# PART C, CHAPTER 16.6: OCCUPATIONAL LICENSES

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 16.6 | 34 CFR [§361.48(b)(16)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(16)), and TWC Rule [§856.51](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=51) | 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 providing TWC-VR purchased services and supports to assist a customer in obtaining or maintaining an Occupational License.

## DEFINITIONS

Occupational License: 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.

Practitioner: An expert who uses that knowledge as part of a profession.

## POLICY

### General Overview

Occupational licenses authorize individuals to engage in specific professions or occupations. These licenses are typically required to ensure that practitioners meet certain standards of competency, skill, and ethical conduct to protect public health, safety, and welfare. Occupational licensing requirements vary widely depending on the profession and jurisdiction, with some occupations requiring rigorous education, training, and examination processes, while others may have less stringent requirements.

Occupational licenses often involve a combination of education, experience, and examination components to assess an individual's qualifications and competence in their chosen field. Once obtained, the license may need to be renewed periodically through continuing education or other requirements to ensure practitioners stay current with developments in their profession.

Occupational licensing serves several purposes, including—

* Protecting the public needing services by ensuring that practitioners meet minimum standards of competency and ethical conduct;
* Providing assurance to employers and the public that practitioners have the necessary skills and qualifications to perform their jobs effectively;
* Regulating entry into certain professions to maintain quality and standards within the industry;
* Facilitating accountability and disciplinary action in cases of professional misconduct or incompetence.

### Prohibited Factors

TWC-VR has limitations on funding when it comes to Occupational Licenses.

TWC-VR will not fund the following:

* State or municipal tax assessments on occupations;
* Dues to a professional association or trade union unless paying the dues meets best-value purchasing criteria and the VR Counselor can justify the purchase as critical to the success of the customer's employment; and
* Organizations that financially support a lobbyist.

TWC-VR will purchase fees for the following when in alignment with employment goal listed on the customer’s IPE:

* Licenses; and
* Required examinations;
* Required registrations.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on occupational licensing and related costs unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-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 unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: 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

### Purchasing Occupational Licenses

TWC-VR staff must attempt to establish the licensing entity as a provider to pay directly for applicable services.

If the licensing agency/entity declines to be established as a provider for any reason, or if they have a hold through the comptroller and cannot be paid, alternative options must be explored. If no other acceptable options are available, the justification for paying maintenance to the customer is required to be documented in case notes.

### Service Justification

The VR Counselor documents the justification for providing any occupational licensing support, in addition to including the justification in the Individualized Plan for Employment (IPE).

If the VR Counselor believes that payment to a professional association or trade union is critical to the success of the customer's employment, they must enter a case note that explains the justification and document they have checked that the association or trade union does not financially support a lobbyist.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**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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