# PART C, CHAPTER 3: VR COUNSELING AND GUIDANCE SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 3 | 34 CFR [§361.48(b)(3)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(3)), [§361.18](https://www.ecfr.gov/current/title-34/section-361.18), TWC Rule [§850.11](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=850&rl=11), and [§856.42](https://texreg.sos.state.tx.us/public/readtac$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=42) | All TWC-VR staff, particularly VR Counselors | 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 that all customers of TWC-VR are receiving VR counseling and guidance to assist them in exercising informed choices and achieving an appropriate employment outcome.

## DEFINITIONS

Counseling: Assisting the customer through appropriate modes of communication to deal effectively with important issues or concerns related to their vocational rehabilitation program to help them achieve employment. This involves communication, goal setting, and beneficial growth or change through self-advocacy, and through psychological, vocational, social, and behavioral interventions.

Guidance: Giving the customer information and acting as a coordinator and advocate; less formal than counseling. Guidance involves providing information on available TWC-VR services and other comparable benefits provided by community organizations, supports needed to exercise informed choice, and assistance in understanding rights, responsibilities and the expectations of TWC-VR.

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. Informed choice is facilitated by VR counseling and guidance to help customers obtain the knowledge, skills, and experiences needed for career choice, preparation, and advancement.

## POLICY

### General Overview

VR counseling and guidance, including information and support services to assist a customer in exercising informed choice, is a core service of TWC-VR, provided throughout the rehabilitation process to help customers obtain the knowledge, skills, and experiences needed to make informed decisions about career choice, preparation, and advancement. A VR Counselor works with the customer to identify existing employment skills, soft skills, transferable skills and to review the local labor market information. This process helps the VR Counselor and customer develop an agreed upon employment goal that is consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests.

The VR Counselor and the customer work together to address disability-related barriers in order to obtain and successfully maintain competitive integrated employment (CIE). As a VR Counselor, it is imperative to provide thorough VR counseling and guidance to inform and educate each customer about employment options and the available services and supports to help achieve their employment goals.

### Counseling and Guidance throughout the VR Process

VR Counselors provide counseling and guidance during all stages of the VR process, from application to case closure. Because TWC-VR provides services to eligible individuals with various disability types and causes, generational age groups, ethnic and racial groups, all with unique circumstances, VR Counselors must tailor the level and frequency of counseling and guidance to each customer's individualized needs.

When a customer is receiving services in an Individualized Plan for Employment (IPE), VR counseling and guidance must be included as a service provided directly by TWC-VR (i.e., in-house).

### Ethical Considerations

As described in the Commission on Rehabilitation Counselor Certification (CRCC) Code of Professional Ethics for Rehabilitation Counselors, VR Counselors "practice only within the boundaries of their competence, based on their education, training, supervised experience, professional credentials, and appropriate professional experience."

TWC-VR’s counseling and guidance services should not be interpreted or misrepresented as psychological/mental health therapy or treatment. Customers who need more intensive therapy or treatment must be referred to an appropriate provider who is qualified to perform these services under their professional scope and licensure.

### Additional Policy Considerations

* Comparable Services and Benefits: VR counseling and guidance services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
* Customer Participation in the Cost of Services: VR counseling and guidance services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
* 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

### Providing VR Counseling and Guidance

VR counseling and guidance can be provided to customers throughout the VR process; however, VR Counselors must follow different requirements, depending on which stage of the process the service occurs. VR counseling and guidance must be documented in a case note or series of case notes.

* Prior to an IPE: Counseling and guidance is often necessary during the assessment for determining both eligibility for TWC-VR services and when developing the IPE. The VR Counselor documents the service in case notes, or a series of case notes, when documenting the results of assessments, sessions with the customer, and the manner in which the service was provided (e.g., exercising informed choice to determine the employment goal).
* After an IPE: When a customer is receiving services in an IPE, VR counseling and guidance must be listed as a service provided by TWC-VR. VR counseling and guidance must be documented in a case note within 7 calendar days of completing the initial IPE.

The level and frequency of VR counseling and guidance must be clearly explained on the comprehensive assessment case note, included in the IPE and individualized to meet the customer’s needs but must not exceed 180 days. The level and frequency may change as needed throughout the life of the case, and must be provided, at a minimum, at the frequency agreed to by the VR counselor and customer as indicated on the customer’s IPE.

If the frequency of VR counseling and guidance changes from a lower number of days to a higher number of days, an IPE amendment is required. If the frequency of VR counseling and guidance changes from a higher number of days to a lower number of days, an IPE amendment is not required.

Customer contacts that are not VR counseling and guidance 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. 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.

### Aspects of Counseling and Guidance

VR counseling and guidance addresses, but is not limited to, one or more of the following topics:

* Customer's strengths and limitations in relation to their disability and barriers to employment;
* Transferable skills and how they might be applied to overcome a customer's barriers to employment;
* Selection and/or maintenance of a CIE goal with information that allows the customer to make appropriate informed choices among employment options and career paths based on realistic and up-to-date labor market information;
* Customer's self-awareness regarding barriers to productivity and possible reasonable accommodations at their place of employment;
* Development of self-advocacy skills needed for taking responsibility for continued career success; and
* Relevant support services and access to those resources for continued success in employment.

The essential aspects of counseling and guidance include, but are not limited to, the following:

* 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 and make progress in an IPE.

The services provided by the VR Counselor, including VR counseling and guidance, drive the customer's movement through the VR process, assist with the customer making informed choices, support the employment goal, and address the functional capacity limitations of the disability.

### Communication Strategies

VR counseling and guidance 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 and alternate formats.

The VR Counselor must ensure that all communication with the customer remains confidential and is conducted in the utmost ethical manner.

### Closing a VR Counseling and Guidance-Only Case

VR counseling and guidance must be provided and documented as a service in all TWC-VR cases, along with all other services that influenced the outcome of the case. In some cases, VR counseling and guidance may be the only service the customer needs to achieve a CIE outcome.

In this case, the VR Counselor must clearly document, throughout the life of the case and at closure, the impact the VR counseling and guidance made in the customer's achievement of their employment outcome.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures; however, consultation is encouraged when support is needed in providing counseling and guidance or when ethical dilemmas arise.

**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** |
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