# PART B, CHAPTER 2.1: OVERVIEW OF THE VR PROCESS

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part B, Chapter 2.1 | 34 CFR [Part 361 Subpart B](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361#subject-group-ECFR8c5f55ccf5c0da2), and TWC Rule [§856 Subchapter B](https://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=40&pt=20&ch=856&sch=B&rl=Y) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to TWC-VR's process from program entry to program exit. Part B includes the linear process in which individuals with disabilities will follow, including how TWC-VR services are provided with the ultimate goal of competitive integrated employment. Though there is a linear process, TWC-VR provides individualized services to all customers in which circumstances and needs may change over time.

## DEFINITIONS

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to all stages of the VR process.

Personal Identification Number (PIN): A four-digit number assigned to a customer, representative, and/or parent guardian and is used to sign documents in ReHabWorks electronically.

Vocational Rehabilitation Team: A group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer to make informed decisions to reach their employment goal.

## POLICY

### General Overview

TWC-VR is an eligibility-based program which includes a basic process for referral, application, eligibility, Individualized Plan for Employment (IPE), service provision, and exit. TWC-VR staff must convey the program's purpose, the process, and roles and responsibilities at the first meeting with an individual and throughout the life of the case. The VR Counselor should clearly explain that the expectation for partnership between the VR Counselor and the customer, through informed choice, is to achieve the goal of competitive integrated employment (CIE).

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 upon which the VR Counselor and the customer have agreed.

### Qualified Vocational Rehabilitation Counselors

VR is a dynamic process with a measurable outcome of CIE. It uses an individualized model that comprises counseling methods and parameters within which the VR Counselor operates. VR Counselors with specialized skills and training to make decisions that support CIE outcomes for customers are the cornerstone of successful rehabilitation.

VR Counselors are required to meet the Comprehensive System of Personnel Development (CSPD) standard under the Qualified Vocational Rehabilitation Counselor (QVRC) Program.

### Roles and Responsibilities

TWC-VR works as a team and is comprised of a group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer to make informed decisions to reach their employment goal. The members of the TWC-VR team will change as the customer's needs and services evolve; however, the team will always include the customer and the VR Counselor. Members of the TWC-VR team include the following as appropriate:

* Customer: TWC-VR customers are expected to actively engage in all stages of the VR process by—
	+ Demonstrating motivation through active participation and consistent communication with the VR Counselor;
	+ 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.
* VR Counselor: VR Counselors have a unique skill set and specialized training to serve individuals with disabilities. This includes an extensive knowledge of disability and an understanding of the disability-related supports necessary to help TWC-VR customers reach their employment goals. This knowledge is combined with an understanding of the local labor market, business trends, and employment law.
	+ Partnerships: The VR Counselor partners with the customer, providers, employers, and community resources to help customers reach their employment goals.
	+ Purchasing: The VR Counselor must apply best value purchasing practices and use available comparable services and benefits to ensure effective use of public funds throughout the VR process.
	+ 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-aged youth).
* Courtesy Counselor: A Courtesy Counselor provides TWC-VR services to a customer who is receiving services outside the customer's home area. When a Courtesy Counselor is assigned to provide additional support for a customer, they may have similar responsibilities and provide similar services, but they maintain constant communication with the assigned VR Counselor.
* Rehabilitation Assistant: The Rehabilitation Assistant (RA) supports both the VR Counselor and the customer throughout the process by coordinating services approved by the VR Counselor, collecting information, caseload support, and more.
* VR Supervisors and Managers: The VR Supervisor(s) and Manager work together to provide support, direction, and oversight of direct customer services for their assigned unit.
* 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. They ensure case movement, payment to vendors, leadership, professional development, subject-matter expertise, and more.
* Consultants: TWC-VR staff have access to both internal and external consultants for specialized support (e.g., medical, psychological) in decision making throughout the VR process.
* Providers: Descriptions of providers' roles and responsibilities are outlined in the Standards for Providers Manual (SFP).

### PIN and Signatures

Applicants, (including the applicants’ parents, guardians, and representatives, as applicable), eligible individuals, and customers applying for services are required to establish a PIN. 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. Forms and documents can be signed with a handwritten signature.

### Frequency of Contacts

TWC-VR is committed to maintaining regular communication and to being responsive to the evolving needs of potentially eligible students with disabilities, applicants, eligible individuals, and customers receiving services in an IPE. The frequency of contact (FOC) is determined by the unique circumstances and needs of each customer. The minimum FOC requirement is established for customers receiving services in an IPE and can be adjusted as necessary throughout the duration of the case. The VR Counselor must make a good faith effort to meet the established FOC for each customer.

In cases where there is a change in FOC resulting in more frequent contact, no amendment to the IPE is required. However, if the change in FOC results in less frequent contact, an amendment to the IPE is necessary.

TWC-VR staff must adhere to the guidelines outlined in the TWC Privacy Manual and throughout the VRSM. Additionally, while text messages and emails from the Semi-Autonomous Research Assistant (SARA) are secure, TWC-VR staff must refrain from transmitting sensitive information, such as personal identifying information (PII), to customers through non-secure channels. Text messaging, even when sent from an agency device, is not considered a secure form of communication.

### Exceptions to Policies

When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### PIN and Signature Procedures

* Establishing a PIN: RHW automatically assigns the last four digits of a customer's SSN as a pseudo 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 the PIN is reset throughout the life of the case.

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

* Parent or Guardian Signature: The signature of either a parent or guardian is required when the customer is a minor (i.e., under 18) or legally incompetent and assigned a legal guardian. An exception to this requirement is an individual who is under 18 and legally married. Under Texas law, that individual 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.

Generally, a foster parent is not the legal guardian for their 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.

When required, the parent or guardian sets a PIN in RHW.

When required, TWC-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.

* Representative's Signature: A customer or their legal guardian may designate an individual to serve as their representative in all or part of the VR process. The representative may be authorized to sign documents, speak on the customer's behalf, or serve in other capacities indicated on the *Designation of Applicant or Customer Representative (VR1487)*. 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 required, TWC-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.

* When TWC-VR Staff Members May Enter a PIN on Behalf of a Customer: A PIN is the equivalent of a legal signature. TWC-VR staff must not enter it in RHW without the direct consent and involvement of the customer. The only circumstances under which TWC-VR staff 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 TWC-VR staff enter a pseudo PIN on their behalf; or
	+ The customer cannot physically enter a PIN.

TWC-VR staff document in a case note the use of the pseudo PIN and the reason for using it.

* 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:
	+ When a Customer Has a PIN: If the customer has already set their 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 their PIN, the VR Counselor enters the information from the signed paper form into RHW and enters the pseudo PIN (last four digits of SSN) to sign the RHW form.

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

* Documentation: The following signed paper documentation must be kept in the paper case file, even after recording the information in RHW:
	+ Application;
	+ Trial Work Plan;
	+ Trial Work Plan amendment;
	+ IPE; and
	+ IPE amendment.
* When the Customer Is Not Present: A customer does not have to be present in the office to complete forms and processes.

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

* + Verify permission directly with the customer;
	+ Reset the PIN to the last four digits of the customer's SSN; and
	+ Document the reason for resetting the PIN in a case note.

The next time the customer is in the office and RHW is available, the VR Counselor—

* + Asks the customer to reset the PIN to a new number; and
	+ Documents the action in a case note.
* Customer Cannot Physically Enter the PIN: When a customer cannot physically enter a PIN in RHW, TWC-VR staff—
	+ Asks a coworker to serve as a witness;
	+ Enters the witness's name in RHW in the appropriate space; and
	+ Enters a PIN for the customer.
* Signature Procedures: When signatures are required, TWC-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 (e.g., Adobe, DocuSign); 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.

When obtaining an email from the applicant or customer indicating agreement for their signature, TWC-VR staff must document that the applicant or customer has reviewed the form and authorized the VR Counselor to sign on their 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.

### Approvals and Consultations Documentation

All required approvals, consultations, notifications, and reviews must be—

* Submitted through the requester’s direct chain of command;
* Considered incomplete until it is documented in RHW; and
* Documented prior to including the good or service on an IPE and/or issuing a service authorization.

Approval Request: The "Add to Topic" for a request should include the specific good or service. The case note content must include the following:

* What is being requested (include specific good or service, provider, and anticipated dates of service);
* Circumstances supporting the request; and
* Name and job title of requester.

Approval Response: The "Add to Topic" for an approval or denial should include the specific good or service and the decision (i.e., "approved” or "denied"). The case note content must include the following:

* Parameters of the approval or denial (Include specific good or service, provider, and when applicable, the date range of the approval.);
* Type of review completed in TxROCS (if applicable); and
* Name and job title of staff making decision.

As part of the approval decision, the TWC-VR staff member approving or denying the request should ensure that—

* The good or service is clearly connected to and supportive of vocational objective;
* Purchase is included in the IPE, IPE amendment, or in a service justification case note for goods/services for potentially eligible customers or prior to an IPE;
* Exploration and application of available comparable benefits is documented; and
* Required consultations have been completed, when applicable.

Consultation/Review: The "Add to Topic" for a consultation should include the specific good or service. The case note content must include the following:

* The parameters of the consultation including specific good or service, provider, the date range of service (when applicable), and specific recommendations;
* Type of review completed in TxROCS (if applicable); and
* Name and job title of staff providing consultation.

Required consultations and approvals must be documented in RHW by entering an Approval Response case note or completing the appropriate RHW Purchase Approval Workflow in RHW. Questions about required consultations and approvals can be submitted to the vrsm.support@twc.texas.gov or to the appropriate Regional or State Office Program Specialist.

### Delegating Required Actions

Required actions that are assigned to TWC-VR staff at the unit level must be completed by the identified TWC-VR staff member (i.e., VR Counselor, VR Supervisor, or VR Manager) or a TWC-VR staff member that is at an equivalent or higher level of supervision.

A Regional Director (RD) can delegate a required action to a TWC-VR staff member that is at an equivalent or higher level of supervision or the Deputy Regional Director (DRD).

State Office Management, including TWC-VR Executive Management, can delegate required actions to other State Office Management, regardless of their level of supervision.

If there is more than one approval needed for one service (e.g., VR Manager approval required for out-of-state training and VR Supervisor approval for an exception to the limitations on out-of-state training fees), TWC-VR staff may combine them into one approval with the highest level of supervision required providing the entire approval. However, if there are two distinctly separate services (e.g., out-of-state training and cochlear implant surgery), approvals should be documented separately.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the approvals and consultations listed in each VRSM chapter.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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