# PART C, CHAPTER 5.3.a: PSYCHOLOGICAL SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 5.3.a | 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)), and TWC Rule [§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 Psychological Services for TWC-VR customers.

## DEFINITIONS

Detoxification: Process used to assist the recovering individual through the acute effects of the substance used. Usually consists of hospitalization, medication, and nutritional assistance.

Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5): Handbook published by American Psychiatric Association (APA) widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses. Covers all categories of mental health disorders for both adults and children.

Dual Diagnosis: Term used to describe the condition of an individual who is diagnosed with both a psychological disorder and a substance use disorder. Often used interchangeably with the terms comorbidities, co-occurring illnesses, concurrent disorders, comorbid disorders, co-occurring disorder, or dual disorders.

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 psychological services and the providers of those services.

Methadone Treatment: Daily doses of methadone to replace the drug in order to prevent withdrawal symptoms and relapse. This is usually performed at medically supervised clinics. Methadone treatment does not include AA or NA practices.

Sobriety: The state of living without substances (i.e., drugs, alcohol); process of transitioning from addiction to recovery (i.e., healing mentally, physically, and emotionally from substance abuse and its causes).

Substance Use Disorders: A pathological pattern of behaviors related to the use of a substance or substances, per the DSM-5.

## POLICY

### General Overview

Psychological Services are provided to eligible TWC-VR customers who have clinically diagnosed psychiatric conditions that are defined within the DSM-5 (or the most current version).

Psychological Services are provided only when—

* Comparable services and benefits are not available;
* Prescribed by a licensed psychologist or psychiatrist and required to improve or stabilize the effects of the psychological impairment;
* Necessary to achieve an employment outcome; and
* Individuals whose psychological disorders—
  + Are stable or slowly progressive; and
  + Can be corrected or stabilized within a reasonable time.

### Additional Policy Considerations

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

### Psychological Service Provision

* Provider Qualifications: Psychological Services may be purchased from—
  + Physicians skilled in the diagnosis and treatment of mental or emotional disorders licensed by the Texas Medical Board;
  + Psychologists licensed by the Texas State Board of Examiners of Psychologists;
  + Clinical social workers who are licensed by the Texas State Board of Social Worker Examiners;
  + Counselors who are licensed by the Texas State Board of Examiners of Professional Counselors;
  + Psychiatric–mental health clinical nurse specialists and psychiatric–mental health nurse practitioners licensed by the Texas Board of Nursing;
  + Physician assistants licensed by the Texas Physician Assistant Board; or
  + Marriage and family therapists (LMFTs) who are licensed by the Texas State Board of Examiners of Marriage and Family Therapists.

Psychological Services may be provided by an intern who is working under the supervision of a licensed provider. When provided by an intern, Psychological Services are paid at the payment rate for the provider supervising the intern. Additional payments are not permitted for the time spent providing the supervision.

* Psychological Services Limits: Psychological Services are limited to the purchase of psychotherapy and outpatient psychiatric treatment. TWC-VR does not pay for inpatient psychiatric treatment, with no exceptions allowed. Customers who need this level of treatment must be referred to the local mental health authority.

A Service Authorization for outpatient sessions limited to 10 sessions at a time. Additional sessions may be authorized after documenting progress with the therapist and documenting ongoing need.

Outpatient sessions with qualified providers include—

* + A maximum of 30 individual sessions; or
  + A maximum of 15 group sessions.

Requests for psychological or neuropsychological tests not listed in the Maximum Affordable Payment Schedule (MAPS) require consultation with the Regional Psychological Consultant (RPC).

The RPC’s responsibilities include the following:

* + Providing updates on DSM-5 diagnoses and new treatment modalities for behavioral health conditions within the region when requested by the State Office Program Specialist for Veterans and Behavioral Health; and
  + Providing technical assistance to peer psychologists within their assigned region.
* No-Show Payments: A "no-show" is defined as a customer who fails to appear for a scheduled appointment without giving prior notice of cancellation to the provider. When a customer is a no-show for a scheduled appointment with a psychiatrist, social worker, licensed professional counselor, or psychologist for a service purchased by TWC-VR, the provider may claim a service fee equal to 50% of the usual and customary fee, or the allowable MAPS fee, whichever is less.

The VR Counselor must contact customers who are no-shows for a scheduled appointment to discuss the missed appointment and the importance of keeping future appointments.

### Substance Use Disorders Services

Substance Use Disorders Services refers to services that are provided for customers who are eligible for TWC-VR services and who have been clinically diagnosed with a substance use disorder that is defined in the DSM-5.

* Provision of Substance Use Disorder Services: Substance Use Disorders Services are provided only when—
  + Comparable benefits, such as services provided by private insurance, community centers or indigent care organizations, are not available;
  + Prescribed by a licensed psychologist or psychiatrist;
  + Clinically necessary to achieve a planned employment outcome; and
  + Individuals whose psychological disorders—
    - Are stable or slowly progressive; and
    - Can be corrected or stabilized within a reasonable time.
* Substance Use Disorders Treatment: VR Counselors assess customers to ensure that each customer has a basic understanding of substance use and abuse. The customer must be participating in treatment if they are actively using substances. Treatment options for substance use disorders that may be available through the customer's community include, but are not limited to, the following:
  + Inpatient or outpatient services;
  + Therapy and counseling;
  + Continuing care programs;
  + Alcoholics Anonymous (AA);
  + Narcotics Anonymous (NA); and
  + Church and community center sobriety programs.

Typically, no cost is associated with outpatient services provided by AA, NA, or church and community center sobriety programs.

The customer must make the decision to discontinue using substances and choose the method of recovery. If a customer with a substance use disorder applies for TWC-VR services and is not currently in treatment, the VR Counselor must assist the customer in finding treatment options in their community and allows the customer to make the choice to engage in treatment. The VR Counselor may use random drug testing, when included in the Individualized Plan for Employment (IPE), to verify that the customer is abstaining from drug use.

A customer who has previously participated in treatment and has been substance-free without aftercare or support services is generally not considered to have a substantial impediment to employment. If the VR Counselor determines that a substantial impediment to employment exists (e.g., frequent loss of employment due to substance use), the VR Counselor must document how and why the customer has not been able to make satisfactory progress to obtain or retain employment.

* Eligibility for TWC-VR Services: Customers with conditions diagnosed or related to a substance use disorder must be participating in, be willing to participate in, or have successfully completed an inpatient or outpatient substance use disorder treatment program before receiving TWC-VR services in an IPE. The VR Counselor must verify the treatment.

VR Counselors decide whether continuation of therapeutic treatment is adequate as a support or if new or additional interventions are needed. Below are some issues for the VR Counselor to consider when working with a customer diagnosed with a substance use disorder.

The customer must—

* + Recognize that a substance use disorder is a disability and participate in a group treatment program or individual counseling (under medical supervision, if appropriate);
  + Maintain consistent and regular attendance, and demonstrate progress in completing their treatment program;
  + Demonstrate a commitment to recovery, as evidenced by making progress in completing their treatment program;
  + Make satisfactory progress toward addressing issues related to their overall functioning by advancing in various stages of treatment;
  + Acknowledge that they are seeking TWC-VR services for assistance with employment and are committed to and demonstrate the actions to maintain sobriety; and
  + Be available to participate in the VR process for the purpose of acquiring or maintaining employment.

VR Counselors must move a case forward if the customer is making progress in their recovery and demonstrates an ability to participate in TWC-VR services.

* VR Counseling and Guidance: Early in the case, the VR Counselor schedules regular contacts with the customer to provide guidance, including ongoing recovery and aftercare activities to prepare for engaging in employment. The VR Counselor makes a schedule for verifying sobriety and customer participation in treatment. When considering the needs of the customer, the VR Counselor must remain flexible regarding a customer's abstinence before the initiation of TWC-VR services.

In dual diagnosis cases when substance use disorders co-occur with serious and persistent mental illness, the VR Counselor must address all diagnoses simultaneously.

* Relapse: VR Counselors must understand that relapse is considered a natural symptom of the disease; therefore, it is incumbent upon the VR Counselor to remain actively engaged with the customer to assist with recovery if a relapse occurs.

Temporary episodic setbacks or relapses are evaluated on an individual basis in terms of the continuing rehabilitation plan. If the VR Counselor determines that the customer has relapsed due to substance use after eligibility is determined, the VR Counselor must help the customer reengage with their treatment or aftercare program.

Triggers are external events that cause an intense and emotional reaction. The VR Counselor must help the customer identify triggers and develop strategies to help the customer succeed with their current IPE. Triggers are identified by asking questions about situations or events that led up to the customer's most recent relapse episode.

In the event of a relapse while the customer is receiving counseling and guidance, the VR Counselor must—

* + Ensure that the customer contacts their sponsor, if applicable (most programs have an accountable individual working with the customer);
  + Help the customer identify triggers (e.g., family, environment, and life situations) that cause relapse; and
  + Help the customer create a plan that identifies what the customer will do when triggers occur.
* Substance Use Disorders Services and Limits: TWC-VR may provide Substance Use Disorders Services, including, but not limited to, the following:
  + Therapeutic residential treatment;
  + Brief cognitive counseling sessions;
  + Psychological services; and
  + Licensed Practical Counseling.

TWC-VR does not pay for detoxification services, methadone treatment, or related services.

* Documentation and Support to Maintain Sobriety: VR Counselors must look at a case in its entirety and assess documentation that supports a customer’s progress and their evidence of commitment to recovery. The VR Counselor must regularly evaluate the customer's case to assess whether an individual needs additional supports to be successful with their IPE.

One of the following must be verifiable and provided by the customer to the VR Counselor to ensure that the customer is actively participating in treatment and/or receiving support to maintain sobriety:

* + AA and/or NA logs and a supporting letter from the customer's AA or NA sponsor;
  + Records from licensed treatment sources;
  + Information from a probation or parole officer; or
  + Drug test results from testing performed within the past 30 days.

When a customer participates in a treatment or support program that is not provided by VR Substance Use Disorders Services, the VR Counselor may consult with the State Office Program Specialist for veterans and behavioral health to ensure that documentation exists to show that the customer continues to make progress toward sobriety and employment.

The VR Counselor may request that the customer submit to a clinical drug test if sobriety is unable to be documented. VR Counselors may use urine and blood screenings to verify a customer's sobriety and eligibility for TWC-VR services.

VR Counselors must be aware of the psychological, behavioral, and physical signs of drug use. Signs that would warrant a drug screening include, but are not limited to, the following:

* + Psychological signs:
    - Unexplained changes in personality or attitude;
    - Sudden mood changes, irritability, anger outbursts, or inappropriate laughing; and
    - Paranoia.
  + Behavioral Signs:
    - Poor attendance at or chronic tardiness to work;
    - Decline in performance/productivity; and
    - Acting isolated, withdrawn, or secretive.
  + Physical signs:
    - Dilated pupils or bloodshot eyes;
    - Tremors;
    - Fidgeting/inability to sit still; and
    - Drastic change in appearance (e.g., inappropriate clothing and grooming).

### Dual Diagnosis and Treatment

When an individual has been clinically diagnosed with dual diagnosis, effective treatment involves addressing both the substance use disorder and the psychological disorder. Treatment of only one condition or the other (rather than both) has been found to be less effective than integrated treatment of both types of disorders at the same time in the same setting. Therefore, integrated treatment is suggested to improve outcomes for both disorders, which should also lead to the chances of a better employment outcome for individuals with comorbid disorders.

SAMHSA identifies the following evidence-based practices for treating individuals with dual diagnoses. More information about these practices can be found on the SAMHSA website:

* [Illness Management and Recovery](https://store.samhsa.gov/product/Illness-Management-and-Recovery-Evidence-Based-Practices-EBP-KIT/SMA09-4462)
* [Integrated Treatment](https://store.samhsa.gov/product/Integrated-Treatment-for-Co-Occurring-Disorders-Evidence-Based-Practices-EBP-KIT/SMA08-4366)
* [Assertive Community Treatment](https://store.samhsa.gov/product/Assertive-Community-Treatment-ACT-Evidence-Based-Practices-EBP-KIT/SMA08-4344)
* [Supported Employment](https://store.samhsa.gov/product/Supported-Employment-Evidence-Based-Practices-EBP-Kit/SMA08-4364)
* [Family Psycho-Education](https://store.samhsa.gov/product/Family-Psychoeducation-Evidence-Based-Practices-EBP-KIT/SMA09-4422)

## APPROVALS & CONSULTATIONS

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

* *VR Supervisor approval is required when the RPC is directly evaluating or treating customers.*
* *VR Supervisor approval is required when authorizing more than 30 individual outpatient counseling sessions or 15 group counseling sessions.*
* *VR Supervisor approval is required* for prescription medications needed to treat a specific condition for longer than 90 days.
* *VR Manager approval is required when actions are taken that are contrary to the advice of the RPC.*

## 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 |