# PART C, CHAPTER 5.1: RESTORATION SERVICES OVERVIEW

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 5.1 | 34 CFR [§361.5(c)(39)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(39)), [§361.48(b)(5)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(5)), TWC Rule [§856.43](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=43), and [§856.44](https://texreg.sos.state.tx.us/public/readtac$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=44) | 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 provision of physical and mental restoration services necessary to alleviate or improve the functional capacity limitations of TWC-VR customers.

## 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.

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 choosing restoration services, both physical and mental, and the providers of those services.

Neurodevelopmental Disorders: Group of conditions with onset in the developmental period, typically early in development.

## POLICY

### General Overview

Physical and Mental Restoration Services provide a comprehensive range of interventions aimed at addressing physical or mental impairments that significantly hinder a customer's ability to gain or maintain employment. These services encompass various therapeutic, diagnostic, and supportive measures.

These crucial services include corrective surgery or physical therapeutic treatment, dentistry, various types of therapy, psychological and mental health, and other medically related rehabilitation services that are likely, within a reasonable time frame, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial barrier to employment, thereby enhancing the customer's prospects for successful employment and integration into the workforce.

These services may be available through TWC-VR only when—

* Comparable services and benefits are not available; and
* The service is necessary for the customer to reach their Individualized Plan for Employment (IPE) goals.

### Medical Services and Equipment

Medical services, which are also referred to as "physical restoration," are available to eligible TWC-VR customers 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 (CIE).

### Psychological Services

Psychological services, which are also referred to as "mental restoration," are available to support eligible TWC-VR customers with neurodevelopmental or psychological disorders, as they relate to an employment outcome.

Neurodevelopmental disorders vary 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.

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.

### Prohibiting Factors

VR Counselors do not diagnose or imply they are qualified to diagnose or treat physical or psychological disorders. However, VR Counselors must have sufficient knowledge about the diagnoses in order to apply effective restoration- and employment-related services.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on restoration services 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

### General Overview

Due to the nature of TWC-VR services and needs, including the individualized services and unique circumstances of each customer, TWC-VR staff must follow the policy and procedures for each available physical or mental restoration service.

Additionally, TWC-VR staff must follow the policies and procedures related to Best Value Purchasing.

### Telehealth for Restoration Services

When considering telehealth options for customers, VR Counselors must carefully consider which types of treatments that use telehealth are the most effective and decide on a case-by-case basis whether to proceed.

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 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

Telehealth options are available for the following services:

* Autism Spectrum Disorder Supports;
* Applied Behavior Analysis;
* Psychological Services; and
* Medical Services.

When a customer receives telehealth services during a pandemic, TWC-VR staff must refer to the TWC-VR State Office Guidance and Texas Department of Insurance - Telemedicine emergency rule for information on telehealth billing and payment guidelines.

### Insurance as a Comparable Benefit

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 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.

## 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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