Services and Benefits

Comparable services and benefits must be utilized unless doing so would significantly interrupt or delay:

* the progress of the customer toward achieving the employment outcome identified in the IPE;
* an immediate job placement; or
* the provision of VR services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

The VR Manager must approve any exceptions to the use of available comparable benefits for the above reasons. Otherwise, no exceptions are allowed to this policy.

While all available resources should be utilized to ensure compliance with VRSM D-203-2: Best Value Purchasing, the requirement to use comparable services and benefits does not apply to the following goods and services:

* Assessments for determining eligibility and VR needs;
* Counseling and guidance;
* Referral and other services to secure needed services from other agencies;
* Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services; and
* Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

#### Federal Financial Aid

If the customer needs postsecondary training to reach the IPE goal, the customer must be informed that he or she is required to apply for and use, if granted, support from the Federal Financial Student Aid Program that does not include a payback requirement. When applicable, include this requirement on the IPE. Refer to VRSM C-405: Financial Aid and Comparable Benefits for additional information.

#### Services and Benefits for Veterans

The US Department of Veterans Affairs has a range of benefits available to veterans of the military, naval, and air services, and to certain members of their families. Among the benefits available to service-disabled veterans and their families are several types of financial assistance, including monthly cash payments, health care, housing benefits, and educational benefits.

In addition, additional resources for veterans are:

* Centers for Independent Living;
* Community Services for the Blind;
* TWC's Texas Veterans Leadership Program;
* Texas Veterans Commission; and
* the Hazelwood Act.

For additional information, refer to VRSM A-304: Veterans with Disabilities.

#### Insurance as a Comparable Benefit

VR is the payor of last resort. Comparable benefits and the customer's required participation in the cost of services must be applied before VR funds are spent.

After the customer's primary and/or secondary benefit coverage has been applied and the customer's ability to pay has been determined, if VR is paying a portion of the total owed to the provider, VR may pay an amount equal to the customer's copayment, coinsurance, or deductible due.

VR payment must not exceed:

* the amount allowed by the customer's insurance;
* the allowable VR rate; or
* the VR contract rate, whichever is less.

#### Documenting Use of Comparable Services and Benefits

The exploration of and use and non-use of comparable services and benefits must be thoroughly documented in the customer's case file. This includes documentation in ReHabWorks (RHW):

* Case notes
* Service records
* IPE or IPE amendments
* Closure Services page.

Copies of documents related to approval or denial of comparable benefits must be filed in the customer's paper case file.

Substantial or supportive goods and services that are necessary for the customer to reach the identified employment goal and are arranged by a comparable benefit must be documented by an arranged service record in RHW. For additional information on creating service records, refer to RUG E-200: Case Service Records. For additional information on planned services, refer to VRSM B-504-5: Planned Services.

#### Documenting Comparable Benefits in ReHabWorks

The following comparable benefits selections can be selected to document the use of comparable benefits when service records, IPEs, and Closure Services pages are developed in ReHabWorks:

* Centers for Independent Living
* Child Protective Services
* Educational Institutions (elementary and secondary)
* Educational Institutions (postsecondary)
* Educational Service Center
* Employers
* Employment Networks (not otherwise specified)
* Federal Student Aid (such as Pell grants, SEOP (Supplemental Educational Opportunity Grant), work study, etc.)
* Intellectual and Developmental Disabilities Agencies
* Lion's Club
* Medicaid Programs
* Medicaid Waiver
* Medical Health Provider (public or private)
* Medicare
* Mental Health Provider (public or private)
* One-Stop Employment and Training Centers
* Other Sources
* Other State Agencies
* Other VR State Agencies
* Public Housing Authority
* Scholarship
* Social Security Administration (Disability Determination Services or District office)
* State Department of Correction and Juvenile Justice
* State Employment Service Agency
* Tuition Waiver (non-blind, non-deaf)
* Tuition Waiver Blind
* Tuition Waiver Deaf
* Veteran's Administration
* Waiver Programs—MDCP In-Home, CLASS & Family Support Class
* Welfare Agency (state or local government)
* Worker's Compensation

### D-203-4: Customer Participation in the Cost of Services

A customer's eligibility for VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the basic living requirements (BLR), the customer must participate in the cost of services.

For a list of services that explains when BLR is or is not applied, refer to VRSM E-400: Applying Basic Living Requirements (BLR) to VR Services.

The monthly net income and liquid assets levels that are used to calculate the customer's required contribution to the cost of services are available on the VR Basic Living Requirements (BLR) intranet page.

#### Exception

A customer whose net income or liquid assets exceed the BLR is not required to help pay for services, if:

* the customer is eligible for Social Security disability benefits—that is, Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI); or
* the VR Supervisor grants an exception because the customer's participation would prevent the customer from receiving a necessary service.

The VR counselor must inform the customer that failure to provide complete and accurate financial information:

* violates federal and Texas law; and
* may result in a denial or delay of services that are not exempt from customer contribution requirements.

#### Determining the Customer's Requirement and Ability to Participate

To determine whether a customer must participate in the cost of services and his or her financial ability to do so, the VR counselor uses the following four-step procedure.

1. Determine whether the customer is required to participate in the cost of services. When determining whether the customer is required to participate in the cost of services, VR staff:

* considers the monthly net income and liquid assets of the customer;
* considers the monthly net income and liquid assets of the customer's spouse (if applicable); and
* considers the monthly net income and liquid assets of the parent or legal guardian if the customer is claimed as a dependent for purposes of federal income taxes; and
* compares the total monthly net income and liquid assets BLR levels.

NOTE: When completing the Monthly Financial Information screen in RHW, the customer's net income must be entered in the Economic Resources section to get an accurate BLR calculation.

1. Obtain documented proof of all the income and expenses. When an individual applies for services, the VR counselor requests documented proof of all:

* income (excluding any payment in-kind, such as food stamps or housing subsidies);
* liquid assets (cash plus assets that are easily converted to cash);
* expenses; and/or
* any allowable additions to the BLR.

A customer who is eligible for Social Security disability benefits (SSI or SSDI) provides only proof of Social Security eligibility. The law exempts recipients of Social Security disability benefits from the requirement to participate in the cost of VR services regardless of income, so no additional proof of income or expenses is required.

1. Calculate the customer's contribution.

When the customer's liquid assets exceed the BLR level after including any allowable BLR additions, the customer must contribute an amount equal to the excess toward the cost of goods and services.

For each month in which VR pays for goods and/or services, the customer must contribute the difference between the customer's monthly net income and the BLR level after including any allowable BLR additions.

The customer's contribution must not exceed the cost of the good and/or service.

A customer whose net income or liquid assets is under the BLR is not required to contribute to their VR services. However, maximum amounts and rates published in the VRSM still apply.

The total amount that the customer is required to pay must be received prior to any service authorization being issued. For more information, refer to "Payments" in this section.

Note: Exceptions may be made to this policy as stated above under "Exception".

1. Review, periodically, the customer's proof of income and expenses. At least annually, the VR counselor:

* reviews the customer's income, liquid assets, and expenses; and
* documents the review results in a RHW case note.

If the customer's income, liquid assets, or expenses change significantly during the life of the case, the VR staff

* reassesses whether the customer must participate in the cost of services;
* documents proof of the changes (and, if documentation is not available, notes the reason in a case note);
* updates the financial information in RHW; and
* documents the reason for the change in the comment section of the financial information page at the time of the update (this will create a case note in RHW when the changes to the page are saved).

If the customer's IPE is developed before proof of income and expenses is received, the VR counselor does not include services that require the customer's participation in the cost (see list of service exempt from customer participate below).

When proof of income and expenses are received, the VR counselor amends the IPE as needed.

#### Types of Income, Liquid Assets, and Required Proof

The table below lists the types of income and corresponding proof required of the customer, spouse, and parent (if the customer is claimed as a dependent).

|  |  |
| --- | --- |
| **Income** | **Proof Required** |
| Net wages and net income from other enterprises | Requires:   * a check stub; * a bank statement; or * an earnings statement. |
| Social Security disability benefits (SSI or SSDI) received by the customer for their disability | No proof is required for the actual income amount of the customer's SSI or SSDI checks; however, proof of eligibility for SSI or SSDI benefits must be in the customer's case file. |
| All other Social Security benefits (for example, survivor or retirement benefits received by the customer or the customer's spouse or parents, Social Security disability received by the customer's spouse or parents, and so on) | Requires:   * an award letter; * a check stub; * an income tax return; or * a bank statement. |
| The following income received by the customer:   * Public support payments * VA income benefits * Unemployment compensation income * Workers' Compensation income * Private disability insurance * Annuities | Requires:   * an award letter; * a check stub; * an income tax return; or * a bank statement. |
| Child support payments received by the customer | Requires:   * an award letter; * a check stub; * an income tax return; * a court order; or * a bank statement. |

|  |  |
| --- | --- |
| **Liquid Assets** | **Proof Required** |
| Cash and assets from savings or other accounts. | Account statements |

#### Refusal to Provide Financial Information

Customers have the right not to disclose their financial information. However, when a customer declines to provide the information, VR assumes that the customer has resources that exceed the BLR level, after including any allowable BLR additions. In such a case, the customer must fully participate in the cost of planned services, except in the case of the services listed in "Services Exempt from the Customer's Cost Participation" below.

#### Calculating Customer Participation

The customer's required contribution to the cost of services is referred to as the Basic Living Requirements (BLR).

RHW is designed to automatically calculate a customer's participation based on:

* 300 percent of the United States Health and Human Services Poverty Guidelines; and
* the customer's income, family status, and economic need, as entered in RHW.

See the U.S. Department of Health and Human Services Poverty Guidelines for the current fiscal year and see VR's BLR tables; these tables are available to the public upon request.

RHW determines the amount that a customer must contribute to the cost of services, based on the customer's net monthly income and family size as related to the poverty guidelines for the current fiscal year.

The amount is calculated as monthly but is applied only in the months that a service or good is provided that requires participation in cost of services.

#### Allowable Additions to BLR

The total monthly costs of the allowable additions below are automatically added to the BLR when entered in RHW.

|  |  |
| --- | --- |
| **Allowable Additions** | **Proof Required** |
| Monthly home mortgage or rental payments | Required:   * statement; * canceled check; * money order stub; * contract; and * lease. |
| Prescribed diet and medicines used by the customer | Required:   * itemized receipts; or * canceled checks. |
| Debts imposed by court order | Court record |
| Medical costs and disability-related expenses of the customer  Based on 34 CFR §361.54(b)(2) | Required:   * itemized statements; or * canceled checks. |

#### Payments

When feasible, except for MAPS and contract services, a customer who is participating in the cost of goods and/or services pays the service provider directly. When direct payment to the provider is not feasible, the VR counselor arranges for the customer to submit the required amount to TWC-VR by check or money order.

However, if authorizing the purchase of hearing aids, accessories, or hearing aid service charges and the customer exceeds BLR, the customer must submit the required amount to TWC-VR by check or money order.

When paying TWC-VR, the total amount that the customer is required to pay must be received prior to any service authorizations being issued.

When receiving a payment from a customer to meet BLR requirements, the VR counselor or RA:

* documents the receipt of the check or money order in a case note in RHW;
* files copies of the check or money order in the customer's case file; and
* follows the process documented in VRSM D-505-1: Refunds.

#### In-kind payments

The customer may pay "in kind" for certain services listed on the IPE; for example, paying for transportation to receive services, or paying for uniforms, textbooks, and the like.

#### Services Exempt from the Customer's Cost Participation

The VR counselor reviews with the customer the customer's agreement to pay for the cost of services.

For a list of services that explains when BLR is or is not applied, refer to VRSM E-400: Applying Basic Living Requirements (BLR) to VR Services.

Services exempt from the customer's cost participation include the costs for:

* the assessment for determining the customer's eligibility;
* the assessment for determining the customer's VR needs, including associated maintenance and transportation;
* VR counseling and guidance and referral for other services;
* in-house services provided directly by VR staff;
* job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
* personal attendant services;
* any auxiliary aid or service (for example, interpreter services) that a customer with a disability requires to participate in the VR program;
* diabetes education services;
* orientation and mobility services;
* Pre-Employment Transition Services (Pre-ETS); and
* other VR services that directly support Pre-ETS, like transportation, maintenance, and personal assistant services (applicable for VR eligible students only).

This policy must be applied uniformly to all customers in similar circumstances.

#### SSI and/or SSDI Recipients

Customers eligible for SSI or SSDI because of a disability are exempt from the cost participation requirement. Limitations on payments (for example, on payment of tuition and fees) are also not applied; however, VR policy on the use of best value and comparable services and benefits must be followed for all VR customers.

#### Potentially Eligible Customers

BLR does not apply to services that are provided directly to potentially eligible VR customers; however, policy on the use of best value and comparable services and benefits must be followed for all VR customers.

#### Students or Youth with Disabilities

The BLR does not apply to:

* the cost of participation in training seminars and GSTs for students or youth with disabilities (see VRSM C-1307-1: Student Participation in the Cost of Training Seminars and GSTs); or
* the cost of parents or legal guardians to participate in the training seminars and GSTs for students or youth with disabilities (see VRSM C-1307-2: Family Participation in Training Seminars and GSTs).

VR policy on the use of best value and comparable services and benefits must be followed for all VR customers.

### D-203-5: Separation of Duties

To minimize conflict of interest, RHW is designed so that the same VR staff member may not authorize payment for an SA that the staff member created or made changes to at any point in the purchasing process.

At least two staff members must complete each purchase—that is, issue, receive, and authorize payment—to ensure that integrity is maintained throughout the purchasing process.

For additional information about processing an SA in RHW, see RUG E-300: Case Service Authorizations, E-304: New Service Authorization.

### D-203-6: Ethics of Purchasing

As stewards of VR funds, VR staff members have a personal and professional responsibility to maintain a high level of ethical standard when purchasing goods and services for VR customers. VR staff members are required to follow all purchasing policies and procedures published in the VRSM and the VR-SFP.

Purchasing ethics for state government are also governed by the Texas Ethics Commission, which interprets laws governing the conduct of state officers and employees.

The following state laws apply:

* Texas Government Code, Chapters 305 and 572
* Texas Penal Code, Chapters 36 and 39

#### State Ethics Policy

In addition to the content below, VR staff members must also comply with the TWC Personnel Manual, 1.9 Ethics/Standards of Conduct and TWC's Ethics policy.

"State law mandates that no State Officer or employee shall have a direct or indirect interest in, or engage in, any business transaction or professional activity, or incur any obligation that conflicts with the proper discharge of that individual's duties for the state.

Further, a state employee shall not:

* 1. accept or solicit any gift, favor, or service deemed to be of personal benefit or value that might reasonably tend to influence the performance of official duties or that the employee knows, or should know, is being offered to intentionally influence the employee's official conduct;
  2. accept employment or engage in any business or professional activity that the employee might reasonably expect would require the employee to disclose confidential information that is obtained through the employee's official position, including information that is excepted from public disclosure by law or TWC rule under the Texas Public Information Act, or information that has been ordered sealed by a court;
  3. accept other employment, including self-employment, or compensation or engage in a business activity that could reasonably be expected to impair the employee's independence of judgment in performing official duties;
  4. make personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or
  5. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised official powers or performed official duties as a favor."

#### Ethical Violations

"Agency employees who violate provisions of the ethics policy are subject to disciplinary action, up to and including dismissal from employment. Further, any employee who violates the ethics policy is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule."

#### Bribery

Texas Penal Code §36.02

"A. The Texas Penal Code states that a state employee commits an offense if that employee knowingly or intentionally offers, gives, or agrees to give to another person any benefit as a consideration for the employee's decision, opinion, recommendation, vote or other exercise of discretion as the employee or any benefit as consideration for a violation of a duty imposed by law on the employee.

B. Under the Texas Penal Code, any TWC employee who exercises any discretion as to TWC contracts is forbidden from accepting any benefit from any person interested in any TWC contract or from any person who is likely to become interested in any TWC contract in which the employee exercises discretion. Such behavior is a criminal offense under the Texas Penal Code."

#### Gifts, Favors, or Services

Texas Penal Code §36.07 and §36.08

"TWC employee shall not accept or agree to accept, directly or indirectly, any favor, gift, loan, free service, or other item deemed to be of personal benefit or value in any form from any person or organization outside of TWC if it is intended, or would appear, to reward or influence the employee's official actions. This simply means that you should never accept anything if it might make you do your job differently, if you think the person giving it to you has the hope you will do your job differently, or if it might appear to others that you have done your job differently."

#### Appearance of Impropriety

In addition to following purchasing policies and procedures, VR staff members must also avoid the appearance of impropriety when they are representing TWC-VR.

VR staff members must consult with their VR Supervisor or VR Manager, as needed, when they have questions or concerns about purchasing-related ethics.

### D-203-7: Service Category Codes

In ReHabWorks, there is a drop-down list of service descriptions from which an entry is selected when creating a service record. The selected service category code helps determine the applicable receiving and payment requirements enforced by ReHabWorks and may be used by the system to determine whether a transaction can be paid in advance. Proper selection of the service category code supports VR's ability to ensure:

* compliance with federal reporting obligations;
* proper use of VR funds;
* compliance with state comptroller requirements; and
* proper categorization of goods and services for the SSA-VR reimbursement process.

Staff must use the correct service category code for the good or service being authorized, and service category code selection is reviewed as a part of the formal technical and purchasing case review process. For questions about service category code selection process, VR staff can email [vr.rhw.providerservices@twc.texas.gov](mailto:vr.rhw.providerservices@twc.texas.gov).

## D-204: The Purchasing Process

Service authorizations must be issued no later than the date that good is ordered or that service begins. When an SA is not issued within these parameters, it is an after-the-fact SA. There are two types of after-the-fact SA's: backdated and replacement, which are covered in more detail below.

All after-the-fact SA's are monitored by state office.

### D-204-1: Steps in the Purchasing Process

VR staff completes the following steps.

#### Step 1 - The VR counselor

Identifies the good or service needed.

Researches the good or service.

Collects the required approval (as identified in the appropriate program manual).

#### Step 2 - The VR counselor

Documents the need for and type of purchase in:

* a service justification case note;
* an IPE; or
* an IPE amendment.

#### Step 3 - A VR staff member with an appropriate RHW user role

Creates a service record. For more information, see RUG E-200: Case Service Records.

Completes the specification on the service record to identify the precise good or service and obtains and documents the required consultations and or approvals, according to policy.

Edits the level-four specification descriptions to match the good or service to be purchased. All specifications can be customized—except MAPS specifications.

Note: Staff must use the correct specification for the good or service being authorized. For questions about specification levels for specific services, VR staff can email [vr.rhw.providerservices@twc.texas.gov](mailto:vr.rhw.providerservices@twc.texas.gov).

#### Step 4 - A VR staff member with an appropriate RHW user role

Creates an SA to obligate the budget. For more information, see RUG E-300: Case Service Authorizations.

If the customer is eligible, uses the Pre-Employment Transition Services budget. For more information, refer to VRSM C-1300: Transition Services for Students and Youth with Disabilities.

#### Step 5 - A VR staff member with an appropriate RHW user role

Prints the SA. (The printed SA must be signed by the issuer. The issuer may sign the SA digitally). Refer to Authorizing Services Remotely for step-by-step instructions for digital signatures. This is located on the ReHabWorks intranet page under ReHabWorks Desk Aids and Tutorials.

Sends the SA to the vendor by mail, fax, or encrypted email. Depending on the manner in which the SA is sent to the vendor, the VR staff member files the original, signed SA, or a copy of it, in the customer's case folder.

If the SA is revised, VR staff:

* completes these steps again;
* sends the new or updated SA to the vendor; and
* files the SA in the paper case file.

For more information about revising an SA, see VRSM D-204-2: After-the-Fact Purchases.

For more information about requirements for maintaining printed copies of SA's in the paper case file, see VRSM D-202-1: Documentation Requirements.

#### Step 6 - A VR staff member with an appropriate RHW user role

* If it becomes apparent that the total committed budget will not be used, reduce the quantity and/or unit cost in the SA in RHW.
* Repeat step 5.

For information about closing an SA, refer to RUG E-300: Case Service Authorizations, E-310: SA Change.

For more information about requirements for maintaining printed copies of SAs in the paper case file, see VRSM D-202-1: Documentation Requirements.

#### Step 7 - A VR staff member with an appropriate RHW user role

* Receives and documents the receipt of goods and services.
* Verifies that goods and/or services were delivered in good condition and met the specifications.

#### Step 8 - A VR staff member with an appropriate RHW user role

* Processes the invoice within seven calendar days.

### D-204-2: After-the-Fact Backdated Service Authorizations

The purchase of goods and services must be authorized with a service authorization (SA) in RHW before the good or service is ordered or received. If an SA was not issued for a good or service before the date that the good was ordered or the service started, this is an after-the-fact backdated service authorization, which is referred to as a "backdated SA."

Example: An SA was not issued for a Supported Employment Benchmark that was reached yesterday.

All backdated SAs must be approved by the VR Supervisor, if being issued by a field office, or Regional Program Support Manager, if being issued by a regional Medical Services Coordinator (MSC) or Medical Services Technician (MST).

For documentation requirements for backdated service authorizations, refer to VRSM E-300: Case Notes Requirements – After-the-Fact SA (Word).

All backdated SAs are subject to consideration as a policy violation. However, when a delay of services may have endangered a customer's well-being, a backdated hospital or medical service SA may be issued with required approvals. See VRSM C-701-4: Necessary, Unplanned Medical Services for additional information.

### D-204-3: CONTENT REMOVED 7/1/24

### D-204-4: After-the-Fact Replacement Service Authorizations

The specifications in a service authorization (SA) may change during the delivery of services. When this is necessary, it is an after-the-fact replacement service authorization, which is referred to as a replacement SA. Replacement SAs must be issued within five calendar days of the day on which the original SA was canceled or closed, and it is preferred that the new SA is issued before the one being replaced is canceled or closed. If the replacement SA is not issued within five calendar days of the day on which the original SA is canceled or closed, then the new SA must be approved and processed as a backdated SA per the requirements found in VRSM D-204-2: Backdated Service Authorizations.

Example: An SA was issued to a vendor for a psychological evaluation. After the billing was received, it was discovered that the SA should have been issued for a neuropsychological evaluation.

For documentation requirements for replacement SAs, refer to VRSM E-300: Case Notes Requirements – After-the-Fact Replacement SA (Word).

If a change is needed to services that are delivered by the same vendor (for example, if a change is needed to the MAPS codes), and approval by the VR Manager or state medical director was required on the initial SA, the same approvals must be in place and linked to the replacement service record before issuing the replacement SA. For more information about RHW purchase approvals, refer to RUG E-100: Purchase Approval Requests.

If a change is needed to services that are delivered by the same vendor (for example, if a change is needed to the MAPS codes), and approval was not required for the original SA or the new SA, then no additional approval is required.

If the only update that is needed involves changing the vendor and not the good/service description or dates, a replacement SA is not required. Contact the Unit Purchasing Specialist to update the vendor on the original SA.

### D-204-5: No-Show Payments

A no-show occurs when a VR customer:

* misses an appointment for a VR-sponsored service provided by a psychiatrist, social worker, licensed professional counselor, or psychologist; and
* does not properly cancel the appointment in accordance with the provider's policy.

VR accepts no-show billings for consideration only from the following:

* Psychiatrists
* Social workers
* Licensed professional counselors
* Psychologists

The service provider must notify the VR counselor within one working day of the customer's failure to appear.

The acceptable fee for a no-show is limited to 50% of the payment allowed by MAPS for the codes authorized on the SA.

No-show billings from other disciplines, specialties, and contractors are not eligible for payments.

#### Exception for Interpreter Services Under Contract

No-show payments no longer apply to any Communication Access Services. Please refer to VRSM D-204-7: Cancellation Upon Arrival.

#### Processing a No-Show Payment in RHW

A no-show specification is different from the specification for the service that would have been provided; therefore, the VR staff member either:

* + 1. closes the SA, so that a new one can be created; or
    2. adds a line item to the SA.

VR staff members:

* + - 1. create a service record;
      2. select No Show for the specification; and
      3. enter the correct Begin Date and End Date (even though both dates occurred in the past).

Once the SA includes a line item for the no-show payment, the VR staff member processes the payment in the same manner as any other payment to a provider.

For more information about creating a service record or adding a line item to an existing SA, refer to RUG E-200: Case Service Records.

### D-204-6: Changing a Provider on a Service Authorization

Under some circumstances, the selected provider on an existing service authorization (SA) may need to be changed. Only designated ReHabWorks (RHW) users, including the medical services coordinator and the unit purchasing specialist, may change the provider on an SA.

Changing the provider on an existing SA is allowable in circumstances involving, but not limited to, the following:

* Medical services
* Medical records
* A provider's change of status, such as changing from being a sole provider (for example, Dr. Smith) to an incorporated provider (for example, ABC Medical Services) or vice versa
* The provider's merger with, or acquisition by another provider.
* An incorrect selection of the provider on the SA.

The new provider on the SA must meet all the criteria (for example, contract type or required credentials) that were in place for the existing SA. For additional information, refer to VRSM B-504-5: Planned Services and other relevant content found in this manual.

### D-204-7: Cancellation Upon Arrival

A cancellation upon arrival occurs when a communication access provider:

* arrives at a scheduled appointment for a VR customer and the customer does not arrive to the scheduled appointment. Provider must wait after scheduled appointment time for at least 30 minutes; and
* does not cancel the services within a period of at least 48 hours of the scheduled service.

VR accepts cancellation upon arrival billing from all communication access providers.

The service provider must notify the VR counselor within one working day of the customer's failure to appear.

#### Processing a Cancellation Payment in RHW

A cancellation specification is different from the specification for the service that would have been provided; therefore, the VR staff member:

* + - * 1. cancels the line item for the requested MAPS code for communication access;
        2. adds a line item using the MAPS code for communication access cancellation to the SA;
        3. enter the correct Begin Date and End Date (even though both dates occurred in the past).

Once the SA includes a line item for the cancellation payment, the VR staff member processes the payment in the same manner as any other payment to a provider.

For more information about creating a service record or adding a line item to an existing SA, refer to RUG E-200: Case Service Records.

For information about no show payments for other disciplines, refer to VRSM D-204-5: No-Show Payments.

### D-204-8: Shipping and Handling Costs

When goods ordered for a customer must be transported to the VR office or the customer's location, shipping and handling costs may be applicable and, if so, will need to be included on the service authorization (SA).

Shipping and handling costs apply to goods being transported from the source location to the destination. Shipping costs will depend on the mode of transportation used to transport the good, and when the vendor provides multiple shipping options, the most economical method should be used. If there is an urgent, immediate need for the ordered good, staff may justify the use of an expedited shipping method such as overnight or second-day air.

#### Identifying Shipping and Handling Costs

So that shipping and handling costs can be properly and efficiently included on the SA at the start of the process, staff should verify whether the vendor will be charging for shipping and handling and ask that the estimated costs for shipping and handling be included as a part of the quote or other documentation submitted to TWC.

#### Processing Shipping and Handling Costs in ReHabWorks

Shipping and handling costs should be processed in ReHabWorks as follows:

In addition to the line item or items for the goods being ordered, create a separate line to be used only for the shipping and handling costs.

Include this line item on the SA using the quoted cost.

Upon receipt of the invoice, adjust the cost based on the actual shipping and handling costs.

In instances where the shipping and handling costs were not known until after the SA was issued and no shipping and handling line item was included on the SA, change-up the unit cost of one SA line item to include the shipping and handling amount. Clearly document this in a case note, and for SAs with multiple line items, also list in the case note which SA line item was updated to include the shipping and handling costs.

For more information about creating a service record, refer to RUG E-200: Case Service Records.

#### Bids and Shipping and Handling Costs

When an SA is the result of a bid process, do not add shipping and handling (freight) charges to that SA unless the vendor's bid included shipping and handling charges.

Bids include instructions concerning shipping and handling and if the vendor did not include shipping and handling costs in the quote, as required, then the vendor cannot subsequently bill for shipping and handling costs.

## D-205: Purchasing Threshold Requirements

Purchasing thresholds are established to ensure that management oversees purchases in accordance with the VR Grant award (2 CFR 200) regarding the use of internal controls and compliance with state procurement requirements. VR counselors must review associated chapters in the VRSM and VR-SFP in addition to reviewing VRSM E-200: Summary Table of Approvals, Consultations, and Notifications prior to including the service on an IPE and authorizing the purchase of any good or service.

Purchasing threshold requirements are in addition to any other published policies and procedures for the purchase of specific goods and services.

Purchases must not be split (separated into multiple purchases) to avoid purchasing threshold requirements in this section and throughout the VRSM. For more information, refer to VRSM D-203-6: Ethics of Purchasing.

### D-205-1: Approval Requirements by Threshold

All purchases of goods or services must be authorized by the VR counselor and documented clearly in a case note or the customer's IPE and a service authorization must be issued. For more information, refer to VRSM E-300: Case Note Requirements, Service Justification and VRSM B-500: Individualized Plan for Employment and Post-Employment for more details.

The following approvals must be documented using an approval case note or using the RHW Purchase Approval Workflow if combining with other required approvals for the proposed purchase prior to issuing a service authorization for the purchase of a good or service:

* Greater than $5,000 to $15,000 – VR Manager approval required.
* Greater than $15,000 to $25,000 – Regional director or deputy regional director approval required.
* Greater than $25,000 – Regional director or deputy regional director, and VR Division Director approval required.

Refer to VRSM D-205-4: Exceptions to Purchasing Threshold Requirements for a specific list of goods or services that are exempt from these threshold requirements.

For more information, including additional approval, consultation, and notification requirements, refer to VRSM E-200: Summary Table of Approvals, Consultations, and Notifications.

### D-205-2: Pre-purchase Review

In addition to requirements throughout the VRSM and the VR Standards for Providers (VR-SFP), for all purchases that are over $5,000 per service authorization or per customer in a multicustomer SA, a pre-purchase review must be completed by the administrative supervisor, purchasing specialist, or the final approver (e.g., the VR Manager) prior to the purchase. The purpose of a pre-purchase review is to ensure that all required policies, procedures, and approvals applicable to the specific purchase have been followed and as required, documented prior to issuing the service authorization (SA).

When a pre-purchase review is required for a multicustomer SA, separate pre-purchase reviews must be completed for each applicable customer to ensure the purchase is compliant in each case.

When a RHW Purchase Approval is required, the pre-purchase review is completed after or in combination with the RHW Purchase Approval.

Pre-purchase reviews are documented in ReHabWorks using the "Purchasing Pre-review" case note topic or through the RHW Workflow if combining with other approvals. Refer to VRSM E-300: Case Note Requirements, Purchasing Pre-Review for specific documentation requirements.

If an approver has reviewed and documented an element of the pre-purchase review requirements as part of their approval prior to the pre-purchase review, the staff member completing the pre-purchase review does not have to duplicate these efforts during their review or documentation of the review.

Pre-purchase reviews may also be entered as a partial purchasing review or a case reading in TxROCS, but this is not required unless the proposed purchase is returned to the caseload for further action for one of the following reasons:

* Proposed purchase is not clearly supported by existing case documentation.
* Proposed purchase is not in the customer's current IPE or most recent IPE amendment.
* Proposed purchase is not clearly connected to and supportive of vocational objective.
* Proposed purchase not allowable under federal regulations or state requirements.

When a proposed purchase Pre-purchase Review is either "complete" (no further action required) or "returned" to the caseload for further action, the caseload carrying team is notified accordingly.

Refer to VRSM D-205-4: Exceptions to Purchasing Threshold Requirements for a specific list of goods or services that are exempt from these threshold requirements.

### D-205-3: Competitive Bids

Obtaining competitive bids ensures the agency is complying with applicable State purchasing requirements and Federal grant requirements. We must also apply best value purchasing principles, as outlined in VRSM D-203-2: Best Value Purchasing, to the extent possible.

Services authorizations must not be split to avoid the requirement to obtain bids as this is a violation of State procurement requirements, Federal grant requirements, and purchasing ethics. Therefore, this is subject to corrective action and documentation in the Performance Improvement Plan section of the staff member's next Performance Planning Review.

#### Competitive Bids Required

Competitive bids are required for the purchase of:

* non-contracted goods and services when:
* the total cost of purchases from a single service provider or
* the total cost of a single service authorization (SA) is greater than $10,000;
* tuition and required fees greater than $10,000 per semester for training at an out-of-state or private training institution;
* room and board greater than $10,000 per semester when paid directly to a private or out-of-state training institution; and
* room and board greater than $10,000 per semester when paid to an off-campus housing facility, such as apartment complexes or other rental properties.

When competitive bids are required, these bids may be obtained by field staff and must be documented in a purchasing case note as cost comparisons in a RHW case note. At a minimum, the bid documentation must include the:

* name, address, and phone number of the providers contacted; and
* details of the responses from providers, such as brand. make, model, description of good or service, and the prices quoted.

If a potential provider is contacted and is not able or willing to provide a bid (cost estimate), this is referred to as a "no bid"; include this in your documentation.

When the service authorization is generated by field staff for a purchase that requires a bid, RHW saves the SA as a draft. The generation of this draft SA alerts procurement staff, who will review the documentation in RHW to ensure compliance with policies and procedures for the specific purchase, including the documentation of the required bids and justification for the use of VR funds. If there are questions or concerns about the documentation, procurement staff will contact the issuer of the SA. Once procurement staff confirm that there is documentation of the required bids, the SA will be released, and field staff may proceed with the purchase. For additional information about draft SA's, refer to the ReHabWorks Users Guide.

#### Competitive Bids Not Required

Competitive bids are not required for the purchase of:

* goods and services when the total cost of a single SA is less than $10,000;
* goods and services when the total cost of all related purchases from a single service provider is less than $10,000;
* contracted goods and services;
* MAPS purchases;
* tuition and required fees for training at a public training institution in the state of Texas; and
* room and board for training when paid directly to a public training institution in Texas.

If the product or service is not under contract or is not a MAPS purchase, and the cost is less than $10,000, competitive bids are not required; this is referred to as a spot purchase.

Refer to VRSM D-205-4: Exceptions to Purchasing Threshold Requirements for a specific list of goods or services that are exempt from these threshold requirements.

### D-205-4: Exceptions to Purchasing Threshold Requirements

Purchasing threshold requirements are in addition to any other published policies and procedures for the purchase of specific goods and services. If a good or service is listed below as "exempt" from the purchasing threshold requirements in this section of the VRSM, staff must review other sections of the VRSM to ensure that they have complied with all processes and procedures before generating the service authorization.

The following purchases are exempted/excluded from the purchasing threshold requirements throughout VRSM D-205: Purchasing Threshold Requirements:

* contracted hospital services;
* contracted durable medical equipment (DME);
* contracted orientation and mobility or diabetes education services;
* contracted hearing aids and related products;
* interpreter/CART services for students enrolled in training programs for longer than 30 days when paid to paid directly to the training institution or an appropriately contracted service provider;
* medical goods and services, including orthotics and prosthetics and low-vision devices, purchased using MAPS codes;
* tuition, required fees, and room and board for training when paid directly to a public training institution in the state of Texas (excludes room and board paid to other entities, such as apartment complexes and private training institutions);
* contracted vehicle modifications;
* contracted services, as established and described in the VR Standards for Providers manual; and
* all other contracted goods and services to include purchases made using contracts established by the State Comptroller for Public Accounts and the Department of Information Resources (DIR).

#### Multicustomer SAs

The purchasing threshold requirements in VRSM D-205: Purchasing Threshold Requirements do not apply to the total cost of a multicustomer service authorizations. However, threshold requirements do apply to multicustomer service authorizations when a per customer cost reaches one of the threshold amounts. When a per customer cost reaches one of the threshold amounts, including the $5,000 threshold for pre-purchase reviews, the purchase requires the same approvals and reviews as a single non-multicustomer SA would require.

For additional information about multicustomer SAs, refer to VRSM D-213-5: Multicustomer Purchases.

## D-206: Purchasing Restrictions

VR does not pay for or purchase the following for customer use:

* Bonding fees
* Buildings or other structures that require a fixed foundation and/or that are not movable
* Criminal or civil fines or penalties, including traffic tickets
* Deposits that are refundable, other than the initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement or to participate in VR services. This is authorized as maintenance under 34 CFR §361.5(c)(34)
* Fees for registration of inventions, patents, trademarks, or copyrights
* Fees for use of a franchise name
* Firearms of any kind or components of a firearm
* Insurance other than health insurance premiums for Work Experience Services, practicums, internships, and clinicals. For more information, refer to VRSM C-1401-2: Recurring Maintenance and VRSM C-1401-3: Nonrecurring Maintenance
* Land
* Operating capital (for example, for self-employment)
* State or municipal tax assessments on occupations
* Vehicles to be used on public roads or highways that have not or will not be modified for accessibility and require a certificate of title or registration to be used on roads. Check with the Department of Public Safety (DPS) for more information.
* Trailers, boats, or other items that require a certificate of title or registration to be used on public roads, highways, or waterways. (Check with DPS for more information and specific regulations. For example, many small trailers do not require a title of ownership.)

Exceptions are not allowed to this policy.

### D-206-1: Paying Professional Dues

VR does not pay dues to a professional association or trade union, unless the purchase is justified as critical to the success of the customer's employment.

VR funds cannot be paid to organizations that financially support a lobbyist.

If the VR counselor believes that payment of professional dues is critical to the success of the customer's employment, the VR counselor must enter a case note in RHW that explains the justification for the decision.

The VR Manager must approve payment of any professional association or trade union dues or fees and may consult with TWC Office of General Council as needed to determine if use of VR funds is allowed.

### D-206-2: Payee Restrictions

TWC-VRD has the responsibility to maintain a high level of ethical standard when purchasing goods and services for VR customers. This includes but is not limited to avoiding direct conflicts of interest and the appearance of impropriety in the purchasing of goods and services.

#### Family Members of VR Customers

To prevent a conflict of interest, VR must not purchase goods or services for the customer from a family member.

The term "family" includes:

* spouse;
* child;
* parent;
* grandparent;
* brother;
* sister;
* cousin;
* aunt;
* uncle;
* niece;
* nephew;
* any other individual related by:
  + kinship;
  + adoption; or
  + marriage (such as a step relative, for example, stepchild, stepparent);
* all related individuals who are dependent upon the employee or employee's family member for personal care or services on a continuing basis; and
* all individuals living in the same household with the employee or with an employee's family member (regardless of kinship).

The only exceptions to this policy include purchase of personal assistant services, childcare services, or transportation services, which may be purchased from a customer's family member. Refer to VRSM C-1403: Personal Assistant Services, VRSM C-1405: Child Care Services, and VRSM C-1402: Transportation Services.

#### Customer Representatives

To prevent a conflict of interest, VR must not purchase goods or services for the customer from a provider who is serving as the customer's representative.

Goods and services may be purchased from a provider who is serving as the customer's representative only:

* before the customer designates the provider as his or her representative; or
* after the customer has revoked the provider's authority to act as his or her representative.

Exceptions are not allowed to this policy.

For additional information, refer to VRSM D-203-6: Ethics of Purchasing and VRSM C-105-3: Counseling and Guidance Ethics.

### D-206-3: Out-of-State Purchases

The code of federal regulations (CFR) §361.50 (b)(1) allows TWC-VR "to establish a preference for in-state services, provided that the preference does not effectively deny an individual a necessary service. In compliance with CFR §361.50 (b)(2) TWC-VR does not prohibit the provision of out-of-state services." However, "if the individual chooses an out-of-state service at a higher cost than an in-state service, if either service would meet the individual's rehabilitation needs, TWC-VR is not responsible for those costs in excess of the cost of the in-state service."

Customers that are SSI/SSDI recipients are exempt from limitations and required participation in the cost of training services. CFR states §361.54(b)(3)(ii) “The designated State unit may not apply a financial need test or require the financial participation of the individual -as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under titles II or XVI of the Social Security Act”.

The term "out-of-state" is defined as a provider whose point-of-service address or place of doing business is located outside Texas. This term is not intended to describe, define or include providers whose brick-and-mortar business operations are within Texas but for whom the payment (remit) address of record is outside Texas.

#### Out-of-State Training Services

The purchase of training services or related support services from out-of-state providers requires VR Manager approval. This includes online or correspondence training purchased from providers that are not physically located in Texas. For additional information about policies, procedures, and requirements, refer to VRSM C-400: Training Services.

Purchasing an out-of-state training service that is ordinarily regulated in Texas but is not regulated in the state where the service is provided, requires consultation with the state office program specialist assigned to the specific type of training and VR Manager approval. Note: This includes out-of-state proprietary and vocational training. For specific information about licensing requirements, refer to VRSM C-411: Training from Career and Technical or Certified Schools (Proprietary Institutions) and VRSM C-413: Training by Paid Instructor or Exempt Schools.

#### Out-of-State MAPS Services

Out-of-state MAPS services must also be purchased from providers who are properly credentialed. To ensure that a provider is properly credentialed, consult with the [State Office Program Specialist for MAPS Provider Services](mailto:vr.rhw.maps@twc.texas.gov).

Consultation with the State Office Program Specialist for MAPS Provider Services is required to purchase MAPS services from an out-of-state provider.

#### Records from Out-of-State Providers

The purchase of medical records or training transcripts from out-of-state providers does not require out-of-state approvals.

#### Contracted Out-of-State Goods and Services

Goods or services purchased under contract from an out-of-state provider do not require additional out-of-state approvals. This includes contracted out-of-state training providers and purchases made using contracts established by the State Comptroller for Public Accounts and the Department of Information Resources (DIR). However, all other required processes and procedures specific to that good or service must be applied.

#### Noncontracted Out-of-State Goods or Services

Purchase of any good or service from an out-of-state provider that is normally purchased under a contract, but the out-of-state provider does not have a contract for that good or service with TWC-VR, requires consultation with the state office program specialist assigned to the specific good or service and VR Manager approval.

Once approved, a contract exception must be completed. For information about the contract exception process, refer to VRSM D-210: Exceptions to Contracted Fees and MAPS Fees. Purchases of any other non-contracted goods or services from an out-of-state provider that are not specifically referenced in this section requires VR Manager approval prior to purchase.

#### Noncontracted Out-of-State Goods or Services Greater Than One Thousand Dollars ($1,000)

The purchase of goods or services from an out-of-state provider that cost greater than one thousand dollars ($1,000) per service authorization requires VR Manager approval. All other required approvals, including those in VRSM D-205: Purchasing Thresholds, must be applied. Processes and procedures specific to that good or service must also be applied.

### D-206-4: Taxes

Purchases made for the State of Texas are not subject to Texas sales taxes per Texas Administrative Code Title 34, Part 1, Chapter 3, Rule §3.322.

State agencies are not automatically exempt from paying any tax or fee assessed by the United States, another state, or the State of Texas; however, the State of Texas is exempt from paying sales and use taxes. A taxable item sold, leased, or rented to the State, or a taxable item stored, used, or consumed by the State is exempt from the following taxes and surcharges:

* Retail sales tax
* Tax on leases and rentals of most goods (except vehicles)
* Tax on services

VR staff must inform new providers that purchases made for the State are not subject to Texas sales taxes.

When purchasing goods from providers in other states, out-of-state sales tax must not be paid when:

* the Free-on-Board (FOB) destination is specified on the service authorization (SA); and
* delivery is to a Texas address.

A statement is included on all SAs that ensures that providers are reminded of this restriction on each SA.

State agencies are not exempt from paying certain taxes or fees assessed by the State of Texas or cities in Texas. For example, tax exempt status does not apply to vehicle rentals.

## D-207: Ordering Goods or Services for Customers

Goods and services must be authorized with an SA before obtaining a good or service. The issue date of the SA must be dated on or before the start date.

### D-207-1: Free-on-Board (FOB) Destination

When issuing an SA for goods that will be shipped to the VR office or directly to the customer, include "FOB destination" on the SA as a condition of the purchase.

If the provider does not ship FOB destination, the VR counselor locates another vendor, if possible.

FOB means that VR does not own the goods until they arrive and are accepted at the destination identified on the SA. The risk of loss to goods does not pass to VR until the goods are delivered and the shipment is accepted. When goods are damaged in transit or are not accepted or received, the provider ships new or replacement goods without additional expense to VR.

### D-207-2: Verifying Receipt of Goods and Services

An essential part of the purchasing process is to confirm that:

* the goods were delivered in good condition and met the specifications; or
* the services were completed according to the specifications.

### D-207-3: Accepting a Delivery of Goods

When customer purchases are delivered to a VR office, the deliveries are processed in the same way that other administrative deliveries are processed.

Before accepting the delivery, VR staff:

verify that the shipment is addressed to the appropriate office;

inspect the shipping packages for any visible damage; and

ensure that the shipment contains the number of packages stated on the shipping documentation; and

acknowledge the shipment by signing the shipping document, if the shipment:

* appears undamaged;
* matches the quantity on the shipping document; and
* is correctly addressed to the receiving VR office.

After accepting the delivery, VR staff assesses and documents the shipment's status in an RHW case note.

If the shipment appears damaged but the damage seems minor, VR staff:

* accepts the shipment, noting the number of damaged packages on the shipping document; or
* refuses the shipment, noting that the refusal is due to damages to the shipment.

If the damage is or appears to be severe, VR staff:

* refuses the shipment, noting the refusal and the damages on the shipping document; and
* notifies the vendor and the VR counselor about the damaged shipment.

VR staff does not accept:

* goods that arrive COD (that is, collect or cash on delivery); or
* deliveries made to the wrong office.

If a vendor erroneously ships COD, the VR staff member refuses the shipment.

If goods or services do not meet the appropriate conditions listed above, the VR staff member initiates corrections. When the goods or services meet the conditions, the VR staff member documents the receipt in RHW.

#### Recording Serial Numbers

When a good that is received at a VR office has a serial number, the serial number must be recorded as part of the documentation when delivery of a good is accepted. Until a field is added to RHW for recording the information as part of the receipt process, the VR staff member enters it in a RHW case note for future reference.

### D-207-4: Documenting Receipt of Services

To verify that services were delivered, VR staff:

contacts the customer or the customer's representative by email, by phone, or in person; or

obtains written documentation that includes the customer's or representative's signature.

#### Verification by Email, Phone, or In Person

VR staff documents contacts with the customer or the customer's representation in a case note in RHW. VR staff contacts the customer to verify that the service met the specifications and documents the contact in a case note.

If the customer is not available to verify receipt of the service, VR staff must document in case notes, in a timely manner, all attempts to verify receipt of the service.

If 20 days have passed since receipt of the invoice and attempts to contact the customer have been unsuccessful, VR staff:

continues to attempt contacting the customer; and

records in case notes each attempt.

#### Verification by Written Documentation

Some goods and services require that the customer verify receipt of the good or service by signing a specific document or form. These requirements are stated in the chapter that corresponds to the service or in the SFP and can also be stated on the required form.

When VR staff obtains written documentation that includes the customer's signature verifying that the service met the specifications, the documentation is filed in the customer's paper case file.

When a customer's signature is required, but the customer cannot be contacted to obtain the signature, VR staff contacts the VR Supervisor for guidance. VR staff must document in case notes, in a timely manner, all attempts to contact the customer to obtain the required signature.

#### Verification by the Customer's Representative

If someone other than the customer or the customer's representative serves as the contact, see VRSM A-207: Confidentiality and Use of Customer Records and Information.

#### Payment Action Items

For payment of services related to maintenance or transportation, RHW automatically creates an action item to receive the records once an SA is generated. See the ReHabWorks User's Guide: E-500: Case Authorizing Payment, E-502: Maintenance and Transportation for additional instructions.

#### Provider Reports

In some cases, VR purchases a service that requires the provider to submit a report, for example, submitting the results of a medical examination in the form of a medical report.

The receive date is the date that the examination (the service) takes place.

The invoice receive date is the date that the invoice was received for the service that was provided.

The report receive date is an additional date in RHW that is entered for all services that require a report. The report receive date is the date that the report is received in the office listed on the SA. VR staff enters the receive date for the report in RHW within seven calendar days of receiving a complete and accurate report.

All of these dates must be entered into RHW before the payment can be authorized.

For a detailed list of services that have report requirements, refer to the ReHabWorks User's Guide, Appendix G: Service Category Descriptions.

### D-207-5: Customer Warrants Mailed to the VR Office

VR Manager approval is required before VR staff arranges that a customer's warrant is mailed to the VR office.

When a transportation warrant is received in the VR office, the VR counselor or RA:

* 1. documents the receipt of the warrant in RHW. The case note must contain:
* the date that the warrant was received, and
* the warrant number and amount.
  1. contacts the customer and documents the contact in RHW; and
  2. documents in RHW once the customer obtains the warrant. The case note must contain:
* the date that the warrant was received by the customer, and
* the warrant number and amount.

Until the customer receives the warrant, it must be stored under lock and key.

## D-208: Invoices

Vendors must submit invoices to the office address listed on the SA.

The invoice must comply with:

* the applicable contract;
* the policies and procedures published in the VR-SFP;
* the policies and procedures published in the VRSM; and
* the terms and conditions of the SA.

Note: For Advise TX IO services, refer to the Advise TX IO Purchasing Guide on the VR intranet site.

Within seven calendar days of receiving an invoice, the staff member must:

* + 1. verify that the invoice is complete;
    2. acknowledge receipt of the invoice in RHW; and
    3. authorize the payment, if the goods and/or services have been received (for more information, see the ReHabWorks User's Guide: E-500: Case Authorizing Payment).

### D-208-1: Date Stamping Invoices

The front of all invoices must be date-stamped upon receipt in the VR office.

If the envelope is date-stamped, the VR staff member keeps the envelope as part of the paper case file.

If the invoice is received by email, the VR staff member:

* + - 1. prints the invoice; and
      2. stamps it with the date received in the office.

If the invoice is received by fax and the date on the fax tagline is correct and up-to-date, then that date reflects the date that the good was received in the office, and the fax are placed in the paper case file.

### D-208-2: Elements of an Invoice

Vendor invoices must include, at a minimum:

* the vendor's complete name and remittance address including city, state, and ZIP code;
* the vendor's 14-digit Texas vendor identification number;
* the vendor's telephone number, email address, or fax number;
* the SA number;
* the name and address of the VR office, or the delivery address, as applicable;
* the contract number;
* a description of the goods or services provided, including the dates of service  
  (Note: The ReHabWorks SA description and the description on the vendor's invoice do not need to be identical, but the two should be clearly relatable and functionally equivalent.);
* the quantity and unit cost being billed, as documented on the current SA;
* other relevant information supporting and explaining the payment requested or identifying a successor organization to an original vendor, if necessary; and
* any other information required by applicable state and federal laws, rules, and regulations governing the provision of services under the contract and the relevant policies and standards.

For outcome-based services, such as job placement and supported employment, the date of service is the date that the customer achieved the benchmark.

### D-208-3: Incomplete or Inaccurate Invoices

VR staff must not authorize payment for a product or service without an accurate and complete invoice from the provider. When an invoice is inaccurate or incomplete, VR staff return it to the vendor for correction by completing a VR3460, Vendor Invoice Additional Data Request. The VR 3460 identifies additional information TWC-VR requires to process payment.

Do not acknowledge receipt of an inaccurate or incomplete invoice in RHW until the provider submits a corrected invoice or until the disputed point is resolved.

VR staff must:

1. complete the VR3460, Vendor Invoice Additional Data Request in RHW, which will generate a case note in RHW;

* If RHW is not available and the VR3460 is completed outside of RHW, create a RHW case note to document the date on which the invoice was returned to the vendor and the reason for the return;

1. return the invoice and the [VR3460, Vendor Invoice Additional Data Request](http://intra.twc.state.tx.us/intranet/gl/html/vocational_rehab_forms.html), to the vendor within 21 days of receiving the invoice; and
2. once the corrected invoice is received, date-stamp the corrected invoice and use it as the invoice of record for the purchase.

* This date is the invoice received date in RHW.

If billing for medically related purchases (professional medical services, durable medical equipment, hearing aids, and hospital services) lacks the required invoice data, but all other information on the billing is accurate and complete, the VR staff member attaches the RHW system-generated billing cover sheet for the SA to the billing statement and files the documents in the VR case file. The combination of the two documents serves as the invoice for the associated SA.

When advance payment is authorized by VRSM D-213-2: Advance Payments, the vendor's billing statement may be used as the invoice for receiving and paying. If the vendor's billing statement for advance payment situations lacks the required invoice data but all other information is accurate and complete, the VR staff member attaches the RHW system-generated billing cover sheet for the SA to the billing statement. The combination of the two documents serves as the invoice for the associated SA. For additional information about advance payments, refer to VRSM D-213-2: Advance Payments.

All other billing must be invoiced on the provider's or contractor's paperwork that includes all required invoice data.

Do not send the RHW system-generated billing cover sheet to the service provider.

### D-208-4: Invoice Is Not Received

The VR staff member must not enter an invoice-received-date in RHW before receiving and verifying the invoice.

When vendors do not submit invoices in a timely manner, the VR staff member follows up with the service provider by contacting the provider's accounts payable department.

If the provider does not have an invoicing system or template, the VR staff member refers the provider to the invoice templates posted on the [UNTWISE website](https://wise.unt.edu/content/invoice-examples) for examples of invoices that include all required elements.

### D-208-5: Invoice Includes a Late Payment Fee

Fees for late payments are automatically calculated and paid by the state comptroller to meet the requirements of the Texas Prompt Payment Act. Late fees are determined based on the received and invoice dates that are entered into RHW.

VR does not pay late fees that are directly invoiced by the provider.

If a provider submits an invoice that includes a late payment fee, the VR staff member:

does not pay the late fee;

notes the late fee on the invoice;

subtracts the late fee from the invoice total; and

authorizes payment for the corrected amount.

### D-208-6: Three-Way Match

Three-way match is the process of reconciling a service authorization, the documentation of the receipt of goods or services, and the provider invoice prior to authorizing the payment. This process helps to ensure that the payment to the provider is necessary, appropriate, and accurate.

Service Authorization + Documentation of Receipt + Invoice = Payment

To complete the three-way match, VR staff should be able to match the description, the quantity, and the costs on the service authorization with the required documentation to verify receipt of goods or services, and the provider’s invoice. Refer to VRSM D-207: Ordering Goods or Services for Customers for more information.

When VR staff cannot reconcile all three elements per required policies and procedures, the receipt should not be entered in ReHabWorks and the payment should not be processed until any issues are resolved.

### D-208-7: Acknowledging Receipt of an Invoice in ReHabWorks

See the ReHabWorks User's Guide: E-400: Case Acknowledgement of Receipt, E-401-3: Adding or Updating a Receive Item for detailed instructions.

## D-209: Types of Purchases

Goods and services can be purchased for customers from a variety of community rehabilitation programs and vendors, including contracted providers, noncontracted providers, and medical service providers.

Each type of purchase has steps that must be completed to ensure compliance with state comptroller's purchasing requirements.

### D-209-1: Noncompetitive Purchases

Noncompetitive purchases are those purchases of goods and/or services from a single vendor that cost $10,000 or less. These purchases do not require competitive bids, but they must conform to the purchasing guidelines and principles stated in this chapter and in the applicable chapters of the VRSM and VR Standards for Providers related to the good or service being purchased.

Purchases of goods and/or services from a single vendor that cost more than $10,000 must be competitively bid or approved as a proprietary or sole source purchase. For more information, refer to VRSM D-205-3: Competitive Bids and VRSM D-209-2: Proprietary and Sole Source Purchases.

Exception: Medical goods and services purchased using MAPS codes, contracted goods and services, and in-state public college/university tuition and fees do not require a competitive bid.

For information about obtaining required bids (for example, RHW bid requests), VR staff contacts the TWC Purchasing Team at [consumer.procurement@twc.texas.gov](mailto:consumer.procurement@twc.texas.gov).

### D-209-2: Proprietary and Sole Source Purchases

A proprietary or sole source purchase is made when only one brand name (manufacturer) or only one provider can meet TWC's specifications for the product or service because of distinctive features or characteristics that are not provided by competing companies, similar products, or comparable services.

When the specifications limit consideration to one product or supplier, the paper case file must contain a complete and approved VR1322, Proprietary Purchase Justification.

Justification for a proprietary or sole source purchase is required, if the above condition and one or more of the following apply:

* The planned purchase exceeds $10,000
* The planned purchase does not involve MAPS
* The planned purchase is not for tuition and fees
* No contract is required

A proprietary purchase or sole source transaction must not exceed $25,000. Exceptions are not allowed to this policy.

An example of a proprietary purchase is a Humanware BrailleNote Notetaker, a unique device that is available from only one provider.

### D-209-3: Contracted Goods and Services

When purchasing contracted goods and services, the VR counselor refers to the:

* VR Standards for Providers; and
* TWC Procurement and Contract Handbook.

Contract Administration staff members solicit and manage contracts for VR goods and services. Some goods and services must be purchased under contract. Before purchasing a good or service, staff members use RHW to find out whether a contract is required. When the service authorization (SA) is generated, RHW assigns the contract number based on the vendor and the type of purchase. Refer to RUG E-200: Case Service Records for more information about creating a service record.

Customer goods and services that are purchased under contract include, but are not limited to, the following:

* Employment assessments
* Orientation and Mobility services
* Hearing aids and related accessories
* Diabetes Self-Management Education services
* Durable medical equipment
* Assistive technology
* Supportive Residential Services for Persons in Recovery
* Work Readiness services
* Work Experience
* Pre-Employment Transition services
* Project SEARCH and similar programs
* Basic Employment services
* Supported Employment services
* Self-Employment services (including supported self-employment)
* Employment Supports for Brain Injury services
* Vehicle modifications
* Intensive Work Preparation and Life Skills Training

When purchasing an outcome-based contracted training service, such as Vocational Adjustment Training, the service is purchased no more than one time. When there is a significant change in circumstances that may justify an additional purchase of the same service, approval and completion of VR3472, Contracted Service Modification Request, is required. Refer to VRSM D-210-4: Completing VR3472, Contracted Service Modification Request for more information.

#### Ensuring a Valid Contract

Before issuing an SA, VR must:

note the contract number on the documentation for a good or service purchased under contract; and

ensure that the contract number is current on the service record.

When creating a service record in RHW to purchase goods or services that require a contract, VR staff ensures that the contract for the selected good or service is valid for the entire planned period of service.

To confirm that a contract is valid for the entire planned period of service, VR staff:

Reviews the provider's contract information in RHW on the Service Record page by selecting:

* the Vendor Detail button;
* the vendor's name; and
* the contract number; and

Reads the contract details carefully to ensure that:

* the contracted good or service is included in the contract; and
* the dates of service are within the contract's start and end dates.

If the contract is not valid when the good or service is purchased or delivered, VR staff does not use that good or service but instead:

continues to search in RHW for a valid good or service; and

consults with the VR Manager if you are unable to locate a valid good or service.

enters in the comments section of the SA all special instructions or requirements for the specific good or service being purchased.

### D-209-4: Billing for Medical and Psychological Services

Payment for medical and psychological services must be authorized by VR and must support VR services and goals.

Medical and psychological services purchased for customers must use MAPS coding and pricing in RHW. No other type of SA may be issued.

Medical and psychological services, including medical goods and supplies, are purchased using MAPS coding and pricing. MAPS codes establish the maximum payment that can be authorized for these services. VR staff members work closely with the provider to ensure that payment corresponds to the correct MAPS codes. Treatment decisions and accurate identification of the applicable MAPS code are the responsibility of the customer's health care provider and designated program staff members or consultants.

The Medical Services Required Practices Handbook provides additional guidance to the medical services coordinator (MSC), VR counselors, and rehabilitation assistants who coordinate medical services for VR customers. The Medical Services Required Practices Handbook is located on the Medical Services intranet page under Took Kit.

For additional information about purchasing medical services, refer to VRSM C-700: Medical Services.

## D-210: Exceptions to Contracted Fees and MAPS Fees

Fees are not authorized if they are greater than:

* the contracted fee for a specific service; or
* the MAPS fee.

VR staff are not permitted to authorize exceptions to fees that exceed the contracted fee or MAPS fee.

### D-210-1: Exceptions to Contracts

Contracts are required for the purchase of most goods and services. Before creating a service record, Vocational Rehabilitation (VR) staff checks ReHabWorks (RHW) to verify whether a contract is required.

If a contract is required, case-by-case exceptions to a contract requirement may be approved only in situations where the exception is:

* in the best interest of VR;
* in the best interest of the VR customer;
* necessary and appropriate;
* in accordance with the customer's individualized plan for employment; and
* in accordance with state or federal laws.

Exceptions are:

* reviewed by the VR Manager and regional director or deputy regional director; and
* approved by the VR Services division director.

### D-210-2: Process for Exceptions to Non-Hospital Contracts

The following process applies to all contracts except for hospital contracts. For information about exceptions to hospital contracts, refer to VRSM D-210-3: Exceptions to Hospital Contracts.

* 1. The VR counselor documents a contract exception request in RHW using the workflow drop-down selection of Non-Hospital Contract Exceptions.
  2. The VR Manager reviews and agrees to or denies the request in RHW.
  3. The regional director or deputy regional director reviews and agrees to or denies the request in RHW.
  4. The VR Services division director:
* reviews the request; and
* approves or denies the request.

### D-210-3: Exceptions to Hospital Contracts

If a customer needs a medical service at a hospital that does not have a VR contract:

* + 1. The assigned MSC contacts the regional quality assurance specialist to review the VR need for the procedure and that it was well documented.
    2. The regional quality assurance specialist will send the VR3423 form to the CMU mailbox for assignment to a contract manager.
    3. The assigned contract manager will negotiate a rate for the contract exception.
    4. The contract manager will then submit the VR3423, Exception to Contracted Hospital Purchase form to the VR Division Director for final approval.
    5. The contract manager will return the executed VR3423 to the regional quality assurance specialist.

Hospital contract payments that are below the contracted rate or made in addition to the contracted rate are permitted when the customer's circumstances warrant. Refer to VRSM C-702-6: Reduced Payment Agreement for additional information, including information on the use of VR3422, Reduced Payment Agreement.

### D-210-4: Completing VR3472, Contracted Service Modification Request

When necessary, services described in the VR-SFP manual can be changed to meet a customer's needs. If the service definition, procedures, or deliverables for a service are changed from the way that they are described in the VR-SFP manual, services cannot be provided until a VR3472, Contracted Service Modification Request, is completed and approved by the Director of the Vocational Rehabilitation Division. The Director of the Vocational Rehabilitation Division may delegate signature authority for approval of the VR3472.

The VR counselor completes a VR3472 when a contract modification is necessary; the VR counselor obtains any information needed from the contractor and the contractor's signature. When a contractor requests a service modification, the VR counselor will make the final decision whether to submit the contractor's request for review. The contracted service modification is only valid and can be put into effect after approval by the Director of the Vocational Rehabilitation Division or the delegated signature authority.

The VR counselor:

* enters all information into the VR3472 electronically;
* obtains approval from the manager or supervisor who documents approval on the form;
* obtains signatures from the provider's legally authorized representative on the form; and
* upon receiving approval, retains a copy of the form in the customer's paper file, and an approved copy is provided to the contractor.

The approved form must be submitted with the invoice, when applicable.

Examples of when a VR3472 must be completed include, but are not limited to, purchasing:

* Assistive Technology training on a product that is not on the approved Assistive Technology Unit product list;
* Orientation and Mobility training that must occur without the customer using a blindfold;
* Diabetes post-training assessment to be completed before 30 calendar days have elapsed after training;
* Providing service that can only be provided in person remotely;
* More than 200 hours of Job Skills Training;
* More than 15 hours of Diabetes Educator Training;
* A specific Vocational Adjustment Training, such as VAT-Explore the "You" in Work, more than once for a customer;
* Part of a service from one provider and another part from another provider; for example, Benchmark 1A and 1B from provider A and Benchmarks 2–6 from provider B;
* Bundled Job Placement after Non-Bundled Job Placement Services have been purchased; and
* Supported Employment Services after the purchase of Job Placement Services.

For additional information, refer to VR-SFP Chapter 3: Basic Standards, sections 3.2.14 Documentation, 3.2.16 Signatures, and 3.4.11 Contracted Services Modification Request.

### D-210-5: Exceptions to Contracted Fees

Fees greater than the contracted fee for a specific service are not allowed. Exceptions are not allowed to this policy.

### D-210-6: Contract Exceptions—Approval and Consultation

For information about approval and consultation required for contract exceptions, refer to specific service-related chapters of the VRSM and to VRSM C-100: Introduction to VR Process.

### D-210-7: Noncontract Purchases from Contract Providers

Goods or services that do not require a contract can be purchased from a provider that already supplies contracted goods or services to VR.

## D-211: Setting Up and Paying Providers

Part of the process to set up and pay providers requires VR staff to ensure that the vendor, customer, or individual:

* has the necessary qualifications, credentials, and/or licenses;
* is established in ReHabWorks (RHW) as a provider; and
* is linked to the appropriate specifications.

after the steps above have been taken, VR staff should:

* commit to a specific service from a vendor, customer, or individual;
* generate a service record; and
* issue a service authorization.

If the service provider, customer, or individual is not already established as a provider, VR staff (generally the unit purchasing specialist) sends the TWC Substitute W9 and Direct Deposit Form (VR1020) with instructions to the potential vendor for its completion.

VR staff explains that the purpose of the VR1020 is to gather information required to establish the provider as a vendor with the State of Texas, enabling VR staff to:

* establish the provider in ReHabWorks;
* issue service authorizations and payments; and
* complete IRS Form 1099, which documents the amount paid to the vendor for tax purposes.

The prospective vendor returns the completed form to the providing VR staff member.

If it is necessary to enter data about customers, parents, and/or guardians into RHW to enable payment of maintenance, periodic transportation, customer airfare, and the like:

* VR staff provides the customer (parent or guardian, if applicable) with the Consumer or Parent/Guardian Information and Direct Deposit Form (VR1021) with the instructions; and
* the customer (or parent or guardian) returns the completed form to the VR staff member.

The Unit Purchasing Specialist (UPS) or VR staff member reviews the forms for completeness and accuracy of data to the extent possible. If the form is incomplete or inaccurate, the UPS or VR staff member returns it to the prospective vendor or customer (or parent or guardian) and requests that the form be corrected and resubmitted.

As applicable for purchased goods and services, the UPS works with the requesting staff member to verify that the provider has the necessary qualifications, credentials, and/or licenses before requesting the vendor be set up and linked. Refer to the applicable policy for the good or service for qualification requirements, such as VRSM C-400: Training Services for licensure and accreditation requirements for schools or VRSM C-700: Medical Services and Equipment for credential requirements for therapeutic providers.

The UPS or VR staff member emails the appropriately completed form to [VR RHW Provider Services](mailto:vr.rhw.providerservices@twc.texas.gov) and includes the RHW specification-level codes and descriptions to which the vendor or customer should be linked.

VR RHW Provider Services or other state office program specialists will ensure that the provider has the required qualifications, credentials, and/or licenses for the service and RHW specification-level code requested. If additional information is needed, VR RHW Provider Services will work with the UPS or VR staff member to obtain the required information.

VR RHW Provider Services staff checks WRAPS, Texas Comptroller of Public Accounts (for taxpayer identification numbers (TINS)), and RHW according to the information from the VR1020 and VR1021.

If the information is not listed in any of the three databases or shows discrepancies in WRAPS, TINS, or RHW, an email copying the requesting UPS or VR staff member is sent to [VndrSetupMaint\_W9](mailto:vndrsetupmaint_w9@twc.texas.gov) requesting the processing of the attached VR1020 or VR1021. TWC Vendor Setup then processes VR1020 or VR1021 by entering required information into the databases to establish the vendor and set up direct deposit, as appropriate.

Upon completion of the requested setup:

* Vendor Setup Management emails VR RHW Provider Services to inform them that the vendor setup is complete; and
* the vendor information is downloaded overnight into RHW from WRAPS.

The VR RHW Provider Services unit verifies all information entered from the VR1020 or VR1021, creates the physical location, and establishes the requested goods and services link in RHW.

VR RHW Provider Services emails to the UPS or VR staff requester the newly established full VID number with notification that the requested vendor set-up is complete.

VR1020 and VR1021 include additional instructions for completing and submitting the forms to establish the vendors in RHW.

Note: State law prohibits the Texas Comptroller of Public Accounts from paying funds directly to anyone who owes the state because of certain taxes, student loans or child support.

Refer to VRSM D-206-2: Payee Restrictions for additional policies and procedures regarding restrictions related to the provider's association with the VR customer and how this may impact the purchase of goods and services.

Note: VR staff sends all vendor-related forms and inquires to the [VR RHW Provider Services mailbox](mailto:vr.rhw.providerservices@twc.texas.gov). VR RHW Provider Services acts as a clearinghouse for RHW vendor-related information and requests and will route all forms or inquiries to the appropriate office.

## D-212: Creating the Service Authorization

Any VR staff member with an appropriate RHW user role can create a service record and generate an SA, or pay for a service, as long as the VR counselor or supervisor has documented the authorization for the purchase.

#### Mismatched Identification in Service Authorizations

If a customer has not legally changed his or her name but wishes to be identified by another name, the following statement must be put on the SA in the comment section.

Example: "Joe Smith is the customer's legal name; however, the customer identifies as Jane Smith."

### D-212-1: Creating the Service Record—The Program Year

To determine the program year for services, the VR staff member:

* + - 1. selects the program year in which the service occurs; and
      2. prorates when crossing program years.

For goods and supplies, the VR staff member selects the program year in which the goods were ordered.

For more information about how to prorate cost, refer to VRSM D-212-2: Crossing State Fiscal Years, Prorating Services.

### D-212-2: Crossing State Fiscal Years

State funding and the expenditure of state funds are based on the state fiscal year (SFY). The SFY starts on September 1 and ends on August 31.

#### Ordering and Receiving Goods across Fiscal Years

When creating service records for goods, the Vocational Rehabilitation (VR) staff members use the budget applicable to the state fiscal year in which the goods are ordered. The anticipated or actual receive date does not have to fall within the start and end dates of that state fiscal year and may fall within the following state fiscal year.

Example 1: An order for a wheelchair is submitted on August 3, 2021, using 2021 VR Basic Support funds. The start date is the date the order was placed (August 3, 2021), and the end date is August 31. Since this order is for a good, not a service, the receive date may be later than the service record/service authorization (SR/SA) end date. If the chair arrives on September 27, 2021, and is in good condition, then the VR staff member enters "09/27/2021" as the receive date in RHW.

Example 2: An order for a customer's fall semester textbooks, workbooks, pens, and other supplies is created and placed on August 15, 2021, using 2021 VR Basic Support funds. The start date is the date the order was placed (August 15, 2021), and the end date is August 31. Because this order is for goods, not services, the receive date may be later than the SR/SA end date. The goods are received on September 2, and the VR staff member enters "09/02/2021" as the receive date in RHW.

In both of the examples above, the SR end date is the end of the state fiscal year. Per Texas Comptroller of Public Accounts requirements, one SR line item may not have dates from two different state fiscal years.

When ordering goods for which the anticipated receive date is after the end of the state fiscal year, VR staff members enter the end date of the state fiscal year as the SR end date.

Please note: For this procedure to work correctly in RHW, the SR must be created with a "goods" service category code. If a "services" service category code is used instead, RHW will not allow the receive date to be after the end date.

#### Prorating Services

VR staff must charge services to the state fiscal year in which the service occurred with the exception of tuition and fees.

When part of a service will be provided during the next state fiscal year, the VR staff member charges that part to that fiscal year. When setting up the service record, the staff member creates separate line items—one for each state fiscal year—and prorates the charge proportionately.

Example: When one week of service occurs in August and two weeks of service occur in September, charge one-third to August and two-thirds to September.

When prorating, the VR staff member must:

* not put zero in the Unit Amount or Unit Cost (the staff member makes an informed estimate of the cost and increases or decreases the amount in the SA later);
* use 30 days for all months when prorating a monthly payment; and
* enter amounts for line items (line-item amounts do not have to be precise, but the total of the line items must equal the total amount due).

For more information about prorating payment, see RUG E-200: Case Service Records.

#### Prorating Tuition and Fees Only

To pay the fall tuition and fees at a college or university, the staff member can either:

* use funds for the fiscal year in which the semester begins; or
* prorate the cost with VR Manager approval.

Unless otherwise directed, Management Units that still have funds available for the current fiscal year should encumber the tuition and fees portion of an SA for the fall semester at an institution of higher learning using only the basic budget for the current fiscal year.

When taking this approach, staff members must keep the following critical points in mind:

* Does the office or caseload have sufficient funding to charge the full tuition to the current fiscal year budget or has the VR Manager authorized prorating tuition and fees?
* Charge only the tuition and fees portion to the current budget. Costs for dorm rooms, meal plans, parking, and all other non-tuition/fees service expenses must still be prorated, as required by the state comptroller's office; and
* For RHW to allow the use of only current state fiscal year funds on the tuition line in an SA, the start and end dates must be in August; for example, 08/14/2018 to 08/31/2018 (use the SA comments to document the actual full dates of service).

For additional information about the policies and procedures for paying tuition and fees, including service record specifications levels to use for training, refer to VRSM C-400: Training Services.

## D-213: Other Types of Payments and Purchases

The types of payments and purchases that can be processed in RHW include:

* periodic payments;
* advance payments; and
* restricted donations.

### D-213-1: Periodic Payments

Periodic payments are used when a service is provided and paid over a defined but recurring period (for example, training programs that bill monthly, or reader services that bill at regular intervals).

The receive date for periodic payments is the last day of the billing period. When the periodic payment is for one month, for example, the receive date for each payment is the last day of the month.

For information about how to enter a periodic payment in RHW, see the ReHabWorks User's Guide: E-500: Case Authorizing Payment.

### D-213-2: Advance Payments

Advance payment or prepayment occurs when payment for a customer service is issued before the service is delivered. Payment usually is not made until a service is received.

Customer services for which advance payment may be authorized are described in the Advance Payment Table below.

When advance payment is authorized, payment authorization must be delegated in accordance with RHW procedures.

#### Advance Payment Table

The table below lists the only circumstances under which an advance payment may be issued. Advance payments may be received and authorized anytime from the "pay as early as" date to the actual completion date of the service. The date entered in the receipt acknowledgment field in RHW is the receive date. Use the billing statement as the invoice for receiving and paying. If the vendor's billing statement for advance payment situations lacks the required invoice data but all other information is accurate and complete, the VR staff member attaches the RHW system-generated billing cover sheet for the SA to the billing statement. The combination of the two documents serves as the invoice for the associated SA.

|  |  |
| --- | --- |
| **Advanced Pay Situations** | **Pay as early as** |
| Maintenance | Seven days before the start date |
| Transportation | Seven days before the start date |
| Child Care | Seven days before the start date |
| Academic and vocational training and training-related services (when provided by an accredited college or university over a semester or quarter) | Time of enrollment |
| Vocational or technical training (when provided by an accredited training institution) | Time of enrollment |
| \*Room and board to support planned training activities | 14 days before the start date |
| State board licenses the registration for an exam | 14 days before the start date |
| Medical Records – only in circumstances in which advanced payment is required by the provider | Same day the SA is issued |

\*For example, if a customer's room and board had a start date of 8/16/2020 and an end date of 12/17/2020, the payment could be received any day between 8/2/2020 and 12/17/2020. If the bill or receipt is entered on 8/7/2020, the receive date entered in RHW is 8/7/2020.

### D-213-3: Restricted Donations Payments

A restricted donation is a cash donation made to VR to provide services to VR customers for a specific purpose, program, VR office, or caseload. When a restricted donation is received, the receiving office immediately notifies the office of the VR Division Director.

### D-213-4: Payment Discounts

For information on how to apply payment discounts, see the ReHabWorks User's Guide: E-400: Case Acknowledgement of Receipt, E-401-1: Payment Discounts.

### D-213-5: Multicustomer Purchases

A multicustomer purchase is made when services are purchased from a single provider for multiple customers. Customers may be on or from the same or different caseloads.

A multicustomer service record (SR) completed in RHW serves the same function as an individual SR and is used to create a multicustomer service authorization (MCSA).

Information related to multiple customers must never be filed in an individual customer's file. Invoices that include the names of multiple customers must be kept in a separate file; therefore, separate invoices are not required for each customer. Individual reports may be maintained in the individual case file since no identifying information for other customers is documented within the report.

For additional information on creating multicustomer SRs and MSCAs, refer to the ReHabWorks User's Guide, Chapter 20: Multicustomer Purchases, 20.1 Multicustomer Service Record.

### D-213-6: Food Purchased for Customer Training

The purchase of food for customer training must be necessary and reasonable.

Prior to purchasing food, VR staff must take the following into account:

* Food may not be purchased to feed customers unless the training is scheduled to exceed five hours, not including the meal hour. Customer training should not be planned over a meal period with the intent of purchasing food. Meals should be purchased only when doing so will allow customers to continue their training activities during the meal or will support completion of the training in less time.
* Food purchases must be only for customers, must not be an excessive quantity or variety, and must be a reasonable cost. The cost per meal should be as economical as possible and must not exceed $15 per customer. When a training spans a full day or multiple days, the daily cost per customer for food must not exceed $51. Any exceptions to these limits must be approved in advance by the VR director.
* Food may not be purchased to feed VR staff, individuals from partner organizations, or family members. The only exception is when a family member’s participation meets the requirements established in VRSM C-1307-2: Family Participation in Training Seminars and GSTs, and when the purchase of food for the family member is approved in advance by the VR director.
* Per Federal regulations, food is only an allowable Pre-ETS expenditure when the student is VR eligible with an IPE in place and it directly supports participation in a Pre-ETS activity. Food is not an allowable expense for potentially eligible customers.
* Food that is provided in conjunction with other customer activities, such as seminars and workshops and activities in the community, is not categorized as bulk food orders and should be purchased through RHW.

### D-213-7: Used Goods

The following policy does not apply to the purchase of medical or assistive devices, such as hearing aids, orthotics, prosthetics, or surgical implantable devices.

Used goods, supplies, or equipment can be purchased with VR funds when new equipment is unavailable or when used equipment meets the customer's needs and provides significant savings (such as purchasing used textbooks).

Include the justification for the purchase of used equipment in the service justification case note.

When buying used goods, the VR staff member processes the order according to the applicable procurement method, which is based on the estimated cost of the equipment.

Documentation of the purchase must include a description of the equipment's condition and value (usually found on the cost estimate or the provider's invoice but may be added to the SA).

### D-213-8: Scheduling of Payments Greater than $5,000

In accordance with the obligations and responsibilities established by Texas Government Code §2155.382(d), the Texas Comptroller requires the scheduling, rather than immediate processing, of individual payments greater than $5,000. As a result, single payments that are greater than $5,000 will be scheduled to process on "the last day on which payment can be made without accruing interest under the prompt payment law", or just less than 30 days. For reference and additional context, see VRSM D-507-2: Prompt Payment Act.

## D-214: Contractor Performance Issues

VR staff members other than the contract manager routinely work closely with contractors and, therefore, might notice issues related to a contractor's performance or noncompliance that are beyond the scope of the formal statewide monitoring process led by the Customer Services Monitoring Unit. If the staff member determines that a performance issue is significant, he or she must notify the contract manager, even if the issue has been resolved.

The VR staff member must send the notification in writing and include the:

* name of the contractor;
* contract number assigned by VR, if known;
* Texas payee identification number, if known;
* type of service provided by the contractor;
* date the noncompliance or performance issue occurred;
* description of the noncompliance or performance issue; and
* chronology of actions taken by the VR staff member and contractor to address the issue.

VR staff members use the TWC 1303 Contractor Performance Report to document issues of performance or noncompliance, or recurring issues with contractor invoices. The form can also be used to document exceptionally good contractor performance. The TWC 1303 Contractor Performance Report is for TWC use only.

Use the form VR3460 Vendor Invoice Additional Data Request to request information missing from a specific invoice.

When the contract manager is notified of a contractor's performance issue, he or she takes appropriate action and can request a remedial action review.

## D-215: Service Authorizations When ReHabWorks Is Not Available

When staff are notified by State Office that ReHabWorks is not available, VR management or its designee will provide staff members with direction regarding the continuation of purchasing processes and procedures.

## D-216: Using Provider Credit Accounts

A service authorization (SA) is the only valid means by which VR may authorize the purchase of goods and services on behalf of VR customers.

Use of a service authorization ensures that the

* required approvals and consultations have been obtained;
* appropriate funds have been encumbered;
* necessary contracts are included, when applicable; and
* additional instructions, guidance, or other necessary information is given to the provider.

No purchases may be made using just a bank or provider's credit card. When a purchase must be completed through a credit account, it must be made using an SA.

Some providers require the use of a credit account to purchase their goods or services. In these instances, VR staff contact TWC Procurement and Contract Services through the Unit Purchasing Specialist for assistance in completing the transaction or identifying alternate resources for the purchase.

For Walmart only, each VR management unit has an assigned account number that prints automatically on the SA. If the Walmart account number does not print on the SA, VR staff email [VR RHW Support](mailto:VR.RHWSupport@twc.texas.gov) for assistance.

#### State Office Consultation

When there is a clearly demonstrated vocational need that cannot be addressed through the use of established providers, the VR counselor discusses the circumstances with the unit purchasing specialist, VR Supervisor, VR Manager, and/or a regional or state office program specialist to assess options and determine how the needed goods or services will be purchased.

To ensure compliance with the VR grant award and 2 CFR 200, no new vendor specific credit accounts may be established by the VR program.

## D-217: Interagency Transfer Vouchers

Texas state agencies provide a variety of goods and services for each other. For example, the Texas Department of Aging and Disability Services (DADS) provides medical records, and the Texas Cosmetology Commission provides state cosmetology licenses.

For some agencies, the state comptroller transfers funds from one agency to another through interagency transfer vouchers (ITV) instead of issuing a warrant to make the payment.

### D-217-1: Receiving and Paying Interagency Transfer Vouchers

When receiving and paying ITVs, a VR staff member in the field office verifies the ITV's accuracy.

Note: If the invoice or ITV does not have a recurring transaction index (RTI) number, the VR staff member:

* + - * 1. calls the performing agency to get the RTI number; and
        2. writes it on the invoice or ITV.

The staff member then:

verifies that the goods or services have been received;

acknowledges receipt of the invoice, goods, and/or services, and documents in RHW (if applicable):

* the invoice number in the Invoice Number field in the Receive Items List window, if the performing agency provided an invoice number (if an invoice number is not provided, the customer's Social Security number); and
* the six-digit RTI number; and
  + - 1. writes the voucher document number assigned in RHW on the invoice or ITV (the number begins with a "T").

Note: Request payment using the SA Payment Authorization window. If the invoice includes fees for late payment, do not pay them.

The state comptroller maintains an [Interagency Transactions Contact List](https://fmx.cpa.texas.gov/fm/contacts/intagy_000-305.php), which is a list of agency contacts for RTI numbers.

## D-218: Purchasing Reviews and TxROCS

VR completes case reviews as part of oversight and monitoring of customer purchasing activities. Texas Review, Oversight, and Coaching System (TxROCS) is an application for entering case reviews.

For additional information about technical and purchasing reviews refer to VRSM D-400: Quality Assurance and Continuous Quality Improvement.

## D-219: Health Care Professionals—Required Qualifications

Listed below are the required qualifications for physicians, specialists, and other health care professionals.

The [TWC-VR state program specialist for physical restoration](mailto:vr.rhw.maps@twc.texas.gov):

* verifies in RHW the required qualifications of health care professionals; and
* provides information about certification or licensure of other health care professionals.

Note: When an intern working under the supervision of a licensed provider provides counseling services, the services are purchased at the rate paid for the supervising licensed provider.

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| **Professional** | **Job Function** | **Required Qualifications** |
| Advanced practice nurse | Provides medical evaluation and/or treatment | Licensed by the Texas Board of Nursing |
| Audiologist | An audiologist:   * provides audiological examinations; * may dispense hearing aids; and * may provide basic audiometric assessments. | Licensed by the State Board of Examiners for Speech-Language Pathology and Audiology  To dispense hearing aids, the audiologist also must be licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. |
| Certified registered nurse anesthetist (CRNA) | Administers anesthesia | Certified by the American Association of Nurse Anesthetists |
| Chiropractor | Provides manipulative treatment of the spine and functional capacity assessments  For restrictions, see VRSM C-703-6: Chiropractic Treatment. | Licensed by the Texas Board of Chiropractic Examiners |
| Cognitive rehabilitation therapist | Provides cognitive rehabilitation therapy, which focuses on the development of cognitive skills (the ability to perceive, recognize, conceive, judge, imagine, and reason) that were lost or altered because of neurological damage  The aim of treatment is to enhance functional competence in real-world situations.  The process includes:   * direct retraining; * use of compensatory strategies; and/or * use of cognitive tools. | One of the following:  For a psychologist, a license from the State Board of Examiners of Psychologists   * For a psychiatrist, a license from the State Board of Medical Examiners * For an occupational therapist, a license from the Executive Council of Physical Therapy and Occupational Therapy Examiners * For a speech and language pathologist, certification from the State Committee of Examiners for Speech and Language Pathologists and Audiologists |
| Dentist | Provides dental evaluations and/or treatment | Licensed by Texas State Board of Dental Examiners to practice in the state where services are rendered |
| Hearing aid specialist | Dispenses hearing aids  May provide basic audiometric assessments (MAPS 92551 - 92559)  May provide hearing aid evaluations | Licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids |
| Licensed marriage and family therapist (LMFT) | Provides goal-oriented or problem-centered counseling services, as recommended or prescribed by a psychiatrist or psychologist | Licensed by the Texas State Board of Examiners of Marriage and Family Therapists |
| Licensed professional counselor | Provides goal-oriented or problem-centered counseling services as recommended or prescribed by a psychiatrist or psychologist | Licensed by the Texas State Board of Examiners of Professional Counselors |
| Licensed surgical assistant (LSA) | Provides assistant surgeon services | Licensed by the Texas Medical Board |
| Occupational therapist | Provides:   * occupational therapy services recommended or prescribed by a physician; * home modifications assessment; and/or * job analysis and job-site modification assessments. | Licensed by the Executive Council of Physical Therapy and Occupational Therapy Examiners to practice in the state where services are rendered |
| Optometrist | Provides vision examinations | Licensed by the Texas Optometry Board |
| Ophthalmologist | Specializes in diagnosis, treatment, and surgery for diseases of the eye | M.D. (doctor of medicine) licensed by the state of Texas State Board of Medical Examiners to practice in the state where services are rendered |
| Pedorthist | Fabricates and supplies below-the-ankle orthotics | Certified by the Board for the Certification in Pedorthics (C.Ped: certified pedorthists) |
| Physical therapist | Provides:   * physical therapy services recommended or prescribed by a physician; * home modifications assessment; and/or * job analysis and job-site modification assessments. | Licensed by the Board of Physical Therapy and Occupational Therapy Examiners to practice in the state where services are rendered |
| Physician | Provides medical examinations and/or treatment  Exception: A podiatrist licensed in the state where services are rendered may provide medical or surgical services limited to foot conditions. | M.D. (doctor of medicine) or D.O. (doctor of osteopathy) licensed by the Texas State Board of Medical Examiners to practice in the state where services are rendered |
| Physician assistant | Provides medical examinations, medication management, and/or treatment | Licensed by the Texas Physician Assistant Board |
| Podiatrist | Provides medical examinations and treatment for foot conditions | Licensed by the Podiatric Medical Examiners Board DPM (doctor of podiatric medicine) |
| Prosthetist and orthoptist | Fabricates and supplies prostheses and orthotics | Licensed by the State Board of Orthotics and Prosthetics |
| Psychiatric-mental health advanced practice nurse | Provides evaluation, goal-oriented or problem-centered counseling services, and/or medication management | Licensed by the Texas Board of Nursing |
| Psychologist | Provides or supervises the provision of psychological services  When an individual under the supervision of the licensed psychologist provides services, the licensed psychologist must sign all reports | Licensed by the Texas State Board of Examiners of Psychologists or licensed to practice in the state where service is rendered (unless exempt)  Community-based behavioral health and developmental disability services centers and some state agencies are exempt from the licensing act |
| Registered nurse first assistant (RNFA) | Provides assistant surgeon services | Licensed by the Texas Board of Nursing |
| Social Worker | Provides goal-oriented or problem-centered counseling services for customers as recommended or prescribed by a psychiatrist and/or psychologist | Licensed Clinical Social Worker (LCSW) licensed by the Texas State Board of Social Work Examiners  Community-based behavioral health and developmental disability services centers and some state agencies are exempt from the licensing act |
| Specialist physician | Performs examinations, treatment, and/or surgery | Physician certified by an American Medical Specialty Board, or the American Osteopathy Specialty Board in the needed specialty  When a board-certified physician is not available, refer the customer to the [Texas Medical Board Look Up a License](https://www.tmb.state.tx.us/page/look-up-a-license) page to gather information about the education and experience of a physician without board certification. |
| Speech-language pathologist | Provides, with concurrence of a physician, speech and hearing therapy after surgery or trauma affecting speech | Certified as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology |
| Speech trainer | Provides speech training in both expressive (speech language production) and receptive (lip and speech reading) language  May also evaluate and provide training in the use of speech augmentation devices | Certified as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology |

## D-220: Health Care Facilities—Required Qualifications

The required qualifications for health care facilities are listed below.

The [VR state program specialist for physical restoration](mailto:vr.rhw.maps@twc.texas.gov):

* verifies the required qualifications of health care facilities in RHW; and
* provides information about certification or licensure of health care facilities.

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| **Health Care Facility** | **Activity** | **Required Qualifications** |
| Ambulatory surgical center | Primarily provides surgical services to patients who do not require overnight hospital care | Current licensure as an ambulatory surgical center by the Texas Department of State Health Services or accreditation by the American Association for Accreditation of Ambulatory Surgery Facilities |
| General hospital | Provides inpatient and outpatient hospital services | A current contract with VR, and:   * Medicare certification; * accreditation by the Joint Commission for Accreditation of Health Care Organizations (JCAHO); or * accreditation by the American Osteopathic Association. |
| General or specialty hospital providing inpatient comprehensive medical rehabilitation services | Provides inpatient comprehensive medical rehabilitation services | A current contract with VR and/or:   * licensure by the Texas Department of State Health Services for comprehensive medical rehabilitation services, unless exempt by law (for example, the University of Texas Medical Branch); * accreditation by the JCAHO; or * accreditation by the Commission on Accreditation of Rehabilitation Facilities (CARF).   CARF accreditation must be as a:   * Medical Rehabilitation Program—Comprehensive Inpatient Category One, if accredited before July 1, 1998; or * Comprehensive Integrated Inpatient Rehabilitation Program, if accredited July 1, 1998, or later. |
| Nursing home | Provides nursing home or convalescent care | Licensed by the DADS Nursing Home division  Approved by Medicare and Medicaid |

## D-221: Telehealth Options

When considering telehealth options for customers, VR counselors carefully consider what types of treatments that use telehealth are the most effective and decide on a case-by-case basis whether to proceed with telehealth.

The U.S. Department of Health and Human Services (HHS) issued guidance on using Health Insurance Portability and Accountability Act (HIPAA)-compliant platforms.

HHS lists the following as vendors that represent that they provide HIPAA-compliant video communication products:

* Skype for Business/Microsoft Teams
* Updox
* VSee
* Zoom for Healthcare
* Doxy.me
* Google Meet on G Suite
* Cisco Webex Meetings/Webex Teams
* Amazon Chime
* GoToMeeting

When providing telehealth options, it is recommended that providers use an application listed by HHS or another HIPAA-compliant application.

### D-221-1: Creating a Service Authorization for Telehealth Services

Telehealth options are available for the following services:

* Autism Spectrum Disorder Supports, refer to VRSM C-802: Autism Spectrum Disorder Supports;
* Applied Behavior Analysis, refer to VRSM C-803: Applied Behavior Analysis;
* Psychological Services, refer to VRSM C-804: Psychological Services; and
* Medical Services, refer to VRSM C-701: Professional Medical Services.

A service record must be created with the following specifications for telehealth services:

#### Service Records for Medical and Psychological Services

* Level 1: Medical and Psychological Evaluations and Services (MAPS)
* Level 2: Evaluation & Management (General Evals, Office & Home Visits, Supplies, Injections)
* Level 3: Office/Outpatient/Hospital Consultations

Choose the appropriate specifications for Level 4 based on the service to be provided.

Note: There are no changes to rates for the following telehealth services:

* Licensed Professional Counselor (LPC) counseling,
* Social Worker counseling,
* Applied Behavior Analysis (ABA) services, and
* Autism Spectrum Disorder (ASD) supports.

#### Service Records for ABA Services by BCBA-D

* Level 1: Medical and Psychological Evaluations and Services
* Level 2: Applied Behavior Analysis and Behavior Intervention Services by BCBA-D
* Level 3: Applied Behavior Analysis and Behavior Intervention Services by BCBA-D

Choose the appropriate specifications for Level 4 based on the service to be provided.

#### Service Records for ABA services by BCBA

* Level 1: Medical and Psychological Evaluations and Services
* Level 2: Applied Behavior Analysis and Behavior Intervention Services by BCBA
* Level 3: Applied Behavior Analysis and Behavior Intervention Services by BCBA-D

Choose the appropriate specifications for Level 4 based on the service to be provided.

#### Service Records for ABA services by BcaBA, RBT, or Graduate Student under supervision of BCBA-D or BCBA

* Level 1: Medical and Psychological Evaluations and Services
* Level 2: Applied Behavior Analysis and Behavior Intervention Services by BCaBA, RBT, or Graduate Student Under the Supervision of a BCBA-D or BCBA
* Level 3: Applied Behavior Analysis and Behavior Intervention Services by BCaBA, RBT, or Graduate Student Under the Supervision of a BCBA-D or BCBA

Choose the appropriate specifications for Level 4 based on the service to be provided.

#### Service Records for Autism Spectrum Disorder (ASD) supports

* Level 1: Evaluation Services (non-MAPS), Other Training & Related Services
* Level 2: Autism Spectrum Disorder (ASD) Supports - reference VRSM C-800: Neurodevelopmental and Psychological Services
* Level 3: Autism Spectrum Disorder (ASD) Supports

Choose the appropriate specifications for Level 4 based on the service to be provided.

#### Service Records for Licensed Professional Counselor (LPC) counseling

* Level 1: Medical and Psychological Evaluations and Services (MAPS)
* Level 2: Licensed Professional Counselor (LPC) counseling, per hour

Choose the appropriate specifications for Level 3 and 4 based on the service to be provided.

#### Service Records for Social Worker counseling

* Level 1: Medical and Psychological Evaluations and Services (MAPS)
* Level 2: Social Worker counseling services

Choose the appropriate specifications for Level 3 and 4 based on the service to be provided.

Note: When a customer receives telehealth services during a pandemic, VR staff should refer to the VRD state office guidance and Texas Department of Insurance - Telemedicine emergency rule for information on telehealth billing and payment guidelines.

# Vocational Rehabilitation Services Manual D-300: Records Management

## D-301: Legal Authorization

**CFR §361.47 Record of services.**

(a) The designated State unit must maintain for each applicant and eligible individual a record of services that includes, to the extent pertinent, the following documentation:

(1) If an applicant has been determined to be an eligible individual, documentation supporting that determination in accordance with the requirements under §361.42.

(2) If an applicant or eligible individual receiving services under an individualized plan for employment has been determined to be ineligible, documentation supporting that determination in accordance with the requirements under §361.43.

(3) Documentation that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the State unit has satisfied the requirements in §361.44.

(4) If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination.

(5) If an individual with a significant disability requires an exploration of abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work experiences to determine whether the individual is an eligible individual, documentation supporting the need for, and the plan relating to, that exploration and documentation regarding the periodic assessments carried out during the trial work experiences in accordance with the requirements under §361.42(e).

(6) The individualized plan for employment, and any amendments to the individualized plan for employment, consistent with the requirements under §361.46.

(7) Documentation describing the extent to which the applicant or eligible individual exercised informed choice regarding the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the individualized plan for employment with respect to the selection of the specific employment outcome, the specific vocational rehabilitation services needed to achieve the employment outcome, the entity to provide the services, the employment setting, the settings in which the services will be provided, and the methods to procure the services.

(8) In the event that an individual's individualized plan for employment provides for vocational rehabilitation services in a non-integrated setting, a justification to support the need for the non-integrated setting.

(9) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals in accordance with §361.5(c)(9)(i).

(10) In the event an individual achieves an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act or the designated State unit closes the record of services of an individual in extended employment on the basis that the individual is unable to achieve an employment outcome consistent with §361.5(c)(15) or that an eligible individual through informed choice chooses to remain in extended employment, documentation of the results of the semi-annual and annual reviews required under §361.55, of the individual's input into those reviews, and of the individual's or, if appropriate, the individual's representative's acknowledgment that those reviews were conducted.

(11) Documentation concerning any action or decision resulting from a request by an individual under §361.57 for a review of determinations made by designated State unit personnel.

(12) In the event that an applicant or eligible individual requests under §361.38(c)(4) that documentation in the record of services be amended and the documentation is not amended, documentation of the request.

(13) In the event an individual is referred to another program through the State unit's information and referral system under §361.37, including other components of the statewide workforce development system, documentation on the nature and scope of services provided by the designated State unit to the individual and on the referral itself, consistent with the requirements of §361.37.

(14) In the event an individual's record of service is closed under §361.56, documentation that demonstrates the services provided under the individual's individualized plan for employment contributed to the achievement of the employment outcome.

(15) In the event an individual's record of service is closed under §361.56, documentation verifying that the provisions of §361.56 have been satisfied.

(b) The State unit, in consultation with the State Rehabilitation Council if the State has a Council, must determine the type of documentation that the State unit must maintain for each applicant and eligible individual in order to meet the requirements in paragraph (a) of this section.

(Authority: Sections 12(c), 101(a)(6), (9), (14), and (20) and 102(a), (b), and (d) of the Rehabilitation Act of 1973, as amended; 29 USC 709(c), 721(a)(6), (9), (14), and (20), and 722(a), (b), and (d))

## D-302: Case Notes

### D-302-1: Overview of Case Notes

The management of the TWC VR program is largely reflected in the case file documentation of each customer. One key to program success is the VR staff's ability to demonstrate accurate and timely decisions that:

* comply with the law;
* are made in partnership with the customer; and
* lead to the delivery of substantial services for the eligible customer, ultimately resulting in competitive integrated employment.

Case file documentation includes:

* information contained in ReHabWorks (RHW);
* information contained in the paper case file;
* information contained in the virtual case file; and
* case notes.

The VR staff uses case notes to compile information resulting from interactions with the customer, the customer's family or representative, referral sources, service providers, and others. Case notes should establish a sound record of program effectiveness and efficiency by:

* conveying compliance with federal and state laws regarding:
  + use of funds; and
  + decisions in service delivery;
* documenting the VR counselor's decision making and application of the VR process;
* providing a clear and concise explanation of the customer's progression through the rehabilitation process;
* explaining any causes for delay, planned interventions, and the result of interventions;
* documenting how services were seamlessly provided to the customer during absence(s) of the VR counselor of record; and
* recording counseling and guidance provided.

Note: All customer correspondence via SARA (Semi-Autonomous Research Assistant) creates a system-generated case note. SARA case notes are automatically entered into RHW and cannot be modified.

### D-302-2: Required ReHabWorks Case Notes

For information about required ReHabWorks (RHW) case notes, refer to the VRSM E-300: Case Note Requirements table (Word).

### D-302-3: What Not to Include in Case Notes

VR staff must be aware that case notes are legal documents and are subject to internal and external audit and review, subpoena for legal action or appeals, and review by the customer or others with a valid release of information. Content that is included in case notes must be based on facts that are relevant to the VR case. Do not include unnecessary comments which are not relevant to the customer’s disability or VR needs.

In addition to complying with the policies and procedures below, VR staff must ensure that the customer's information remains confidential. For additional information about customer confidentiality requirements, refer to VRSM A-207: Confidentiality and Use of Customer Records and Information.

Do not include the following in a case note:

* Information duplicated in other sections of RHW or on other forms or reports in the case file unless:
  + the information is significant to that case note (if so, summarize the information.); or
  + the case note is a summary, such as in:
    - a diagnostic interview;
    - a comprehensive assessment; or
    - a case note from elsewhere;
* Information that is not directly related to the identified disability;
* Information that is not relevant to VR services; or
* Details of a customer's Computerized Criminal History (CCH).

When there is potentially sensitive information that is relevant to the identified disability or VR services, VR staff should consult with the VR Supervisor prior to including this information in a case note in RHW to ensure that it is appropriate to do so.

### D-302-4: Computerized Criminal History (CCH) Documentation

For procedures on the selection of employment goals requiring a CCH, and documentation and confidentiality requirements, see VRSM A-206-4: Release of Customer Records and Information, Release of Computerized Criminal History (CCH) Records Obtained from the Department of Public Safety.

## D-303: Case File Organization

The case file system consists of an electronic case file and paper case file.

The purpose of this section is to describe processes necessary for paper case file uniformity. The VR staff is ultimately responsible for the:

* management of the caseload;
* location of case files; and
* case correction activities.

VR staff must:

* secure all documents from the customer case file to the file jacket;
* record the customer's last name and first name (for example, García, Isabella A.) and case ID on the tab label of each case file jacket;
* stamp "Confidential" on the front and back of the case file jacket;
* ensure that all documents are date-stamped or otherwise marked with the date that the document is generated and/or received in the office; and
* date-stamp the first and last pages of the packets for documents containing many pages (such as packets of medical records).

### D-303-1: Case Files

Documentation of service delivery, including contact reports and other reports, are maintained in either a virtual case file or a two- or six-sided paper case file.

Any electronic documents that are not contained in RHW are contained virtually in a shared drive such as the Unit G: Drive, SharePoint, OneDrive, etc. RHW must be updated to indicate the status of the case file as either:

* Virtual – all documents are stored electronically,
* Paper – all documents are stored in a paper case file, or
* Mixed – some documents are stored electronically and in a paper case file.

#### Documentation Order

Each region may determine which type of paper case file is used. In either case, the following documentation order must be maintained, two- or six-sided. Each section of the case file should be organized so that initial documents are on the bottom and most recent are on the top unless otherwise specified. Because of the volume of information often contained in the six-sided case file, dividers should be used to section off certain areas of documentation. This makes the information easier to access on a routine basis.

#### Two-Sided Case File

The VR staff files the following documents from bottom to top on the left side of the case file in the order received, making sure that all financial documents are grouped together, including:

* invoices;
* bidding documentation;
* signed itemized receipts;
* all service authorizations;
* correspondence with providers regarding billing; and
* all other documents related to customer purchases.

The VR staff then files the following documents from bottom to top on the right side of the case file in the order received, as follows:

* Signed release forms;
* Signed paper individualized plan for employment (IPE) or IPE amendments;
* Correspondence;
* All relevant records and reports and assessments;
* Copies of documents verifying the customer's identity and authorization for employment in the United States;
* Financial records used to verify customer income and expenses for calculating participation in cost of services;
* Verification of eligibility for Social Security Income/Social Security Disability Income benefits; and
* All other documents related to the customer's VR program.

#### Six-Sided Case File—Vocational Rehabilitation

Side 1: Basic information is placed in the following order from bottom to top, chronologically (most recent on top), and separated by a divider:

* Old contact reports (CB-4) in chronological order, most recent on top, documenting activity from intake through closure and, if necessary, post-employment
* If paper application is taken, VR5056, Application for Vocational Rehabilitation Services; pseudo PIN is used in ReHabWorks (RHW)
* VR5060, Permission to Collect Information (optional)
* VR5061, Notice and Consent for Disclosure of Personal Information
* VR1390, Checklist for Determining Significance of Disability (if used)
* VR5163, Individualized Plan for Employment (IPE) and VR5159, Individualized Plan for Employment (IPE) Amendment; entered in RHW using a pseudo PIN
* Customer Data Sheet (CDS) or Initial Contact Page from RHW (optional)
* Any other document that is signed with a pen, ink signature, or digital signature that is later entered in RHW using a pseudo PIN
* Copies of the customer's driver's license or ID card, and health insurance card(s)

Side 2: Medical information. All reports relating to medical information—for example, eye examination results, physician notes, general physical examination, low-vision reports, and psychological reports—are placed in chronological order from top to bottom, most recent on top, and separated by a divider.

Side 3: Assessments are placed in the following order from top to bottom, chronologically, and separated by dividers:

* Diabetic service reports, including evaluation and training;
* Orientation and Mobility reports, including evaluation and training reports; and
* Copies of past admissions, review, and dismissals (ARDs) if side four is full. (These should be at the bottom of side three using a tab to separate from other items.)

Side 4: Educational and vocational information is placed in the following order from top to bottom, chronologically, and separated by a divider. (For vocational service information, each service type is separated by a divider.):

* Vocational evaluation or training reports;
* Academic-related reports, for example, exemption from payment of tuition, copies of grades, class schedules;
* On-the-job training reports, job development, and job placement reports; and
* For Transition cases, copies of the child's ARD, Individualized Education Program, individualized treatment plan, and/or individualized family service plan (updated at a minimum every three years).

Note: Once side four is full of ARD paperwork, then older ARDs are moved to the bottom of side three; only the most current ARDs remain on side four.

Side 5: Documentation of equipment purchases and general correspondence are placed in the following order from top to bottom, chronologically, and separated by a divider:

* All documentation related to equipment purchases (that is, purchase packets, equipment receipts, the VR2014, Rehabilitation Equipment Receipt and Agreement); and
* General correspondence, including letters to and from family, letters to and from vendors, and Social Security packets.

Note: Flyers and other mail-outs to customers do not have to be printed and placed in the case file. A scanned copy of a mail-out can be pasted in case notes, or a brief case note can be entered summarizing a mail-out.

Side 6: Service authorizations (SA) and invoices with references to SAs are placed in chronological order with the most recent on top and separated by a divider.

Note: A paper copy of the SA is required in the case file. Case file copies of requisitions and vouchers should have a copy of the invoice and/or reader service statement attached before filing. SA numbers must be written on invoices.

#### Second Case File

When the volume of information on a customer is more than a single case file can physically hold, a second case file can be used.

The following information must be transferred to the second case file:

* Medical release forms
* The most current IPE
* The most current eye report
* All documentation necessary for the current management of a case

As a rule, the original case file should retain extensive past training reports and pertinent information regarding customer purchases.

#### Case Files for Potentially Eligible Students

A paper and/or virtual case file is required for each potentially eligible student. The case file for a potentially eligible student must include:

* the VR1820, Request to Receive Pre-Employment Transition Services;
* documentation verifying the student’s disability;
* any release forms;
* any referral forms, reports, invoices, and relevant documentation related to Pre-ETS; and
* documentation of legal status to work in the United States. (Note: This documentation is required only when a potentially eligible student is participating in a work placement as part of work-based learning.)

When closing a potentially eligible student’s case, VR staff must follow the policy in this chapter related to closing the paper case file.

#### Maintaining Closed Case Files

TWC-VR must keep all documents, including financial records, in the closed customer virtual and/or paper case file, which is stored for a total of seven years.

Field offices are responsible for securely storing closed case files in the current and preceding fiscal year of the case closure.

Upon completion of the fiscal year, field offices are required to ship paper case files that are closed to the Texas Workforce Commission (TWC) Records Management Center (RMC) in accordance with procedures in the TWC Records and Information Management Manual, Records Storage which is located on the Business Operations intranet site under Document Services- Records Management- Records and Information Management Policy.

Staff may retrieve closed customer paper case files from the TWC RMC in accordance with TWC Records and Information Management Manual, Records Storage which is located on the Business Operations intranet site under Document Services- Resources- Records and Information Management Policy.

Staff may retrieve closed virtual case files from the Management Unit where the case file was closed.

#### Reopening a Case

When starting a new file on a case that was previously active, the VR staff copies or downloads significant documents from the closed case file for placement in the new file. Do not remove forms, reports, and other data from the old file.

### D-303-2: Records and Reports from Outside Sources

Records and reports that are received from other sources, such as medical providers or training institutions, must be reviewed by the VR counselor before they are filed in the customer's paper or virtual case file. The VR counselor initials and dates next to each date stamp to confirm that they have reviewed the content.

With the exception of the required date stamps and VR counselor date and initials to confirm review of content, VR staff should avoid making permanent marks on records and reports that are received from sources outside of VR. The use of a yellow highlighter to draw attention to specific content is acceptable.

Computerized Criminal History (CCH) records are not to be added to a customer’s virtual case file under any circumstances. For information on storing these records, refer to VRSM B-405-4: Evaluating and Documenting Computerized Criminal History Results.

Content that is not relevant to the customer's VR services should not be maintained in the customer's virtual or paper case file. When content is received that is not relevant to the customer's VR case, this information should be disposed of by the VR counselor.

## D-304: Transfer of Cases and Caseloads

### D-304-1: Overview of Case Transfers

A customer's case can be transferred from one caseload to another caseload for a variety of reasons, including, but not limited to:

* the customer changes permanent residence;
* staffing changes (a VR counselor leaves TWC employment or a new VR counselor is hired;
* another VR counselor can provide services that better meet the needs of the customer; or
* management determines that there is a need to transfer the case.

A case file must not be transferred when a customer temporarily moves outside of the service area to:

* attend training;
* live in a supportive residential facility (sometimes referred to as a halfway house); or
* participate in services from a comprehensive rehabilitation center other than Criss Cole Rehabilitation Center;
* participate in other planned services outside of the service area.

For more information on the transfer of cases for VR customers who are attending Criss Cole Rehabilitation Center, refer to VRSM C-503-2: Referrals to the Training Program.

A request for case transfer can be made by the customer either verbally or in writing.

The request can be submitted to:

* the VR counselor of record; or
* any TWC-VR office.

The VR counselor or office receiving the request for transfer must:

* document the request in a case note in RHW; and
* if necessary, notify the VR staff of the request.

When a customer is reassigned from one VR counselor to another, the customer must be notified by the current VR counselor or a rehabilitation assistant (RA) before the case is reassigned.

The notification must include:

* the date of the anticipated change; and
* the name and contact information of the new VR counselor.

If the date and contact information are not known at the time of the notification, the customer is provided with the VR Manager's contact information until information for the new VR counselor is available.

Case transfers must be processed in a timely manner to ensure that the transfer does not disrupt or delay the provision of services or cause undue hardship for the customer.

In all case transfers, the receiving VR counselor must contact the transferring VR counselor within five business days of receiving the customer's file to staff the case and discuss any outstanding issues.

### D-304-2: Transfer of Open Cases

Within three business days of receiving a request to transfer an open case, the current VR counselor and RA team must:

* document the request for a transfer, including the reason that the case is being transferred and the office to which it is being transferred;
* update all demographic information in RHW;
* review and/or update the IPE, joint annual review (JAR), or IPE amendment (for the VR counselor only);
* review and/or update disability information in RHW (for the VR counselor only);
* close or update all service records;
* pay and/or close all service authorizations; and
* notify the VR Manager about the request for a case transfer.

Providers must be notified when service authorizations are closed without payment. The receiving unit issues a new service authorization when the case is received for ongoing services, when applicable.

#### Transferring within the Same Management Unit

A formal case review is not required for cases that are transferred within the same management unit; however, the VR Manager, VR Supervisor, or designee must transfer the case and enter a RHW case note to verify that the transfer has been completed. In units with two VR Supervisors, they should coordinate the transfer.

The VR counselor/RA team to which the case is assigned must contact the customer in a timely manner to schedule an appointment for the customer to meet with the assigned VR counselor to resume services.

#### Transferring to a Different Management Unit

Within five business days of receiving a request for a case transfer, the transferring VR Manager, VR Supervisor, or Unit Support Coordinator:

* completes a partial Vocational Rehabilitation/Older Individuals Who are Blind Process (VR/OIBP) Review to include Process B: Application and Diagnostic Interview and Process D: Eligibility in TxROCS. (If applicable, reviewers must also complete Process C: Trial Work Services);
* prints or adds to the virtual file a copy of the completed case review;
* sends the case file and the copy of completed case review to the receiving office by using email for virtual case files or certified mail for paper case files;
* completes VR1025, Case Transfer Letter, notifying the customer that his or her file has been sent to the receiving office; and
* places a copy of the transfer letter in the customer's case file.

Within three business days of receiving the paper case file, the receiving VR Manager, VR Supervisor, or designee:

* assigns the case to the receiving counselor in RHW;
* enters a case note verifying that the case was received and assigned; and
* notifies the VR counselor that the case was assigned.

#### Transferring a Transition Services Case

An individual who is a student with a disability and is working with a TVRC is usually transferred to a general VR caseload after he or she no longer meets the "student with a disability" definition and has demonstrated regular participation in planned services. Typically, students who are assigned to a VR counselor with a dual caseload (one that includes adults as well as students and youth) are not transferred to another caseload. Instead, they continue services with the same VR counselor until they are ready for closure of the case.

When a student no longer meets the "student with a disability" definition and is participating in his or her VR case, it is appropriate to transfer the case to a general VR counselor caseload. Refer to "Transferring within the Same Management Unit" or "Transferring to a Different Management Unit" above. The exception is when an individual no longer meets the "student with a disability" definition near the time when he or she is ready for successful closure. In that case, the TVRC may close the case successfully.

Unless the student is moving to a new region, the student should have at least one joint contact with the TVRC and the receiving VR counselor before the transfer, to discuss pertinent issues and facilitate the process. The student's IPE must be followed, unless amended by the VR counselor and the student.

When there are questions related to transferring a student from transition services to general VR services, they are addressed by the VR Manager. In some cases, it may be appropriate for a case to be transferred before the end of the student’s eligibility for Pre-ETS. Manager exceptions may be documented to allow for individual circumstances when the “Other” transfer reason is used in RHW, such as when a customer is enrolled and making progress in postsecondary education but will be continuing with Pre-ETS.

### D-304-3: Transfer of Closed Cases

If the customer's case is closed at the time that he or she requests a case transfer, the VR staff refers to VRSM B-206: Opening a Case, to determine whether to reopen the case or take a new application.

If the customer will be reapplying for services and the paper case file is still at a Workforce Solutions Office at the time of the request, the closed case file must be sent using certified mail to the receiving office within three business days of the request for a transfer.

If a customer's closed case file has been transferred to the TWC RMC, the VR staff retrieves the paper case files from the TWC RMC in accordance with TWC Records and Information Management Manual, Records Storage which is located on the Business Operations intranet site under Document Services- Resources- Records and Information Management Policy.

A closed case must not be transferred from one caseload to another caseload in RHW.

### D-304-4: Transfer of an Entire Caseload

To transfer an entire caseload, the regional director sends a memorandum to the TWC VR director requesting:

* approval; and
* coordination of the transfer.

Additional guidance for transfer of an entire caseload will be provided by state office.

### D-304-5: Transfer of a Case Using ReHabWorks

Once the paper or virtual case file is delivered to the receiving VR office, the receiving VR Manager, VR Supervisor, or designee must transfer the case in RHW. If the case is sent to TWC RMC, the management unit mailing the case must transfer the case in RHW. To transfer the case in RHW, staff:

* selects the "Paper File Transfer" from the "Case Management" navigation menu;
* when the "Paper File Transfer" page displays the office where the paper files reside, selects from one of the following two options:
  + sending the records to another office; or
  + sending the records to TWC RMC by:
    - selecting the "Division" in the drop-down list to select the location where the paper file will be sent (once populated, staff selects "New Office" from the drop-down list of offices for that division); and
    - selecting the check box for "Records Center" to send the paper file there; and
* saves and closes the page.

For more information, refer to the ReHabWorks Users Guide, Chapter 9: Other Case Management, 9.3 Case Transfer.

## D-305: Confidentiality and Use of Customer Records and Information

For information on the confidentiality, use, and sharing of customer records, see VRSM A-207: Confidentiality and Use of Customer Records and Information.

## D-306: Open Records Requests

This content has been relocated to VRSM A-209-15: Records Requests Received from TWC Open Records.

## D-307: Processing Closed Case Files

At the end of the fiscal year, closed customer case files from the previous fiscal year are boxed, sent, and stored at the TWC Records Management Center (RMC).

Each office is responsible for completing an Inventory and Transmittal Spreadsheet; staff must request blank spreadsheets from Claimant Files ([claimant.files@twc.texas.gov](mailto:claimant.files@twc.texas.gov)). Completed spreadsheets are emailed to Claimant Files. VR staff box and ship the closed customer case files to the RMC.

### D-307-1: Pulling Closed Case Files for Storage

For each case file on the inventory sheet that is pulled for storage, VR staff should:

* Remove the sealed Computerized Criminal History (CCH) report from the paper case file. Write the customer's last name, first initial, and case ID on the confidential envelope. Place the envelope in a separate box bound for RMC for storage.
* Print any necessary records stored on CD and file the copies in the paper case file. Remove the CD from the case file and place it in the locked confidential shredding container.
* Secure any loose papers to the file prongs and remove staples, clips and post-it notes from the entire file. Small sheets of paper must be copied to a standard 8 1/2 by 11-inch letter size paper.
* Documents in six-sided files must be taken out and put into a regular two-sided file.
* Envelopes, with the exclusion of the sealed CCH envelopes, must be opened and the documents removed from the envelope. If the documents are folded, they must lay flat in the file.
* Record on the tab label the customer's last name, first name, and case ID.
* Stamp "Confidential" on the front and back of each file.
* Using a black felt-tip marker, write the fiscal year in which the case was closed on the outside of the file jacket.
* Change the file location status in ReHabWorks to Records Center.

### D-307-2: Adding Files to Boxes

When adding the closed customer files to boxes to be shipped, VR staff ensure that:

* Each box must contain only the closed case files from the previous fiscal year.
* There is approximately 2" of space in each box in case of interfiles. (Boxes are not over packed.)
* Only standard records storage boxes are used (hand-holds on either end, with a removable lid, 10" x 12" x 15"). Do not use copy paper boxes.
* Files are arranged within the box in alphabetical order by last name.
* Only ten boxes are sent to RMC per shipment.
* Each box is labeled with "Box [number]" on the left side of the hand hold. Underneath the "Box [number]" the label must contain the "Cost Center [number]" and "Location Code [number]." The box lid should not cover the box number.

### D-307-3: Completing the Box Inventory Spreadsheet

All files in each box must be listed on the Box Inventory Spreadsheet. Ten boxes are sent per shipment to RMC. To complete a Box Inventory Spreadsheet, update the fields "box\_nbr" and "rhw\_updated" for each file on your TWC Inventory Spreadsheet as follows:

* For "box\_nbr", number each box in the set as "[department cost center number]-001", "[department cost center number]-002", etc. (for example, 4584-001).
* For "rhw\_updated", put "Yes" after ReHabWorks has been updated to reflect the new location of that file.
* All the fields on this tab are mandatory:
  + Once the inventory is complete, VR staff filter the "box\_nbr" field for each box and print the inventory sheet.
  + A hard copy is placed in front of the first file of the corresponding box. One is kept for the unit reference.

### D-307-4: Completing the Transmittal Spreadsheet

Once VR staff have completed the file inventory, a Transmittal Spreadsheet for all the files will need to be completed.

For each line of the transmittal, VR staff will list information about one box within the batch:

* Customer Box Number (4-digit cost center and box number)
* Major and Minor Description (Major description example: FY'20 closed customer case files.) (Leave Minor description blank.)
* Alpha FROM and TO (this is the last name of the first customer in box and last name of the last customer in the box)
* Destruction Date (The close date of the fiscal year plus seven years. Example: For FY'20, this will be 8/31/2027.)
* Date FROM and TO (Example: From date: Beginning of fiscal year. For FY'20, this would be 9/1/19. To date: End of fiscal year. For FY'20, this would be 8/31/20.)

### D-307-5: Preparing Computerized Criminal History in Closed Case Files

All Computerized Criminal History (CCH) records from the previous fiscal year are stored in a separate box.

* CCHs must be in a sealed confidential envelope.
* Envelopes are arranged within the box in alphabetical order by last name.
* A separate Box Inventory Spreadsheet and Transmittal Spreadsheet is completed for CCHs.

Each box is labeled with the Region number, Unit name, and "Confidential CCH Records" on the left side of the hand hold and the top of the box.

### D-307-6: Requesting Pickup

VR staff email both the File Inventory and Transmittals worksheets in Excel format to [claimant.files@twc.texas.gov](mailto:claimant.files@twc.texas.gov) for approval and upload.

The following information is included in the email:

* On the subject line: Cost Center number, FY 20\_\_ Closed Customer Case, City of Field Office
* Contact information (Contact Name and Phone number)
* Physical pickup location (street address, room or suite number, city, state, ZIP code)
* Special instructions for location access, if any
* Number of boxes you are requesting to have picked up (no more than 10 per shipment)

A separate email is sent for CCH records. The following information is included in the email message:

* On the subject line: CCH files
* Contact information (Contact Name and Phone number)
* Physical pickup location (street address, room or suite number, city, state, ZIP code)
* Special instructions for location access, if any
* Number of boxes you are requesting to have picked up.

VR staff should double-tape all boxes (not covering the hand-holds) to secure the lids to the boxes and ensure that no records spill out during transit.

TWC RMC staff will review the inventory and transmittals sheets for approval. Within five business days upon approval from the RMC, the field office will schedule the shipment of file boxes on the approved inventory worksheets to the address below:

Texas Workforce Commission  
Records Management Center  
4405 Springdale Road Suite C  
Austin, TX 78723

Once records are sent through FedEx, VR Staff must email all FedEx tracking numbers to [claimant.files@twc.texas.gov](mailto:claimant.files@twc.texas.gov) on the day the records are picked up by FedEx.

TWC Records Management Center (RMC) staff will confirm the receipt of the records by notifying the VR staff member who submitted the tracking numbers once the shipment is received at TWC RMC. If VR Staff have not received the confirmation that the shipment has arrived to TWC RMC within 3 business days of the expected delivery date, VR Staff will email [claimant.files@twc.texas.gov](mailto:claimant.files@twc.texas.gov) to coordinate follow up with FedEx.

Once the shipment has been received by RMC, staff may ship any additional boxes following procedures outlined in this chapter refer to VRSM D-307: Processing Closed Case Files.

Field office staff will need to determine the supplies needed for shipping the files and coordinate with the third-party shipping vendor.

Effective September 1, 2018, the TWC express shipping provider is FedEx. Please refer to the TWC Mail and Creative Services Guide located on the Business Operations intranet page under Resources for further information on shipping using FedEx.

When using a third-party shipping service, the TWC EMA-65 Express Mail Authorization form must be completed and emailed only to [Alisha.Lewis@twc.texas.gov](mailto:Alisha.Lewis@twc.texas.gov). This form is located on the Business Operations intranet site under Document Services- Resources. When emailing the EMA-65 Express Mail Authorization form, do not attach or include the Inventory and Transmittal spreadsheet.

VR staff must:

* Ensure personally identifiable information (PII) is not exposed.
* Make sure that all boxes are double-taped (not covering the hand-holds) to ensure that no records will spill during transit.
* Save file inventories in a secure place.

# Vocational Rehabilitation Services Manual D-400: Quality Assurance and Continuous Quality Improvement

## Introduction

The Quality Assurance and Continuous Quality Improvement framework implements continuous quality assurance and continuous quality improvement through the use of a mission statement and strategic planning, leadership, communication, customer satisfaction results, data analysis, monitoring, and performance evaluation. The aim of the framework is to achieve compliant, high-quality, consistent outcomes for all Vocational Rehabilitation (VR) stakeholders.

## D-401: Legal Authorization

**2 CFR §200.328(a)**

**Monitoring and reporting program performance**

"Monitoring by the non-Federal entity. The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity."

**2 CFR §200.303**

**Internal controls**

"The non-Federal entity must:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in 'Standards for Internal Control in the Federal Government' issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality."

## D-402: Quality Assurance Policy

Quality assurance and continuous quality improvements require commitment from all levels of service delivery. Oversight functions include elements that are designed to work as a comprehensive system that provides reasonable assurances that agency activities are efficient and effective.

VR monitoring and oversight to ensure quality assurance and continuous quality improvement are performed in a variety of ways throughout the Texas Workforce Commission (TWC). The expected outcome is to ensure that VR is in compliance with all applicable laws, regulations, policies, and standards, including the Workforce Innovation and Opportunity Act and its implementing regulations, the Rehabilitation Act and its implementing regulations, agency rules found in 40 Texas Administrative Code, VR policy, and industry best practices.

Detailed information and resources for VR staff can be found on the Quality Assurance and Quality Improvement (QAQI) intranet page.

## D-403: Monitoring Processes and Procedures

### D-403-1: Operations Monitoring Reviews

Administrative and business requirements are monitored by means of quarterly reviews of division activity and by monitoring the operations of each region. These reviews establish a standardized, documented method for VR to monitor administrative and customer services budgets, purchasing, performance, inventory, and staff. The review process includes the identification of risks, tasks, tolerances, time frames, and the roles and responsibilities of VR staff at the state office, regional offices, and field offices.

Detailed information and resources for VR staff can be found on the Performance Analysis – Planning and Reporting intranet page.

### D-403-2: Monitoring Oversight and Internal Controls

Monitoring Oversight and Internal Controls (MOSAIC) is a comprehensive, rigorous, and transparent assurance system for program performance oversight at the state, regional, field, and case levels. Policies, procedures, relevant regulations, and processes are reviewed systematically. Plans for improvement are made based on the reviews. The case-review cycle is repeated quarterly to identify deficiencies and implement improvements.

Information about risk-ranking, focus areas, guidance for selecting and documenting cases for review, and quarterly reporting requirements is available in the MOSAIC Process Guide on the intranet.

### D-403-3: Case Reviews

VR management teams are required to monitor the the services that are provided to VR customers and ensure compliance with published policies and procedures. Case reviews are part of this monitoring.

Published VR policy and procedure manuals, the MOSAIC Process Guide, and the Quarterly Unit Case Review Plan serve as references for management to identify the type and quantity of required case reviews.

For a detailed list of VR manuals and guides, refer to the TWC Online Manuals page on the intranet.

#### ReHabWorks

Case reviews are conducted on case documentation located in ReHabWorks; supporting content is maintained in each customer's paper case file. Case reviews are documented by the reviewer (or their representative, such as the State Office Program Specialist for Physical Restoration Services) in Texas Review, Oversight, and Coaching System (TxROCS). When a case review is conducted as part of a required review or consultation to approve or deny a specific case action or service, a case note must also be entered in RHW indicating decision that was made as a result of the case review.

Information about RHW functionality is documented in the ReHabWorks User Guide on the intranet and in the RHW-FAQ's in the VR SharePoint team site.

#### Texas Review, Oversight, and Coaching System

The Texas Review, Oversight, and Coaching System (TxROCS) is the electronic system within ReHabWorks used to capture and organize data from individual customer case reviews that are conducted statewide by TWC-VR management.

Information about TxROCS functionality is documented in the TxROCS User's Guide (Word) on the intranet.

### D-403-4: Risk Management

The TWC Risk Management program is a proactive approach to risk management, ensuring that risk-management best practices are embedded in all agency operations. The TWC Risk Management program strives to ensure that agency risks are identified, analyzed, managed, mitigated, and maintained at acceptable levels.

For information about this program, refer to the TWC Risk Management Plan on the intranet.

### D-403-5: Fraud Deterrence and Compliance Monitoring Division

The TWC Fraud Deterrence and Compliance Monitoring Division (FDCM) is responsible for investigating reports of potential fraud, waste, abuse, and misconduct. FDCM includes the VR Contract Oversight and Support department. The mission of the VR Contract Oversight and Support department is to conduct remote and on-site monitoring and provide oversight of contracted VR customer services. The department also performs other services related to and in support of the monitoring function.

For more information, refer to the Fraud Deterrence and Compliance Monitoring SharePoint site on the intranet.

### D-403-6: Office of Internal Audit

The Office of Internal Audit is an independent assurance and consulting function that uses a systematic approach to evaluate and improve the effectiveness of TWC's risk management, control, and governance processes. The Office of Internal Audit's activities are designed to provide TWC's three-member Commission and executive management with independent assurances regarding the integrity of TWC's financial and operational information, the effectiveness and efficiency of operations, the safeguarding of assets, and TWC's compliance with applicable laws and regulations.

For detailed information, refer to the TWC Office of Internal Audit on the intranet.

### D-403-7: Division of Operational Insight

The Division of Operational Insight (DOI) is responsible for evaluating operational, programmatic, and outcome data to provide information that TWC and its partners can use to improve quality throughput and efficiency to better meet the needs of employers and workers in Texas. DOI's mission is to deliver timely, relevant, consistent, and actionable information to allow early and informed decision making and to help transform TWC into an evidenced-based learning organization.

For detailed information, refer to the TWC Division of Operational Insight on the intranet.

### D-403-8: Employee Performance and Development

Enhancing the skills and knowledge of TWC employees is vital to expanding and improving VR services. The Human Resources Department is responsible for TWC's day-to-day operations with respect to its employees. The Training and Development Department helps enhance employee workplace skills and productivity through the development, coordination, and delivery of learning opportunities and human resource development systems.

For detailed information, refer to the TWC Training and Development Department on the intranet.

## D-404: Internal Controls

An internal control is a process that helps an entity to achieve its objectives and safeguard public resources as an integral part of every aspect of business.

For the Vocational Rehabilitation Division (VRD), internal controls are one of the mechanisms that help provide reasonable assurances regarding the achievement of VR objectives in the following categories:

* Effectiveness and efficiency of daily operations to produce the intended results in a manner that minimizes the waste of resources
* Reliability of reporting for internal and external use in support of decision-making and for program performance evaluation
* Alignment of VRD policy, procedure, and performance accountability supports and ensures successful program compliance with applicable laws and regulations

The VRD must establish and maintain internal control processes necessary to ensure our ability to comply with federal grants, law, and regulations.

Types of internal controls used by VRD include the following:

* Separation of Duties: More than one individual is needed to complete a process or series of steps.
* Access Controls: Staff members are limited to their user-specific roles within ReHabWorks (RHW).
* Internal Audits: Internal Audit conducts audits of various aspects of the VR service delivery process to ensure compliance with policy and procedures.
* Standardized Documentation: VRD processes are documented and available to staff via the VRSM, guidance memos, and documented standard operating procedures.
* Periodic Reconciliations: Budget checking of service authorizations ensures availability of funds and helps with budget management.
* Approval Authority: Authorization is required for the provision or purchase of services and must be appropriately documented in the customer's case file.

### D-404-1: Legal Authority and References

Pursuant to requirements for the implementation, operation, and administration of the VR program in accordance with 34 Code of Federal Regulations (CFR) §§361.12, 361.47, and 361.56, and 2 CFR §§200.61, 200.302, and 200.303, internal controls are implemented by VRD to ensure accurate data collection, appropriate data documentation, and financial accountability.

The US Government Accountability Office's Standards for Internal Control in the Federal Government, or the "Green Book," sets the standards for an effective internal control system for federal agencies.

For more information, reference the Green Book at <https://www.gao.gov/greenbook/overview>.

For Rehabilitation Services Administration guidance and additional supporting information on Internal Controls, reference <https://www2.ed.gov/policy/fund/guid/uniform-guidance/internal-controls.html>.

### D-404-2: What Must Be Covered by Internal Controls

The following are examples of how internal controls apply to VR:

* We must ensure that our data entry in RHW accurately collects the information necessary to support federal reporting.
* We must ensure that VR staff members complete training necessary to ensure the collection and reporting of the required data.
* We must use internal control processes to ensure the accuracy and validity of the data.

### D-404-3: Internal Controls in ReHabWorks

The following are examples of the application of internal controls to the VR process in RHW:

* In the Application Process, completion of the Monthly Financial information is required as a prerequisite to accessing the Application Signature page.
* Edits on the Monthly Financial page help to ensure that basic living requirements (BLR) are addressed with the customer and properly documented.
* Before determining eligibility, the VR counselor must document the level of significance and the relevant disability information to access the Eligibility page—ensuring documentation of information essential to appropriately assessing and planning needed services with the customer—and only staff with an appropriate user role can make and enter the eligibility determination in RHW.
* For caseloads, system data enables VR counselors to manage their cases and be informed as to compliance with eligibility determination and plan development time frames.
* The Purchasing Approval Requests process supports planning, ensures and documents policy compliance, engages active supervision, and helps with caseload budget management.
* For Service Records, edits in the system help ensure the correct use of Basic Support or Preemployment Transition Services (Pre-ETS) budget and the proper categorization of the service.
* For Service Records, the pop-up message about using Medicaid helps support the application of comparable benefits.
* For the purchasing process, new edits in the system direct the Basic Support or Pre-ETS characterization of the service to help ensure allowable use of funds and support accurate fiscal reporting.
* For the purchasing process, system edits support the application of contracts to service authorizations for goods and services requiring contracts.
* For the purchasing process, system edits prevent any one individual from creating or changing, receiving, and/or paying a service authorization to enforce separation of duties. (This is called a compensating control.)
* For the purchasing process, system edits allow vendors to be suspended from providing services when needed based on contract monitoring or other issues.
* For the purchasing process, references associated with the specifications provide staff with a quick guide on where to look in policy for governance and guidance on the service.

When possible, internal controls to support data accuracy, consistency, integrity, reasonableness, and completeness are incorporated into the RHW business process to actively support proper program performance as an integral part of the customer service delivery process.

### D-404-4: Documentation and Data Corrections

Case documentation is essential to showing compliance with applicable requirements and demonstrating the proper use of funds. This applies to all VR customers throughout the case life cycle.

Paper copies of supporting documentation, such as medical records, provider reports, grade reports, transcripts, certificates, diplomas, and other relevant documents, must be obtained from the customer or service provider and used when RHW is updated. Copies of these documents are maintained in the customer's paper case file.

For assistance with situations in which the VR counselor is not able to directly enter, update, or correct data in the system, refer to the ReHabWorks Users Guide and ReHabWorks and TxROCS Support page on the intranet for information on submitting data corrections to reconcile fixes, anomalies, and omissions.

# Vocational Rehabilitation Services Manual D-500: Business Procedures for VR Staff

## Introduction

Texas Workforce Commission Vocational Rehabilitation (TWC-VR) staff must follow TWC business procedures. However, some TWC-VR business procedures do not have a TWC equivalent. Business procedures that apply specifically to TWC-VR were previously captured in the Texas Department of Assistive and Rehabilitative Services (DARS) Business Procedures Manual (BPM), which was transferred into relevant sections throughout the Vocational Rehabilitation Services Manual (VRSM). The DARS BPM has been retired.

Staff members using the material covered in this chapter should address questions through their chain of management to VR executive management.

## D-501: Ethics Policy

All VR staff must adhere to the ethical standards stated in the [Code of Professional Ethics for Rehabilitation Counselors (PDF)](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf) (the Code) the TWC Personnel Manual: Ethics and Standards of Conduct (PDF), and the TWC Ethics Policy, which are both located on the intranet.

The Code comprises the following six basic principles of ethical behavior:

* Autonomy: to honor the right to make individual decisions
* Beneficence: to do good to others
* Nonmaleficence: to do no harm to others
* Justice: to be fair and give equal justice to all
* Fidelity: to be loyal and keep promises
* Veracity: to be honest

VR counselors who violate the Code are subject to the actions defined by TWC performance management policies. If the VR counselor is certified through Commission on Rehabilitation Counselor Certification (CRCC), violations of the Code are also subject to CRCC action.

Solution-focused, respectful, nonexploitative, and empowering counseling relationships are built on high ethical standards. Understanding the principles listed in the Code is at the heart of the ethical decision-making process. The Code reflects the level of competency needed in professional relationships to promote and protect the spirit of caring and respect for individuals with disabilities.

High ethical standards also are involved in best-value purchasing and the wise use of funds. See VRSM D-200: Purchasing Goods and Services for additional information.

VR is committed to helping all staff make ethical decisions. It is essential that VR staff:

* adhere to the ethical standards stated in the Code as well as in all VR policy, procedure manuals, and all agency standards; and
* be accountable for those standards in the organization.

### D-501-1: Other Professional Codes of Ethics

Employees who work in a professional area with its own code of ethics (for example, counseling, legal, medical, or internal auditing) must abide also by the ethical conduct requirements of that professional field.

### D-501-2: Personal Relationships

Employees must exercise sound judgment in all relationships with customers and other employees by:

* displaying professional decorum; and
* refraining from personal involvement of any kind that would discredit or embarrass the agency or the individual involved.

Employees must not fraternize with or engage in personal relationships with customers. Employees must not attend social events for a customer unless it is part of their job duties, is included in the normal workday, and is approved in writing by the supervisor.

When dealing with customers, vendors, service providers, grantees, subrecipients, or other third parties doing business with TWC-VR, a TWC-VR employee, and his or her spouse or other individual with whom the employee cohabits, must not:

* provide personal loans of money or property, real or personal;
* benefit from contracts with TWC-VR or other state government entities that do business with TWC-VR (for example, bidding on TWC-VR office space);
* serve as a representative for active or former TWC-VR customers (except that employees may represent their own family members or customers with approval of the management chain pursuant to division policy);
* display or distribute advertisements for a vendor that suggest a TWC-VR preference for one vendor over another for personal business interests;
* lend his or her name in connection with any organization, facility, or vendor providing goods or services to TWC-VR or its customers;
* solicit or conduct business for any organization during TWC-VR work hours, except for voluntary, nonprofit, disability-related organizations (applicable to TWC-VR employees only); or
* attempt to evade or circumvent these restrictions by acting indirectly through someone else.

### D-501-3: Family Members as Customers

The term "family" includes one's:

* spouse;
* child;
* parent;
* grandparent;
* brother;
* sister;
* cousin;
* aunt;
* uncle;
* niece;
* nephew;
* any other individual related by:
  + kinship;
  + adoption; or
  + marriage (such as a step relative, for example, stepchild, stepparent);
* all related individuals who are dependent upon the employee or employee's family member for personal care or services on a continuing basis; and
* all individuals living in the same household with the employee or with an employee's family member (regardless of kinship).

TWC-VR employees must not:

* directly provide or influence the provision of services for any member of their own families as defined above;
* access their own customer records or those of family members; and
* gain access to any customer records for which they do not have an official state business need.

For more information on ethics, refer to the TWC Personnel Manual, 1.9 Ethics Policy (PDF) and the TWC Ethics Policy, which are located on the intranet. Also refer to the [2023 Code of Professional Ethics for Rehabilitation Counselors (PDF)](https://crccertification.com/wp-content/uploads/2023/04/2023-Code-of-Ethics.pdf).

## D-502: Accessibility

For information about TWC's accessibility policy, refer to the [TWC Accessibility Policy](https://www.twc.texas.gov/agency/twc-accessibility-policy).

## D-503: Office of General Counsel

The TWC Office of General Counsel (OGC) provides legal and ethical advice to TWC-VR staff in the performance of their duties. Refer to the TWC Office of General Counsel intranet page for more information.

OGC does not provide advice to:

* Individual employees for personal matters (for example, wills or divorces); or
* Any individual or organization outside of TWC.

Advise or legal opinions prepared by OGC must not be released outside of TWC-VR without the specific consent of the General Counsel.

### D-503-1: Access to TWC Office of General Counsel

Depending on the situation, TWC-VR staff may contact OGC directly or through the chain of management.

OGC can be contacted through one of the following options:

* Legal Request Portal at https://twcgov.service-now.com/ogc
* Phone: 512-463-7902
* Email: [twcogc@twc.texas.gov](mailto:twcogc@twc.texas.gov)

#### Direct Access

TWC-VR staff has direct access to OGC staff for guidance about:

* an urgent legal situation (for example, a law enforcement official requesting information);
* receipt of a lawsuit or subpoena involving TWC-VR or its employees;
* notice of involvement in an administrative hearing;
* questions about subrogation;
* questions regarding subpoenas and releases for customer records and information; and
* requests for release of personnel information.

When a customer, a customer's representative, or a customer's lawyer requests that TWC-VR staff verbally discuss a customer's case with a lawyer, the TWC-VR employee:

* notifies the employee's immediate supervisor; and
* contacts OGC before speaking with a customer's lawyer.

#### Access through the Chain of Management

TWC-VR employees must contact OGC through the chain of management for:

* an interpretation of a law, regulation, or executive order;
* a legal opinion;
* assistance with an employee grievance, disciplinary action, or other action involving an employee;
* assistance in drafting or interpreting contracts;
* assistance relating to the Texas Register; or
* legal questions regarding policy.

### D-503-2: Texas Public Information Act

The OGC is the TWC administrator for the Texas Public Information Act. The Act requires that TWC-VR provide access to information that is collected and retained during the conduce of TWC-VR business.

When a member of the public submits a written request for public information to TWC-VR, TWC-VR must release the information to the extent provided by law.

A TWC-VR employee who receives a request for public information must coordinate with OGC through the chain of management.

For additional information, refer to the TWC OGC Open Records intranet page and the TWC Open Records Unit Manual (Word).

## D-504: Inventory Control for Customers

Refer to VR Guidance Memorandum 20-01: Customer Inventory Tracking Requirements, which is located on the VRD Guidance Memorandum intranet page.

Additional resources include the VR Customer Inventory Tracking List and VR Customer Inventory Points of Contact (POC) and Office Profile (Word); both on located on the TWC SharePoint.

## D-505: Cash Receipts

### D-505-1: Refunds

When receiving a refund from a vendor or customer, the unit purchasing specialist or the designated VR staff member for that office location must:

* document the receipt of the check or money order in a case note in RHW;
* complete the TWC1770, Cash Receipts and Returned Warrants Log;
* complete the TWC1769, Cash Receipts Transmittal Memo;
* e-mail the completed TWC1769 and scanned checks or money order to TWC Revenue and Trust Management ([revenuetrust.mgmt@twc.texas.gov](mailto:revenuetrust.mgmt@twc.texas.gov)) within two business days after the mail was opened or the check was hand delivered to the office (copy the Regional Director, Deputy Division Director of Field Services Delivery, and VR Division Director);
* make a paper copy of the check or money order and the TWC1769;
* file the copies in the case file; and
* mail the original check or money order and the TWC1769 to:

Texas Workforce Commission  
Revenue and Trust Management  
PO Box 322  
Austin, Texas 78767

For questions, contact the TWC Revenue and Trust Management Depository section at 512-463-2611.

## D-506: Payment Research

### D-506-1: Researching a Payment

"Warrant Number" and "Payment Number" are used interchangeably to mean warrant number (nine digits) or direct deposit number (seven digits) for payment.

When a vendor contacts Texas Workforce Commission Vocational Rehabilitation Services (TWC-VRS) for payment status, the TWC-VRS staff member advises the vendor that the status of payments that the state makes to vendors may be checked on the Texas State Comptroller website at: <https://mycpa.cpa.state.tx.us/securitymp1portal/displayLoginUser.do>.

If the vendor insists that the staff member verify payment information, the TWC-VRS staff member performs the following actions in ReHabWorks (RHW), using information from the Service Authorization (SA):

1. In the horizontal menu bar, select Purchasing; then, from the left menu, select Purchasing and Search by SA Number. The Search by SA Number page opens.
2. Enter the SA number in the SA Number field and click Search. The SA Detail for: page opens.
3. Click on the Go to Receive/Pay Detail button for payment information. The SA Receive/Pay Detail page opens.
4. Under Payment Information, find the Voucher #; follow the column down to Warrant Information and find Warrant Date and Warrant #.
   * Payments by direct deposit are indicated by a seven-digit warrant number in the Warrant # field.
   * Payments by paper warrant are indicated by a nine-digit warrant number in the Warrant # field.

#### Payment by Direct Deposit

If the payment was made by direct deposit, the TWC-VRS staff member:

* provides the vendor with the direct deposit warrant number;
* provides the vendor with the date that the deposit was issued; and
* advises the vendor to contact the vendor's bank with the direct deposit information to locate the payment. If the vendor's bank cannot locate the payment, the vendor sends an inquiry to [payables.rhwconsumers@twc.texas.gov](mailto:payables.rhwconsumers@twc.texas.gov) and includes the SA, warrant number, and amount of the payment. The Accounting Payables unit can be reached directly at 512-463-1671, option 4.

Wire transfers from the Comptroller's office typically appear in a vendor's bank account approximately two business days from the warrant date.

#### Requesting a Warrant Cancellation

If a vendor does not receive a payment made via paper warrant and 30 or more days have passed since the warrant issue date, TWC-VRS staff member emails [payables.rhwconsumers@twc.texas.gov](mailto:payables.rhwconsumers@twc.texas.gov) to request a warrant cancellation. This message must include the:

* SA number;
* voucher number;
* voucher amount;
* warrant number; and
* reason for the warrant's cancellation.

The TWC-VRS office is responsible for reissuing any warrant that is requested to be canceled.

#### Determining Warrant Status

TWC Accounting can research the warrant through the Treasury to see whether the warrant has been cashed or is on hold.

If the warrant has been cashed, the TWC-VRS staff member:

* requests a copy of the cashed warrant if a copy is not readily available (It can take between seven and 10 days to receive.); and
* emails a copy to the individual that initiated the email request.

If the warrant has not been cashed, the TWC-VRS staff member:

* proceeds with warrant cancellation; or
* responds to the inquiry if the warrant is on hold.

If no payment was issued, the TWC-VRS staff member researches and assists with expediting payment. Payments must be reissued in accordance with the appropriate system of issuance:

* RHW; or
* Workforce Reporting Accounting and Procurement System (WRAPS).

#### Forgery Claims

If a payee claims forgery, the TWC-VRS staff member emails [payables.rhwconsumers@twc.texas.gov](mailto:payables.rhwconsumers@twc.texas.gov), and RHW accountants will follow current Comptroller Forgery Notification Procedures.

### D-506-2: Payments Issued in Error

It may be necessary to recover state warrants or payments that were issued in error. Email payables.rhwconsumers@twc.texas.gov and request warrant cancellation.

If a warrant was issued:

* TWC Accounting retrieves the warrant before mailing and cancels the warrant through the Comptroller's office; or
* the issuing VR office contacts the vendor for return of the warrant before cashing.

If the vendor cashed the warrant, the issuing VR office requests a refund from the vendor, explaining that the funds were paid in error. Vendor contacts must be documented in the payment documentation, and each contact must be at least 30 days apart.

To show due diligence, the issuing VR office must give a vendor ample time to comply, using the following procedures:

* The first contact request may be made by phone.
* The second contact must be made in writing and sent via certified mail with tracked receipt.
* The third contact must be made in writing and sent via certified mail with tracked receipt.

Thirty days after the third notification has been sent, if the vendor does not respond with the requested refund, the issuing VR office:

* sends an email notification to [payables.vendorholds@twc.texas.gov](mailto:payables.vendorholds@twc.texas.gov), including the vendor's tax identification number; and
* forwards documented contact attempts to [payables.vendorholds@twc.texas.gov](mailto:payables.vendorholds@twc.texas.gov).

TWC Accounting proceeds with the vendor hold process.

If the payment was made by direct deposit and the date is six or fewer days ago, TWC Accounting:

* completes a callback request form; and
* submits the form to the Comptroller's office.

If the payment date is seven days ago, the issuing VR office requests a refund from the vendor, explaining that the funds were paid in error.

Vendor contacts must be documented in payment documentation and be at least 30 days apart. To show due diligence, the issuing VR office must give a vendor ample time to comply, using the following procedures:

* The first contact request may be made by phone.
* The second contact must be made in writing and sent via certified mail with tracked receipt.
* The third contact must be made in writing and sent via certified mail with tracked receipt.

Thirty days after the third notification has been sent, if the vendor does not respond with the requested refund, the issuing VR office:

* sends an email notification to [payables.vendorholds@twc.texas.gov](mailto:payables.vendorholds@twc.texas.gov), including the vendor's tax identification number; and
* forwards documented contact attempts to [payables.vendorholds@twc.texas.gov](mailto:payables.vendorholds@twc.texas.gov).

TWC Accounting proceeds with the Comptroller's vendor hold process.

### D-506-3: Reissuing a Warrant

A payment cannot be reissued to a vendor until:

* TWC VR receives the original warrant for cancellation; or
* the warrant cancellation is confirmed. Once a warrant is canceled, staff will see the Warrant Cancel Date on the SA directly under the Warrant # in RHW.

### D-506-4: Warrant Hold

#### Verification of a Customer Payee's Hold Status

VR staff members are required to verify a customer's hold status before making payments to the:

* customer;
* parent of the customer; or
* guardian of the customer.

Payments made to a customer who is on hold are kept and held by the Comptroller's office. This policy applies only to payments made using a Federal Employer Identification Number (FEIN) or a Texas Identification Number (TIN) that is based on a Social Security number. Payments made in whole or in part with federal funds may be returned to TWC-VR upon submitting the required support documentation.

The Texas Identification Number System (TINS) is the system of record for accessing customer hold information. Field staff members unable to access TINS may send an email to [payables.vendorholds@twc.texas.gov](mailto:payables.vendorholds@twc.texas.gov) mailbox with "RUSH Warrant Hold Status" in the subject line, provide the payee number, and ask if that payee number is on hold.

#### Vendor Payee's Hold Status

This hold policy does not apply to vendors. There is no need to verify vendor (provider) hold status. The system automatically checks the hold table and identifies payments issued to vendors, individuals, and entities that have outstanding state debts.

#### Payments Subject to Warrant Hold

Information about the held payment is recorded in TINS and a Notice of State Payments Held letter is mailed to the payee. This letter advises the [payee](https://fmx.cpa.state.tx.us/fmx/pubs/hold_guide/10-glossary.php#payee) that payment is being held by the Comptroller's office because of his or her debt to the state of Texas. The payee is advised upon receipt of this letter to contact The State of Texas Comptroller's office at 512-936-8138 for additional information. The letter also notifies the payee that the held warrant will be offset (applied to the liability owed) 30 days after the issue date on the Notice of State Payments Held letter if:

* the debt is not paid; or
* the warrant is not released at the request of the paying or hold source agency.

#### Holding a Payment

When a payment is issued to a payee on hold, the following actions occur:

* A warrant is printed and held at the Comptroller's office.
* The Notice of State Payments Held letter is generated by the Comptroller's office and mailed to the payee.
* The PYWRNT and PYWTHD screens are updated in TINS.
* The TINS 6206 and 6204 held warrant registers are generated.

When a payment is made and on hold to a payee, who is also set up for direct deposit, the direct deposit instructions are overridden, and a warrant is generated instead. The direct deposit instructions remain in suspense until the hold record is released. Direct deposit resumes automatically when the payee is released from hold, as long as the direct deposit instructions have not been deleted by the custodial agency.

#### Procedure to Release a Held Warrant

To release a warrant on hold, a TWC-VRS staff member must complete Form1777, Held Warrant Release Request, and submit it to [payables.vendorholds@twc.texas.gov](mailto:payables.vendorholds@twc.texas.gov) for processing. Note that in the 1777 Approvals section, the requestor and approver must be two different VR staff members. When the released warrant is received, Revenue and Trust Management (RTM) mails the warrant to the address shown on the warrant unless a Special Handling request has been received before the release of the held warrant.

## D-507: Payment Scheduling, Prompt Payment, and Provider Invoicing

### D-507-1: Payment Scheduling

Texas Government Code §2155.382(d) authorizes the Comptroller to allow or require state agencies to schedule payments the Comptroller makes to a vendor. All payment transactions contain a calculated due date of 30 days, as documented by date stamps on all payment documentation, after the later of:

* date invoice received by the agency; or
* date goods and/or services received and/or completed.

#### Exemptions

Payments exempt from mandatory scheduling include:

* employee payments and/or reimbursements;
* customer maintenance payments and/or reimbursements;
* respite care reimbursements to parents and/or guardians of customers;
* Business Enterprises of Texas (BET) manager payments and/or reimbursements;
* payments made to other state agencies;
* vendor billings offering early payment discounts; and
* single invoices totaling $5,000 or less.

All other payments fall under mandatory prompt payment scheduling.

### D-507-2: Prompt Payment Act

#### Introduction

Texas Government Code, Chapter 2251, Prompt Payment Law, requires the state Comptroller's office to automatically compute and pay interest owed to vendors for late payments processed through the Uniform Statewide Accounting System (USAS).

Interest will not accrue for replacement of a warrant when the original warrant is lost or stolen. Payments reissued are:

* flagged as reissued; and
* exempt from accruing interest penalties.

TWC-VR must make every effort to avoid penalty payments. Vouchers that incur interest payments reduce the agency's available money for other purposes.

#### Deadline

The prompt payment clock begins on the later of the date:

* service performed;
* receipt of goods and/or required report received;
* a valid invoice received; or
* notification that payment by a third party (insurance carrier and/or Medicare) will not be made (for VR vouchers only).

Because this notification may occur verbally, communications with the vendor must be documented in the case record (include name of the individual spoken with and date contacted). The date payment confirmation is obtained will become the new invoice receipt date.

The payment processing period ends on the date the Comptroller mails or distributes payment.

#### Penalty for Exceeding 30 Days

The Comptroller automatically calculates interest penalty at current rate. The calculation begins on the date after payment is due, as noted above.

To verify payment due date, the Comptroller has a Prompt Payment Interest Calculator at <https://fmx.cpa.texas.gov/fm/usas/prompay/ppicalc.php>. This calculator computes the:

* payment due date; and
* amount of interest owed.

#### Payment Documentation

The office initiating payment maintains documentation for VR purchases in accordance with the published retention schedule. Documentation must include, at a minimum:

* WRAPS requisition number or service record information;
* service authorization number; and
* receipt information, including:
  + packing slip date-stamped when received;
  + receipt number entered into WRAPS or date receipt entered into customer system;
  + if applicable, physician's report received and date-stamped upon receipt by the office;
  + if applicable, Medical and Health Explanation of Benefits (EOB) date-stamped upon receipt by the office;
  + documentation of requested services completed and accepted by TWC-VRS, including date of completion and acceptance;
  + original vendor invoice date-stamped upon receipt by the office (if original is unavailable, the invoice of record must contain the statement "ORIGINAL INVOICE UNAVAILABLE");
  + complete documentation on all disputed invoices; and
  + payment voucher number.

Note:  This policy applies to all payment vouchers and includes both subsystem vouchers and purchase vouchers.

## D-508: Payment After Close of a Fiscal Year and Miscellaneous Claims

After the close of a fiscal year, Texas Workforce Commission has 23 months to process all payments for goods and services received during that state fiscal year. For example, goods and services provided during Fiscal Year 2019, which ended on August 31, 2019, must have been paid for by July 31, 2021, unless otherwise directed by Finance department staff. If payment is not processed within this time, the vendor must follow current Texas Comptroller of Public Accounts procedures regarding miscellaneous claims in order to receive payment.

Invoices for services to customers may arrive after the state fiscal year in which the purchase was authorized in RHW has ended. The procedure for paying these invoices differs depending on the amount of time that has elapsed since the end of the fiscal year in which the SA was issued.

* Invoices for SAs issued during the previous fiscal year may be paid in RHW through August 31 of the current fiscal year. These invoices must be authorized in RHW in sufficient time for the Comptroller to issue payment on or before August 31.
* For invoices for SAs issued during the year before the previous fiscal year, VR staff should send payment requests using the following procedures:
  + Send a request for payment, along with a copy of the SA and the invoice, to [VR.Budget@twc.texas.gov](mailto:VR.Budget@twc.texas.gov). The invoice should be signed, and the payment amount should match the payment requested on the invoice.
  + Send a separate request for each invoice for which you are requesting payment.
  + Include the following information for each payment request:
    - SA Number
    - Cost Center
    - Approval to Pay
    - Customer Name
    - RHW Case ID
    - Amount to Pay
    - Invoice Number
    - Reason for late payment request
* Any invoice received for services and/or goods authorized before the timeframes listed above may be processed by the Comptroller's office only upon submission of a Miscellaneous Claims application.
  + It is the vendor's responsibility to submit the Miscellaneous Claim Application to the Comptroller's office. (Instructions for completion and submittal of the application are contained on the form.)
  + Once the Comptroller's office receives the application, it will contact the TWC Finance Division for approval of the claim.
  + Claimants can contact the Comptroller's office regarding all requests for miscellaneous claims at misc.claims@cpa.state.tx.us or 800-531-5441, ext. 3-4724.[misc.claims@cpa.state.tx.us](mailto:misc.claims@cpa.state.tx.us)

## D-509: Texas Identification Numbers and Vendor Maintenance

### D-509-1: Overview

Entities (that is, sole owner, individual recipient, partnership, corporation or other organization) billing TWC for goods or services or that receive payment for refunds or public assistance must have a Texas Identification Number (TIN). The State Comptroller requires the TIN on requests from any party receiving payment from the State of Texas. The TIN provides information about:

* who is to receive payment;
* where to send the state warrant; or
* what bank account to deposit funds.

An SA and a payment cannot be processed until the payee is established in WRAPS. WRAPS interfaces the vendor file with:

* Comptroller TINS System;
* RHW; and
* HCATS.

An active TIN is required for:

* IRS reporting;
* procurement reporting;
* contract award;
* award of SA's; and
* payment processing.

### D-509-2: Basis of Identification Number

TINs for individual recipients (customers) are established by using random numbers assigned by the Comptroller, when based on a Social Security number (SSN).

TINs for sole owners may be established using either a:

* random number assigned by the Comptroller, when based on an SSN; or
* Federal Employers Identification Number (FEIN).

TINs for partnerships, corporations, or professional associations are established using the FEIN assigned by the IRS for tax purposes.

### D-509-3: TIN Structure

Each 14-digit TIN has the following components:

* Prefix (digit 1)
* Payee number (digits 2–10)
* Check digit (digit 11)
* Mail code (digits 12–14)

The prefix identifies the payee number type:

* 1 = FEIN issued by the IRS.
* 7 = a random number assigned by the Comptroller to be used instead of the payee's SSN when the TIN is based on an SSN.
* 3 = a number the Comptroller assigns for special purposes or temporarily when there is no FEIN or SSN.

The check digit is calculated from the TIN type and payee number. This number is used to verify the correct TIN has been entered.

The mail code is assigned by the Comptroller to identify the payment location. The mail code allows the payee to receive payments at different locations for paper warrants or into different bank accounts for electronic payments.

### D-509-4: Inquiring on a Provider

To inquire whether a provider is active in WRAPS, VR staff should email VR RHW Provider Services at [vr.rhw.providerservices@twc.texas.gov](mailto:vr.rhw.providerservices@twc.texas.gov).

Provide the vendor TIN and the complete name of the vendor.

## D-510: Retrieving and Disseminating Criminal History Record Information

VR has the authority to obtain customers' computerized criminal history (CCH) records from the Texas Department of Public Safety (DPS) for the purpose of employment planning (Texas Government Code §411.117). VR must adhere to the requirements contained in this section (VRSM D-510), in VRSM B-405: Computerized Criminal History Checks, in TWC Privacy Manual Appendix G - Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures, and in the TWC Privacy Incident and Response Plan; the last three resources are on the TWC SharePoint.

### D-510-1: Security

Confidentiality of CCH records is required. Only authorized individuals with DPS Secure Site Access can run a search for records. Authorized individuals without DPS Secure Site Access can only request, obtain, and view CCH records for the purpose of vocational rehabilitation and employment planning purposes. All authorized individuals must complete and maintain a valid security level training certificate from the Criminal Justice Information Services (CJIS) Security Awareness Online Training System.

The term "authorized individual" includes:

* Caseload Carrying VR Staff including Unit Support Coordinators, Transition Vocational Rehabilitation Counselors, Vocational Rehabilitation Counselors, and Caseload Covering Vocational Rehabilitation Counselors.
* Management Unit Staff including Vocational Rehabilitation Supervisors and Vocational Rehabilitation Managers.
* Regional Office Staff including Regional Directors, Deputy Regional Directors, Program Support Managers, Regional Program Specialists, Regional Transition Specialist, Regional Blind Services Specialists, Regional Program Improvement Specialists, Employment Assistance Specialists, and Regional Points of Contact Staff for CCH.
* State Office Staff including the Program Policy and Support (PPS) Program Manager, designated State Office Program Specialist(s) for CCH, and the Director of TWC Business Operations.

An authorized individual must ensure that:

* records cannot be viewed by others, either in hard copy or while visible on the computer screen (hard copies of CCH results obtained prior to 07/01/2022 must be kept in a confidential and secure location); and
* all electronic copies are destroyed by:
  + deleting them from the Inbox/Sent folder as applicable; and
  + deleting them from the Deleted folder

Refer to VRSM D-307: Processing Closed Case Files for more information about hard copy destruction requirements.

It is administratively prohibited to access the DPS secure site via a mobile device (for example, a smartphone or tablet).

Employee violations on protecting the confidential nature of customer records are grounds for appropriate disciplinary action. Unauthorized use of the CCH system may result in disciplinary action and/or criminal penalties as outlined in the TWC Privacy Manual and the TWC Personnel Manual, which are both located on the intranet.

### D-510-2: Roles and Responsibilities

DPS account supervisors are responsible for ensuring that DPS Secure Site users are using the site appropriately. Periodic monitoring is required to assess request patterns.

Requestors are VR staff members who request CCH searches. Requestors are responsible for following and complying with VRSM B-405: Computerized Criminal History Checks.

Secure site users ([Points of Contact for Computerized Criminal History Reports](https://intra.twc.texas.gov/intranet/vrs/docs/criminal-history-request-contacts.docx)) are responsible for ensuring that a request is appropriate (for example, confirming that a CCH search request from field personnel is for a legitimate vocational need for a customer assigned to the individual's caseload). Secure site users are responsible for retrieving criminal history record information (CHRI) for requestors from the assigned region. Secure site users must maintain the VR1510, Request for Computerized Criminal History (CCH) Search, as an auditable file for the purpose of DPS monitoring. The VR1510 must include the name of the requestor, the date of the request, and the justification for the request. Customers must have an open case for a CCH search to be run and been determined eligible for VR services. CCH searches must not be run for customers in initial contact or application. Refer to Points of Contact for Computerized Criminal History Reports located on the intranet.

State office staff:

* serve as a backup to the regional points of contact responsible for CCH searches, oversight, and monitoring;
* provide statewide monthly activity reports due to the TWC accounting department;
* act as a conduit for information and support as needed by other authorized DPS system users; and
* process all fingerprint-based CCH requests directly with field staff.

### D-510-3: Receiving Requests

The requestor fills out the VR1510, Request for Computerized Criminal History Search and sends it to the Regional or State Points of Contact for Computerized Criminal History Reports via encrypted email using the subject line <ENCRYPT> Background Check Request.

A copy of the VR1510 must be kept in a confidential and secure location by the secure site user who retrieved the CHRI from the DPS secure site and must be maintained for audit purposes for seven years after the case is closed. The VR1510 must include the name of the requestor, the request date, and the justification for the request.

For more information, refer to VRSM B-405: Computerized Criminal History Checks.

### D-510-4: Conducting a Search

Note: A CCH search must only be conducted through TWC-issued computers. It is administratively prohibited to access the DPS secure site via a mobile device (for example, a smartphone or tablet).

Staff should search all known names and date of birth first, then use the customer's Social Security, Texas driver license, or Texas ID card number to narrow the results. VR staff may need identifying characteristics such as tattoos or eye color to narrow the results.

Once VR staff obtains a record, if there has been no disposition (for example, the case is still in court and no decision has been reached for months) or the customer does not agree with the information on the record, staff refers the customer to the DPS Crime Records Service site to obtain an error resolution form using the "[Help Us Help You](https://www.dps.texas.gov/sites/default/files/documents/administration/crime_records/pages/helpushelpyou.pdf)" link.

If the customer insists that he or she has a criminal record but no record is returned, it is possible that a local arresting authority has not reported the record to DPS. The customer must be directed back to the local authority. If the crime was in another state, the customer will need to be processed via the fingerprint-based CCH method in order to retrieve the record.

Fingerprint search requests must be directed to the State Office Program Specialist(s) for CCH for instructions on that process. These records are subject to the same security procedures and confidentiality restrictions as CCH searches.

### D-510-5: Responding to a Request

All requests made to secure site users must be handled within three business days.

Secure site users should cut and paste the criminal record, or the search result showing that no criminal record was found, into a blank Word document. The document must then be attached and forwarded to the requestor in an email with the subject line <ENCRYPT> CCH Response to ensure that it will be encrypted automatically.

Secure site users should include the following message in the email:

"The CCH record you requested is attached and is for vocational rehabilitation (VR) planning purposes only. The VR counselor can only discuss the fingerprint-based CCH results with the customer. After discussing fingerprint-based CCH results, the VR counselor must immediately destroy the results (for example, deleting them from email and then deleting them from the Deleted folder in the email application, such as Outlook) immediately after the criminal history record has served its immediate purpose. VR may release the fingerprint-based CCH results to the customer or customer’s representative if there is a valid release or written request prior to the destruction of the fingerprint-based CCH results by the VR counselor. The name-based CCH results are not to be discussed or printed for any reason. For information about release of these records, refer to VRSM A-208-2: Release of Customer Criminal History Records. The name-based or fingerprint-based CCH result must not to be stored in a paper case file or the customer’s virtual case file under any circumstances."

A response template must instruct the requestor to use the same process to delete the criminal history information from the electronic system.

### D-510-6: Fingerprint Procedures

If verification cannot be made based on a customer's name, the secure site user instructs the VR staff to submit a completed and signed VR1510, using the standard encryption method, to the State Office Program Specialist(s) for CCH to complete a fingerprint search request.

The state office program specialist(s) for CCH reviews the VR1510 and the case to ensure that all policies have been followed.

VR staff helps the customer schedule the fingerprinting appointment at <https://uenroll.identogo.com/> using the service code provided by the state office program specialist.

VR staff sends an email to the state program specialist with the following information:

* The date and location of the fingerprinting appointment
* The customer's name
* The case ID
* The purpose of fingerprinting (for example, "for customer's practicum")

VR staff directs the customer to take a photo ID and Social Security number in addition to the dates and information on any arrest history when the customer goes to the fingerprinting appointment. Please refer to the list of [acceptable forms of identification for fingerprinting by DPS](https://www.dps.texas.gov/sites/default/files/documents/administration/crime_records/docs/proveidforfingerprinting.pdf).

VR staff informs the customer that a fee (approximately $15–$25) may be required at the time of the appointment. VR pays the balance of the cost at the State Office.

Once the report is obtained from the secure site, the state office program specialist follows the procedures in VRSM D-510-5: Responding to a Request.

### D-510-7: Procedure for CCH Verification Log

The CCH verification log is required by the Department of Public Safety (DPS) to track CCH requests. The log should be maintained by regional and state points of contact for conducting the initial CCH from Audit to Audit.

Regional points of contact (found on the intranet) keep a copy of the VR1510, Request for Computerized Criminal History (CCH) Search received from requestors in a confidential and secure location. Regional points of contact are also responsible for maintaining the CCH verification log. Regional points of contact submit their monthly CCH verification logs to the State Office Program Specialist(s) for CCH.

When conducting a CCH, the CCH verification log should contain the following information elements:

* Name of customer
* Purpose of CCH
* Reference# (ReHabWorks Case ID)
* Check whether CCH Printed/Not Printed
* Date Printed
* Initials of person conducting the CCH

If the CCH is printed, the log must be updated with the following information when the CCH is destroyed.

* Date Destroyed
* Initials of the person who destroyed the CCH.

The State Office Program Specialist(s) for CCH is responsible for maintenance and retention of monthly CCH logs in a confidential and secure location from Audit to Audit. Once the audit has occurred, logs can be destroyed. Any log moving forward from the day of the audit needs to be kept until the next audit.

## D-511: Systems Access—Processing of IT1260 Forms

Hiring managers, supervisors, or other delegated staff members are responsible for completing and submitting IT1260 Information Technology Access Service Request for TxROCS and ReHabWorks to VR RHW Support to add, update, or remove access to VR systems (such as ReHabWorks (RHW), RHW Reports, and TxROCS). The VR RHW Support team in VR Program Operations department is responsible for reviewing submitted IT1260 forms and ensuring that submitted user role requests are accurate and appropriate.

To review current user role assignments in RHW, the staff member selects the Admin tab, selects User Access, and selects User Search.

### D-511-1: Access Control Review

VR RHW Support processes IT1260 forms submitted for new hires and new users, users transferring to a different position or role, interns, volunteers, and temporary employees. For new users and user updates, VR RHW Support reviews and verifies the identified approving manager or supervisor and the user roles selected for the user.

Hiring managers, supervisors, or other delegated staff members send IT1260s for terminations to VR RHW Support to maintain caseload and organizational structure and confirm inactivation.

### D-511-2: Adding New Users Employee User Type

VR RHW Support reviews and compares user roles requested on the IT1260 with the approved user role documents (RHW and TxROCS approved lists).

When corrections are needed, VR RHW Support returns the IT1260 to the staff member who submitted the request, noting the necessary corrections. Once the corrected IT1260 is received, it is submitted to Access and Identity Provisioning (AIP). AIP notifies VR RHW Support when the IT1260 has been processed, after which VR RHW Support verifies the completion of the update in RHW.

Interns, Volunteer, Temporary, and Contractor User Types

Interns, Volunteers, Temporary, and Contractor employees are assigned a unique user type. VR RHW Support reviews the requested user role access and verifies that the correct user roles are included on the IT1260, based on the approved user role documents.

When corrections are needed, VR RHW Support returns the IT1260 to the staff member who submitted the request, noting the necessary corrections. Once the corrected IT1260 is received, it is submitted to AIP. AIP notifies VR RHW Support when the IT1260 has been processed, at which point VR RHW Support verifies the completion of the update in RHW.

### D-511-3: User Transfer/Updating Existing Users

To ensure that old user roles are removed for transferred employees, an IT1260 is submitted to VR RHW Support. VR RHW Support reviews current user role access and verifies that the correct user roles to be added and/or removed are noted on the IT1260, based on the approved user role documents.

When corrections are needed, VR RHW Support returns the IT1260 to the staff member who submitted the request, noting the corrections. Once the corrected IT1260 is received, it is submitted to AIP. AIP then notifies VR RHW Support when the IT1260 has been processed, and then VR RHW Support verifies the completion of the update in RHW.

### D-511-4: Terminating Users

The Supervisor, Manager, or delegated staff follows TWC policy for processing terminations through CAPPS and submits the IT1260 for termination to AIP and VR RHW Support. AIP receives and processes the termination request to disable the account and remove all access. VR RHW Support processes IT1260s for terminations to make necessary updates to caseload and organizational maintenance, as applicable.

VR RHW Support verifies the effective date of the termination in RHW. If the date is not in RHW, VR RHW Support submits the IT1260 to AIP to process the termination.

### D-511-5: User Role Resources

For more information on user roles for VR systems, refer to the following:

* Approved RHW User Roles (located on the intranet)
* TxROCS User Role Table (located on the intranet)
* RUG F-702 Data Configuration Control (located on the TWC SharePoint)
* IT1260 Access Service Request for TxROCS and ReHabWorks (located on the intranet)
* IT1260 Instructions (located on the intranet)