# PART C, CHAPTER 2.2: COMPARABLE SERVICES AND BENEFITS

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 2.2 | 34 CFR [§361.53](https://www.ecfr.gov/current/title-34/section-361.53), [§361.5(c)(8)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(8)), and TWC Rule [§856.71](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=71) | 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 the requirement for determining whether comparable services and benefits exist under any other program and if they are available to the customer.

## DEFINITIONS

Best Value Purchasing: Purchasing the least expensive services that meet the customer's vocational needs. Also known as the acquisition cost. Determining the acquisition cost ensures staff consider all factors that influence the total cost and value to both the customer and TWC-VR.

Normal Living Expenses: Items such 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.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including seeking the availability of comparable services and benefits.

## POLICY

### General Overview

Comparable services and benefits are resources provided or paid for, in whole or by part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits.

Comparable services and benefits do not include the following:

* 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 TWC-VR services, prior to providing any service (unless otherwise noted), 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. These resources must be available to TWC-VR customers at the time needed and must be commensurate with the services that the customer would otherwise receive from TWC-VR. When comparable services and benefits are available, these resources must be used for planned services before using TWC-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 following:

* Progress of the customer toward achieving the employment outcome identified in the Individualize Plan for Employment (IPE);
* An immediate job placement; or
* Provision of TWC-VR services to any customer who is determined to be at extreme medical risk, based on medical evidence provided by an appropriately qualified medical professional.

### Exempt Services

While all available resources should be utilized to ensure compliance with 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;
* VR counseling and guidance, including assisting the customer in exercising informed choice;
* Referral and other services to secure needed services from other agencies, including TWC programs;
* Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
* Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and
* Post-employment services consisting of the services listed above.

### Insurance as a Comparable Benefit

TWC-VR is the payor of last resort. Comparable benefits and the customer's required participation in the cost of services must be applied before TWC-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 TWC-VR is paying a portion of the total amount owed to the provider, TWC-VR may pay an amount equal to the customer's copayment, coinsurance, or deductible due.

TWC-VR payment must not exceed—

* Amount allowed by the customer's insurance;
* Allowable TWC-VR rate; or
* TWC-VR contract rate, whichever is less.

### Additional Policy Consideration

* 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

### 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 the following documentation in ReHabWorks (RHW):

* Case notes;
* Service records;
* IPE or IPE amendments; and
* Closure Services page.

Copies of documents related to approval or denial of comparable services and benefits must be filed in the customer's case file.

Support goods and services necessary for the customer to reach the identified employment goal and are provided by a comparable benefit must be documented by an arranged service record in RHW.

### Comparable Services and Benefits Types

The following can be selected to document the use of comparable benefits when service records, IPEs, and Closure Services pages are developed in RHW:

* 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 (except merit-based scholarships);
* 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—Medically Dependent Children Program (MDCP) In-Home, Community Living Assistance and Support Services (CLASS) and Family Support Services;
* Welfare Agency (State or local government); and
* Worker's Compensation.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *VR Manager approval is required for any exceptions to the use of available comparable services and benefits as outlined in this policy. Otherwise, no exceptions are allowed to this policy*.

**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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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |