# PART C, CHAPTER 5.3.b:AUTISM SPECTRUM DISORDER SUPPORTS

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 5.3.b | 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%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=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 services that will best support TWC-VR customers with autism spectrum disorders (ASD).

## DEFINITIONS

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.

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 Autism supports and services and the providers of those services.

## POLICY

### General Overview

Autism Spectrum Disorder (ASD) is characterized, in varying degrees, by difficulties in social interaction, verbal and nonverbal communication, and repetitive behaviors and hyper- or hypo-reactivity to sensory input as defined by the DSM-5.

ASD Supports are intended to address skills deficits that are barriers to employment for customers who have been diagnosed with ASD or who display diagnostic characteristics of ASD. These supports are the middle ground between clinical intervention and job skills training.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds Autism Spectrum supports 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

### Determining the Need for ASD Supports

Characteristics of ASD that would benefit from ASD Supports, as determined by the VR Counselor, are based on the following DSM-5 clinical criteria for diagnosis:

The criteria for Autism Spectrum Disorder include the following:

* Persistent deficits in social communication and interaction across various contexts;
* Deficits in social-emotional reciprocity, ranging from abnormal social approach to reduced sharing of interests or failure to respond to social interactions;
* Deficits in nonverbal communication behaviors, such as abnormalities in eye contact, body language, or understanding and use of gestures;
* Difficulties in developing, maintaining, and understanding relationships, including challenges in adjusting behavior to social contexts or engaging in imaginative play;
* Restricted, repetitive patterns of behavior, interests, or activities;
* Stereotyped or repetitive motor movements, use of objects, or speech;
* Insistence on sameness, inflexible adherence to routines, or ritualized behaviors;
* Highly restricted, fixated interests that are abnormal in intensity or focus;
* Sensory integration abnormalities, including hyper- or hypo-reactivity to sensory input or unusual interests in sensory aspects of the environment.

For a diagnosis of ASD, these symptoms must be present in the early developmental period. However, these symptoms may not fully manifest until social demands exceed limited capacities or may be masked by learned strategies in later life.

### Autism Spectrum Disorder Supports Referrals

To be referred for ASD Supports, a VR customer must—

* Have a clinical diagnosis of ASD or social communication disorder; or
* Display diagnostic characteristics of ASD as determined by the VR Counselor.

If the VR Counselor has determined that the customer displays diagnostic characteristics of ASD, and the customer has a clinical diagnosis that otherwise meets the eligibility requirements for TWC-VR services, the VR Counselor must provide clear documentation that explains why the customer would benefit from short-term ASD Supports to achieve competitive integrated employment.

This case note must include—

* The clinical diagnosis that supports the customer's eligibility for VR services;
* A statement that the customer does not have an official diagnosis of ASD;
* A statement, based on the VR Counselor's professional experience, that the customer requires ASD Supports to be successful in reaching a competitive integrated employment outcome; and
* Documentation of each of at least three characteristics of ASD that the customer must display to benefit from ASD Supports without a diagnosis of ASD.

All customers referred for ASD Supports must display deficits in specific skills that are—

* Required for obtaining or maintaining employment;
* A direct result of autism; and
* Outside the role of job skills training.

Customers who participate in ASD Supports are not required to participate in clinical intervention such as Applied Behavior Analysis (ABA) or psychotherapy.

### Description of Autism Spectrum Disorder Supports

The ASD Supports may be—

* Offered individually and/or in a group or a combination of both;
* Provided only after an Individualized plan for Employment (IPE) has been developed;
* Combined with employment services as long as services are not duplicated;
* Provided to the customer as well as to parents, caregivers, school staff, and other pertinent people in the customer's life when successful employment is unlikely without their participation; and
* Provided in addition to other provided services, including those through special education or Section 504 of the Rehabilitation Act of 1973, as amended (e.g., when the customer is in high school).

### Autism Spectrum Disorder Provider Qualifications

To be linked in ReHabWorks (RHW) as a provider of ASD Supports, the provider must be credentialed as one of the following—

* Employment Specialist with a verified Autism Endorsement from University of North Texas Workplace Inclusion and Suitable Employment (UNTWISE);
* Certified Special Education Teacher;
* Licensed Specialist in School Psychology (LSSP); or
* School Speech Pathologist.

ASD Supports are not a contracted Employment Specialist Service; therefore, ASD Supports are not required to be in the provider's contract. However, before starting this service, the Employment Specialist directly working with the customer must be individually linked in RHW through vendor services.

Before an Employment Specialist is linked, it must be verified that they hold a current Autism Endorsement through UNTWISE.

As an exception, a provider can be linked in RHW upon proof of alternative qualifications approved by the State Office Program Specialist for Neurodevelopmental Disabilities.

### Required Autism Spectrum Disorder Support Forms

* *Referral Form for Services for Neurodevelopmental Disorders (VR1879);* After it is determined that ASD Supports are the appropriate services, the VR Counselor completes VR1879 and submits the completed form to the provider. The VR Counselor must document a case note confirming that the form was completed and stating when it was submitted to the provider.
* *Autism Spectrum Disorder Supports Plan (VR1880):* After the ASD Supports referral is accepted by the provider and the initial consultation with the VR Counselor has taken place, the provider must complete an initial contact with the customer and complete a basic assessment of the customer's needs. The result of this needs assessment is documented in *VR1880*, which—
	+ Identifies new specific skills deficits to address;
	+ Includes five or fewer specific skills that are targeted in that plan; and
	+ Ensures that there is not a duplication of services.

The skills identified in *VR1880* must—

* + Be directly related to the diagnostic characteristics of ASD identified by the VR Counselor;
	+ Be clearly outside of the role of job skills training;
	+ Make each identified skill measurable; and
	+ Include the recommended hours that ASD Supports are provided individually, in a group setting, or both.

Billable time for the ASD Supports Plan is not to exceed five hours and may include, but not be limited to, the following:

* + Consultation with the VR Counselor;
	+ The initial meeting with the customer and/or guardian;
	+ Email or phone correspondence with related parties;
	+ Brief needs assessment to identify skills deficits; and
	+ Completion of the plan.
* *Autism Spectrum Disorder Supports Time Log and Progress Report (VR1881): VR1881* must be completed to document each hour that is billed. The report must be submitted each time an invoice is submitted. With the information that is documented in *VR1881*, the VR Counselor must be able to evaluate the progress that is being made and that all issues are being addressed.

*VR1881* must—

* + Include the beginning level of the identified skill;
	+ Include the level that indicated that the skill has been mastered;
	+ Include the current level of the identified skill; and
	+ Not exceed more than two hours of indirect service time.

### Autism Spectrum Disorder Supports Settings, Fees, and Allowable Hours

* Autism Spectrum Disorder Supports Settings: ASD Supports may be provided individually, in a group setting, or in a combination of both. If service is provided in a group setting, a 1:6 counselor-to-customer ratio must not be exceeded.
* Autism Spectrum Disorder Supports Fees: Individual service fee for direct and indirect time is $46.00 per hour.

Group service fee for direct time is $23.00 per hour per person and indirect time is $46.00 per hour.

Documentation is completed for each customer participating in a group. Therefore, indirect time is billed at the individual service fee.

For example, each participant requires—

* + *VR1879*;
	+ *VR1880*; and
	+ *VR1881*.
* Allowable Hours for Autism Spectrum Disorder Supports: The VR Counselor may authorize up to 20 hours of ASD Supports.

Authorization of additional hours requires documentation that the customer has—

* + Mastered the skills identified on the current *VR1880*;
	+ Made measurable improvement on the skills identified on *VR1880*, but needs more time to master skills; or
	+ Additional needs for skills development that have been identified.

For each 20 hours authorized, *VR1880* must be updated by the provider and submitted to the VR Counselor for review and approval. The VR Counselor must document whether the updated *VR1880* is approved in a case note and notifies the provider of the decision.

The total number of hours for ASD Supports may not exceed 120 hours over the lifetime of the case.

* Exceptions to the 20-Hour Limit:When necessary and clearly documented by the VR Counselor, an exception can be made to the limitation of authorizing no more than 20 hours of ASD Support services at a time. For example, if a provider is conducting a summer social and vocational skills group that requires 30 hours, the VR Counselor documents this as the justification for the exception in a case note.

If more than one exception to the 20-hour limit is determined necessary for the same customer, approval is required.

## APPROVALS & CONSULTATIONS

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

* *VR Supervisor approval is required when there is more than one exception to the 20-hour limit of support for the same customer. Hours will be approved in increments of 20-hours at a time.*
* *VR Supervisor approval is required to purchase any of the following assessments or services more than once:*
	+ *ABA Evaluation (Social Skills or Functional Behavioral Assessment)*
	+ *ASD Supports Plan*
	+ *Autism Psychological Battery*
	+ *Environmental Work Assessment (EWA)*

**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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