



**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES**

KATHRYN A. HAYFIELD  
Commissioner

8004 Franklin Farms Drive  
Henrico, VA 23229

Office (804) 662-7000  
Toll free (800) 552-5019  
TTY Toll free (800) 464-9950  
Fax (804) 662-7644

TO: Division of Rehabilitative Services Staff

FROM: Catherine Harrison, Director of Policy and Legislative Affairs

DATE: August 15, 2022

RE: Post-Employment Services

In response to guidance from the Rehabilitation Services Administration (RSA) (RSA-FAQ 22-03) on March 11, 2022, the Department for Aging and Rehabilitative Services (DARS) is issuing changes to the following chapters of the Division of Rehabilitative (DRS) Policy and Procedure Manual. These changes address the provision of post-employment services (PES) and the federal guidance that they are to be provided after an individual attains an employment outcome but before successful case closure. This is a substantial changes from how PES has been provided to an individual after successful case closure.

Prior to the Workforce Innovation and Opportunity Act's (WIOA) amendments to the Rehabilitation Act, vocational rehabilitation (VR) agencies provided post-employment services (PES) after an individual's VR case was closed with an employment outcome. (34 C.F.R. § 361.56) If it were determined that an eligible individual with a disability required post-employment services to maintain that employment outcome, the VR agency could reopen the individual's most recent VR service record, amend the IPE, and provide the necessary post-employment services. After post-employment services, the case would be closed again.

However RSA-FAQ 22-03 states:

*... WIOA and its amendments to the Rehabilitation Act have placed heightened emphasis on the performance accountability system applicable across all six core programs of the workforce development system, not just the VR program. For this reason, the joint WIOA regulations at 34 C.F.R. § 361.150 define "participant" and "exit," both critical terms for the performance accountability system under Section 116 of WIOA, in a consistent manner applicable to all six core programs. These terms, as defined in regulations, and the performance indicators set forth in Section 116 of WIOA, have changed how VR agencies operationalize the provision and reporting of post-employment services. Specifically, once a VR service record is closed and the participant has "exited" the VR program for purposes of the performance accountability system in Section 116 of*

*WIOA (34 C.F.R. § 361.150(c)(2)), there is no mechanism under the performance accountability system for this individual to become a VR “participant” again, as defined at 34 C.F.R. § 361.150(a)(1), unless the individual with a disability again satisfies “participant” requirements. Therefore, VR agencies cannot provide post-employment services after closing the individual’s service record and reporting the individual as exiting the VR program, as they previously had done prior to WIOA’s amendments to the Rehabilitation Act.*

The changes outlined in the following Chapters address the WIOA changes as interpreted in RSA-FAQ 22-03 (March 11, 2022) that require PES to only be provided to individuals who meet the definition of “participant” and who have not “exited” the VR program.

- Chapter 2.1 - [APPLICATION](#)
- Chapter 2.2 - [ORDER OF SELECTION](#)
- Chapter 5 - [PLAN \(Individualized Plan for Employment\)](#)
- Chapter 6.01 - [MEDICAL DIAGNOSTICS](#)
- Chapter 6.02 - [PAS ASSESSMENT](#)
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- Chapter 6.05 - [VEHICLE MOD ASSESSMENT](#)
- Chapter 6.06 - [HOME MOD ASSESSMENT](#)
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- Chapter 6.08 - [VOCATIONAL EVALUATION](#)
- Chapter 8.02 - [REHABILITATION TECHNOLOGY](#)
- Chapter 8.03 - [VR COUNSELING AND GUIDANCE](#)
- Chapter 8.04 - [FAMILY](#)
- Chapter 8.06 - [HOME MODIFICATION](#)
- Chapter 8.08 - [REPAIRS](#)
- Chapter 8.10 - [MAINTENANCE](#)
- Chapter 8.13 - [PERSONAL ASSISTANCE SERVICES \(PAS\)](#)
- Chapter 8.16 - [SUPPORTED EMPLOYMENT \(SE\)](#)
- Chapter 8.17 - [SELF-EMPLOYMENT AND SEE](#)
- Chapter 8.20 - [TRANSPORTATION](#)
- Chapter 8.21 - [VEHICLE, AIRCRAFT, BOAT](#)
- Chapter 8.22 - [POST EMPLOYMENT SERVICES \(PES\)](#)
- Chapter 10 - [EMPLOYMENT](#)
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- Chapter 14.3 - [FINANCIAL PARTICIPATION](#)

# Chapter 2.1. - APPLICATION

## 1. Referral Procedures and Scope of Services

### A. Criteria to Accept Referrals

#### A1. Referral of Workers' Compensation Cases

**[REVISED: 4/1/14]**

1. Referral of Workers' Compensation cases is appropriate.
2. Vocational rehabilitation services may include vocational evaluation, counseling, job coaching, job development, job placement, on-the-job training, education, and retraining.
3. Those vocational rehabilitation services that involve the exercise of professional judgment (as defined in Chapter 35 of Title [§ 54.1-3510 of the Code of Virginia](#)) shall be provided by a:
  - a. Certified Rehabilitation Provider (CRP) (per Chapter 35 of Title [§ 54.1-3510 of the Code of Virginia](#)), or
  - b. person licensed by the Boards of Counseling; Medicine; Nursing; Optometry; Psychology; or Social Work (per Chapter 35 of Title [§ 54.1-3513 of the Code of Virginia](#)) or,
  - c. Certified Rehabilitation Counselor (CRC) certified by the Commission on Rehabilitation Counselor Certification (per Chapter 35 of Title [§ 54.1-3513 of the Code of Virginia](#)), or
  - d. Certified Vocational Evaluation Specialist (CVE) certified by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (Chapter 35 of Title [§ 54.1-3513 of the Code of Virginia](#)).

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#### A2. Referral of Non-U.S. Citizen

**[REVISED: 10/16/09]**

1. Required documentation.  
To complete the application process, non-U.S. citizens are required (source: USCIS National Customer Service Center and Form I-9; Rev with information from USCIS website as of 8/7/2009) to submit for their case record a copy of:

any one unexpired document from List A to establish both identity and work eligibility:

List A - Identity and Work Eligibility:

U.S. Passport or U.S. Passport Card; foreign passport with I-551 stamp, or with I-551 printed notation on machine-readable immigrant visa, or with attached USCIS form I-94 (or I-94A) indicating unexpired employment authorization and non-immigrant status; Permanent Resident Card or Alien Registration Receipt Card with photograph USCIS form I-551; Employment Authorization Document with photograph USCIS form I-766.

OR any one document from List B and any one document from List C:

List B - Identification.

One unexpired document from List B Identification: Canadian or U.S. driver's license or DMV ID card or U.S. government-issued (federal, state, or local) ID card or school ID card or military dependent's ID card — these ID cards must have a photograph or physical description; voter's registration card; U.S. military card or draft record; U.S. Coast Guard Merchant Mariner Card; or Native American tribal document. Persons under age 18 may present a school/clinic/hospital/doctor/day care/nursery school record, or school report card as identification if none of the above are applicable, and

List C - Work Eligibility.

And one document from List C Work Eligibility: U.S. Social Security card (other than card stating it is not valid for employment); Certification of Birth Abroad issued by the U.S. Department of State form FS-545; Certification of Report of Birth issued by the U.S. Department of State form DS-1350; original or certified copy of birth certificate with official seal issued by state, county, municipality or outlying possession of the United States; Native American tribal document; unexpired U.S. Citizen ID Card USCIS Form I-197; unexpired Identification Card for the Use of Resident Citizen in the U.S. USCIS form I-179; unexpired employment authorization document issued by the Department of Homeland Security.

2. It is not appropriate to accept referrals and applications for the following non-US citizens because they are not eligible for any Vocational Rehabilitation services:
  - a. undocumented aliens,
  - b. those not eligible to legally work in the U.S.,
  - c. those having a visa which prohibits work,
  - d. those having a visa with a work permit but with a duration of stay which the counselor believes is too short to complete the Vocational Rehabilitation Program, or
  - e. those not having submitted required documentation of identity and eligibility to work in the U.S.

**Guidance 1:** It is a Best Practice to refer individuals with K1 immigration status (fiancé(e) of U.S. citizen) or K3 immigration status (spouse of U.S. citizen) or those with Paroled or PIP (granted political asylum) immigration status who do not have an employment card to the U.S. Citizenship and Immigration Services office to apply for an employment card.

**Guidance 2:** A dependent of a diplomat or consular officer currently assigned to the U.S. may be accepted as a referral when the counselor believes the duration of stay will be sufficient.

**Guidance 3:** A child who i) is a non-U.S. citizen and ii) who does not have a work permit because of age, may be accepted as a referral if a) the parent or legal guardian is legally eligible to work in the U.S. (and provides appropriate written documentation) and b) the counselor believes the duration of stay will be sufficient.

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### A3. Referral of DeafBlind Individual

**[REVISED: 7/1/12 ]**

Per cooperative agreement currently in effect, DRS program staff shall refer all deafblind individuals to the Department for the Blind and Vision Impaired (DBVI). DBVI is the lead agency in serving these individuals. However, both agencies may serve the individual concurrently if multiple services, which cannot be provided by one agency alone, are required. RSA will allow more than one state VR agency to close the case successfully. See [Chapter 11, CLOSURE, Policy 1, Section A1](#) for requirements for closing a dually served case as Closed-Rehabilitated

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### A4. Referral of Individual with Visual Impairment or Loss

**[REVISED: 12/1/14]**

1. Referral to DBVI by DRS  
Per the Memorandum of Understanding currently in effect as of July 1, 2014, DRS program staff shall refer to the Department for the Blind and Visually Impaired all individuals who have a visual impairment that results in a substantial impediment to employment.
2. Referral to DRS by DBVI  
DBVI shall refer to DRS all individuals who have a disability other than deafblind, blind, or a visual impairment that results in substantial impediment to employment. Individuals referred to DRS by DBVI are considered new referrals. With the individual's written consent, DRS shall request case information from the referring DBVI counselor.

3. Referral to DRS and DBVI concurrently

DRS and DBVI may serve an individual concurrently if the customer has multiple disabilities that cannot be addressed by one agency alone. With written consent from the individual, counselors from both agencies shall work together to share their expertise and coordinate services for their mutual customer. Both agencies may close the case as Closed-Rehabilitated. See [Chapter 11, CLOSURE, Policy 1, Section A1](#) for requirements for closing a dually served case as Closed-Rehabilitated.

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#### A5. Referral or Transfer of a Relative

**[REVISED: 1/21/99]**

1. If the referred individual, applicant, or eligible individual is related to the counselor by blood or marriage, the counselor shall transfer the case to another counselor.
2. If the referred individual, applicant, or eligible individual is related to the supervisor by blood or marriage, the individual's case shall be transferred to an office supervised by another supervisor.
3. Furthermore, no DRS staff person can obligate DRS funds for the purchase of goods and services for his or her relative (either by blood or marriage).

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#### A6. Referral of Incarcerated Individuals

**[REVISED: 5/18/10]**

1. When the above subsections do not apply, referral of inmates of jails, prisons, or Department of Behavioral Health and Developmental Services Forensic Units (including referred individuals who have been judged not guilty of felony charges by reason of insanity) is accepted only after the institution's treatment team indicates that plans for the referred individual's release and return to the community are being made (per agency mandate).
2. Provision of any required fee-based services may begin three months before the expected release date. Fee-based services shall be provided earlier only if the DRS supervisor gives written pre-approval of each service.

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## A7. Referral of Youth with Disabilities

**[REVISED: 10/1/12]**

When the above subsections do not apply, referral of a student with a disability is accepted within 3 years of the student's planned exit date from high school (per agency mandate and Federal Register Vol. 66, No. 11, Issued January 17, 2001, Page 4424). Student with a disability means students receiving special education services and students who are not (including those with 504 Plans). In consultation with the supervisor, the counselor may accept an earlier referral to serve "at risk" students, school dropouts, students requiring earlier intervention to coordinate multiple interagency services for transition, and in other exceptional circumstances.

**Guidance:** If the individual with a disability is under age 22 and withdrew from school without graduating, it is a Best Practice to inform the individual that students who are entitled to special education services under P.L. 105-17 Individuals with Disabilities Education Act (IDEA) are legally entitled to special education services from the public school system until the student reaches age 22. (Not all disabilities meet IDEA criteria for special education services). Encourage the individual to return to school or to obtain a general equivalency diploma (GED) to enhance employment opportunities.

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## A8. Referral from Out-Of-State VR Agency

**[REVISED: 7/1/12]**

1. DRS may accept referrals that are currently being served by other state VR programs. This includes DBVI and VR program in another state. These individuals are considered new referrals (per agency mandate). With the customer's written consent, DRS program staff shall request case information from the referring agency.
2. Both agencies may close the case as Closed-Rehabilitated under certain circumstances. See [Chapter 11, CLOSURE, Policy 1, Section A1](#) for requirements for closing a dually served case as Closed-Rehabilitated.
3. For definition of "present in Virginia" see [Chapter 4.01, ELIGIBILITY, Policy 1, Section A](#).

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## A9. Referral of Individual with Mental Illness

**[REVISED: 2/1/10]**

1. Referral to the Serious Mental Illness (SMI) program counselor is appropriate when all these criteria are met (per DBHDS Comprehensive State Plan 2008 -2014):

- a. The above subsections do not apply,
  - b. The individual is being served by the Community Services Board or another mental health provider,
  - c. The individual is age 18 or older,
  - d. The individual has a diagnosis of serious mental illness in the DSM IV,
  - e. The individual is expected to require services of an extended duration, or has undergone psychiatric treatment more intensive than outpatient care (such as crisis response services, alternative home care, partial hospitalization, inpatient hospitalization) more than once in his or her lifetime, or has experienced an episode of continuous, supportive residential care, other than hospitalization, for a period long enough to have significantly disrupted the normal living situation, and
  - f. The individual meets at least two of the following criteria on a continuing or intermittent basis:
    - i. Is unemployed or employed in a sheltered setting or a supportive work situation, has markedly limited or reduced employment skills, or has a poor employment history.
    - ii. Requires public financial assistance to remain in the community and may be unable to procure such assistance without help.
    - iii. Has difficulty establishing or maintaining a personal social support system.
    - iv. Requires assistance in basic living skills such as personal hygiene, food preparation, or money management.
    - v. Exhibits inappropriate behavior that often results in intervention by the mental health or judicial system.
2. Referral to the general Vocational Rehabilitation program counselor is appropriate (per agency mandate) when the above SMI referral conditions are not met or there is no SMI counselor assigned to the area.

**Guidance:** It is a Best Practice to staff this type of case with the CSB and SMI program counselors to determine the need for extended training and comprehensive Vocational Rehabilitation services.

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[A10. Referral from CIL](#)

**[REVISED: 3/1/08]**



Referrals from a Center for Independent Living Center (CIL) are considered new referrals (per agency mandate).

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#### A11. Referral of Individual Abusing Alcohol or Other Substances

**[REVISED: 3/1/08]**

If the individual is currently abusing alcohol or other legal or illegal substances and is unwilling to abstain from use, the counselor is nevertheless required to accept the referral.

**Guidance:** It is a Best Practice to also refer these individuals to the local Community Services Board to explore the individual's treatment options since DRS does not pay for treatment of alcohol or substance abuse.

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#### A12. Referral of Individual Who Needs an Interpreter or has a Hearing Loss

**[REVISED: 7/1/12]**

If the referred individual requests a sign language interpreter to communicate with DRS staff before the case is placed in Application Status, the counselor shall provide interpreter services according to DRS policy (see [Chapter 8.07, INTERPRETER, Policy 1](#)). If the case is not yet open in Application Status in AWARE, follow DRS procedures for funding source.

**Guidance:** When serving an individual who is hard of hearing, the VR counselor may wish to consult the regional counselor for the deaf regarding communication techniques, support services, accommodations, and devices. Depending on the severity of the hearing loss and the degree to which the hearing loss is an impediment to communication, the VR counselor may wish to refer the individual to the regional counselor for the deaf.

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#### A13. Referral of Individual with Brain Injury

**[REVISED: 3/1/08]**

The most appropriate time to accept referral and application from a person with brain injury is generally after the acute care (hospital) stage is completed and the person is determined to be medically stable.

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#### A14. Referral of Previous DRS VR Customer

**[REVISED: 7/1/12]**

If the individual has a Virginia Department for Aging and Rehabilitative Services Vocational Rehabilitation Program closed case which is subject to a closed case review, for applicable policy and procedures on repeat referral and application, see [Chapter 11, CLOSURE, Policy 3](#).

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#### A15. Self-Referral

**[REVISED: 7/1/12]**

Individuals may refer themselves to DRS. It is not necessary to process the referral if the individual (or their representative) is seeking information about DRS or vocational rehabilitation and does not wish to achieve an employment outcome (or otherwise decides not to request vocational rehabilitation services).

Note: For out-of-state consumers, see definition for "present in Virginia" in [Chapter 4.01, ELIGIBILITY, Policy 1, Section A](#).

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#### A16. Referral of individual only interested in extended employment

**[REVISED: 7/1/12]**

1. Cannot use VR funds for extended employment.  
Vocational rehabilitation funds cannot be utilized to pay for any services which have as their purpose to prepare for, secure, regain or retain an employment outcome in extended employment (per 2001 [Federal Regulation 34 CFR § 361.5](#)). Extended employment means work in a non-integrated setting or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (including minimum wage requirements and child labor restrictions) (per 2001 [Federal Regulation 34 CFR § 361.5](#)). If an individual is only interested in extended employment as an employment outcome, FRS program staff shall:
  - a. explain that the purpose of the vocational rehabilitation program is to assist individuals to achieve an employment goal in an integrated setting.
  - b. inform the individual of the availability of employment options in an integrated setting and of the vocational rehabilitation services available to assist in achieving these options.
  - c. explain that services under the vocational rehabilitation program can only be provided to eligible individuals in an extended employment setting if necessary for the purposes of eligibility assessment, training, or preparing for employment in an integrated setting.

- d. explain that if the individual chooses not to pursue employment in an integrated setting at this time, he or she can seek services from DRS at a later date if he or she wants to pursue employment in an integrated setting.
  - e. refer the individual as appropriate to the Social Security Administration in order to obtain information concerning the ability of individuals with disabilities to work while receiving benefits from the Social Security Administration.
2. Referral to ESO.  
If after explaining all previous options, the individual's informed choice is to pursue extended employment as the employment goal, DRS program staff shall inform the individual that DRS VR services are not available toward that goal and refer the individual to the ESO (per 2001 [Federal Regulation 34 CFR § 361.37](#)).  
  
**Note:** For cases referred to an ESO for placement, there may be state funds available for ongoing support services the individual needs. For additional information, refer to the Virginia DRS Standards Requirements for Employment Services Organizations and associated vendor agreements for extended employment.
  3. Assessment.  
If the individual is uncertain of his goal or the counselor is uncertain of eligibility, the counselor may utilize any of the usual assessment options including the use of a trial work experience in combinations with other services as appropriate to the individual.

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#### A17. Referral of individual receiving SSI or SSDI

**[REVISED: 3/01/08]**

The counselor shall check to see if the applicant has a Ticket to Work and indicate this in AWARE.

**Note:** For more information on procedures pertaining to Ticket to Work recipients, see the Grants and Special Programs intranet site and the Ticket to Work procedures in the DRS Form Cabinet on the DSA intranet.

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### B. Scope of Services for Referrals

#### B1. Transportation Before Application Status

**[REVISED: 7/1/12]**

Transportation to attend DRS Vocational Rehabilitation (VR) Program orientations or initial meetings with VR counselor in order to complete application for VR services may be authorized. If the case is not yet open in Application Status in AWARE, use the Admin charge card.

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## B2. Interpreter Services and Other Reasonable Communication Accommodations Before Application Status

**[REVISED: 7/1/12]**

Interpreter services and other reasonable communication accommodations to attend DRS Vocational Rehabilitation Program orientations or initial meetings in order to complete application for VR services may be authorized. If the case is not yet open in Application Status in AWARE, use the Admin charge card. For policies and procedures, see [Chapter 8.07, INTERPRETER, Policy 1](#).

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## B3. Other VR Services Before Application Status

**[REVISED: 3/1/08]**

Except for interpreter services, reasonable communication accommodations, transportation, and information and referral to other agencies and programs, no other VR services shall be provided before Application Status.

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## C. Use of Forms and AWARE Screens for Referrals

### C1. AWARE Referral Module

**[REVISED: 10/1/08]**

Use of the AWARE Referral module is optional. It is acceptable to wait until application to open the case in AWARE. Contact information for referred and self-referred individuals who are likely to apply for services in the immediate future may be entered into AWARE. The Referral module may be used to organize referral information needed to contact the individual, complete certain fields in the Application screens if the person later applies for VR services, and provide feedback to the referral source when policy requires feedback. The Referral module may be used to track contact attempts. The Referral module shall not be used to delay the application and eligibility determination processes for individuals who meet the requirements to move the case into Applicant status.

**Cross-reference:** For application criteria, [See Policy 5: Section A](#) of this chapter.

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## C2. Referral RS-2 and RS-2-MH forms

**[REVISED: 7/1/12]**

1. DRS staff shall not require consumers, referral sources, or the general public to use the RS-2 or RS-2MH to make a referral. Once the referral information is entered into AWARE, destroy the paper form. The AWARE screen is part of the case record.
2. For instructions on completing the referral form, see Chapter 12, FORMS.
3. For instructions on completing the AWARE screens, see the AWARE Manual.

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## 2. Staff Deadline and Procedures for Contacting Referred Individuals

**[REVISED: 10/1/12]**

Referrals shall be handled promptly and equitably (per 2001 [Federal Regulation 34 CFR § 361.41](#)). Within ten business days of receiving a referral (per agency mandate), DRS program staff shall initiate the first contact attempt. If the first attempt is unsuccessful, DRS program staff shall make a second attempt as soon as possible.

**Cross-reference:** For policy prohibiting or restricting certain referrals, [See Policy 1: Section A](#) of this chapter.

**Cross –reference:** For procedure for a missed initial interview, [See Policy 5: Section C1](#) of this chapter.

**Cross-reference:** For staff legally qualified to serve individuals with a Workers' Compensation case, [See Policy 1: Section A1](#) of this chapter.

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## 3. Qualifications of Staff Serving Workers Compensation Cases

**[REVISED: 5/1/169/15/22]**

No agency staff member may provide eligibility determination, Employment Plan development, counseling and guidance, or other vocational rehabilitation services requiring the exercise of professional judgment as defined in [§ 54.1-3500 of the Code of Virginia](#) to a Workers' Compensation claimant unless the staff member is certified by the Commission on Rehabilitation Counselor Certification (CRCC) as a certified rehabilitation counselor (CRC), or certified by the Commission on Certification of Work

Adjustment and Vocational Evaluation Specialist (CCWAVES) as a certified vocational evaluation specialist (CVE), or certified by the Commonwealth of Virginia as a certified rehabilitation provider (CRP), or the person is licensed by the Boards of Counseling, Medicine, Nursing, Optometry, Psychology, or Social Work (per [§ 65.2-603 of the Code of Virginia](#)). It is not sufficient for the staff member's supervisor to be certified.

**Guidance 1:** Vocational rehabilitation services that involve the exercise of professional judgment may include, but are not limited to, vocational evaluation, vocational counseling and guidance, job coaching, job development, job placement, on-the-job training, education, retraining, referral to services from other agencies and one-stop centers, services provided to determine eligibility and assign priority category if the agency is operating under order of selection, development of a written plan for extended evaluation, development and implementation and annual review of an Employment Plan, ~~development and implementation of a post-employment plan~~, decision to close the VR case, and conducting the review of a closed case when required by policy (see [Chapter 11, CLOSURE, Policy 3](#)).

**Guidance 2:** If the Workers' Compensation claim is denied then there is no requirement to assign a certified staff member to the DRS VR case because the individual is not receiving Workers' Compensation benefits. However, if an appeal results in claim approval, then the case must be assigned to a certified staff member. An individual receiving medical benefits under Workers' Compensation is still considered a Workers' Compensation claimant and the DRS VR case shall be assigned to a certified staff member.

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## 4. Procedure for Feedback to Referral Source

**[REVISED: 5/1/16]**

Whether to provide feedback to the referral source who referred a consumer to DRS is at VR counselor discretion.

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## 5. Applicant Status Criteria and Procedures and Scope of Services

### A. Application Requirements

**[REVISED: 5/1/16]**

To apply for the Vocational Rehabilitation Program and demonstrate intent to achieve an employment outcome, an individual must satisfy all three (3) of the following criteria (per 2001 [Federal Regulation 34 CFR § 361.41](#)):

1. Complete and sign an application for services RS-5a (for prohibited or restricted referrals, see [Policy 1](#), Sections A1 through A17 of this chapter) and
2. Provide information necessary to initiate the eligibility determination assessment (and assign priority category if DRS is on an order of selection), including:

- a. Signed release if necessary to obtain existing and new information
  - b. Information needed to complete all required fields on the Intake, Application Documentation, Special Programs, Education, and the other screens for new cases in AWARE. Rehabilitation Services Administration (RSA) requires DRS to collect this information for each applicant. For DRS' authority to collect this information see [Chapter 1.1, CONFIDENTIALITY, Policy 1](#).
  - c. Documentation from non-US citizens of eligibility to work in the U.S. (for documentation requirements, [See Policy 1: Section A2](#) of this chapter).
3. Be available to complete the eligibility determination assessment process within the eligibility determination deadline.

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## B. Scope of Services in Application or Application - E Status

**[REVISED: 5/1/16]**

Scope of services shall be limited to the following and provided as needed:

1. Diagnostic, assessment, and evaluation services needed to determine eligibility and develop the Employment Plan (and assign priority categories if DRS is on an order of selection) and any VR support services (e.g., PAS, transportation, child care, etc.) — except maintenance — needed to access the services. Individualized Employment Plan (IPE) planning may begin, but shall not delay eligibility determination. IPE planning is not done for cases moving into Delayed status.
2. Vocational rehabilitation counseling and guidance.
3. Referral services to other agencies and programs.
4. Interpreter services and other modes of communication as appropriate to enable the individual to comprehend and respond to information being communicated during the vocational rehabilitation process. See [Chapter 8.07, INTERPRETER, Policy 1](#).
5. While the information is not needed to determine eligibility, the counselor may wish to immediately request the presentance report, crime, and length of sentence information for individuals convicted of a felony as an adult. A felony conviction precludes employment in certain occupations under state law. Therefore, a felony conviction will become a critical consideration when establishing the employment goal. Obtaining the information as soon as possible will facilitate vocational evaluation and IPE development. The consumer's informed written consent is required for presentance reports and the state police may charge a copying fee.

**Cross-reference:** For consumer’s responsibilities regarding diagnostic, assessment, and evaluation services, see the policy for the specific service in Chapter 6.

**Cross-reference:** For eligibility criteria, see [Chapter 4.01, ELIGIBILITY, Policy 1](#).

**Cross-reference:** For eligibility documentation, see [Chapter 4.01, ELIGIBILITY, Policy 2](#).

**Cross-reference:** For use of trial work experiences or extended evaluation to determine if disability is too severe for an employment outcome, see [Chapter 4.02, EXTENDED, Policy 1](#).

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## C. Procedure to Complete Application Process

### C1. Initial Interview with Applicant

**[REVISED: 5/1/16]**

1. The counselor and applicant (including, as appropriate, the individual’s family members, representative, and others) shall have a face-to-face counseling and guidance meeting at least once during the referral-application-eligibility determination assessment process.

**Exception:** Under special circumstances the counselor may waive the face-to-face meeting requirement when, in the professional judgment of the counselor, eligibility can be determined without a meeting. An example of a special circumstance is a referral from an out-of-state Vocational Rehabilitation Program agency that is currently serving an eligible individual who is moving to Virginia.

2. The purposes of the meeting are to discuss the Vocational Rehabilitation Program (including mandatory disclosures in subsection C2 and requirement (per 2001 [Federal Regulation 34 CFR § 361.42](#)) that the individual must intend to achieve an employment outcome, start the application and eligibility assessment processes, and begin vocational rehabilitation counseling and guidance. The counselor may use the RS-4 Application Intake Guide to aid the discussion.

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### C2. Mandatory Disclosures to Applicants

**[REVISED: 4/1/10]**

1. The counselor shall explain the confidentiality policy and release form (per 2001 [Federal Regulation 34 CFR § 361.38](#)) and customer avenues of appeal — including the names of individuals to contact (per 2001 [Federal Regulation 34 CFR § 361.57](#)).



**Cross-reference:** For confidentiality policy and use of release form, see [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section D1.](#)

**Cross-reference:** For appeals policy, see [Chapter 15, APPEALS, Policy 1.](#)

2. If DRS is on an order of selection, the counselor shall disclose policies regarding order of selection. See [Chapter 2.2, ORDER, Policy 2.](#)
3. The counselor may disclose the individual's right to confidentiality and to appeal counselor decisions by giving the individual printed material (e.g., customer guide for VR program, VOPA Client Assistance Program (CAP) brochure, RS-9 Request for Fair Hearing form, RS-5a form); discussing this information during the initial meeting, a group orientation, or vocational rehabilitation counseling and guidance session; or informing the individual via other mode of communication to enable the individual to comprehend and respond to information.

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### C3. Mandatory Voter Registration Procedures

**[REVISED: 5/1/16]**

See [Chapter 1.7 VOTER REGISTRATION, Policy 1.](#)

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### C4. Identifying Personal Injury Legal Action

**[REVISED: 1/21/99]**

See [Policy 7: Section A](#) of this chapter.

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### C5. Case Closure from Application or Application - E Status

**[REVISED: 3/1/08]**

See [Chapter 11, CLOSURE, Policy 1.](#)

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### D. Use of Forms and Screens in Application or Application-E Status

#### D1. Use of Referral RS-2

**[REVISED: 3/1/08]**

See [Policy 1: Section D2](#) of this chapter.

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#### D2. Use of Application and Disclosure RS-5a

**[REVISED: 3/1/08]**

This must be reviewed and signed (see [Policy 5: Section A](#) of this chapter) as part of the application process to document client notification of rights per [Policy 5: Section C2](#) of this chapter).

**Cross-reference:** For instructions on completing the form, see Chapter 12, FORMS, RS-5a.

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#### D3. Use of Releases

**[REVISED: 3/1/08]**

See [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section D1](#).

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#### D4. Use of Voter Registration Application form

**[REVISED: 5/1/16]**

See [Chapter 1.7, VOTER REGISTRATION, Policy 1, Section A4](#).

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#### D5. Use of Lien Worksheet RS-457

**[REVISED: 3/1/08]**

See [Policy 7: Section B2](#) of this chapter.

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## D6. Use of Medical Examination RS-3

**[REVISED: 3/1/08]**

The counselor may record the client's medical history in Part 1 of the Medical Examination RS-3, even when not purchasing a medical examination for the consumer.

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## D7. Use of AWARE Screens

**[REVISED: 7/1/12]**

For all individuals who meet the application requirements in section A, DRS program staff shall complete the New Case process in AWARE to move the case into Application status (for instructions on completing the screens, see AWARE Manual) and begin eligibility determination assessment. From Application status, the counselor will move the case into Eligible status, or Application – E status ("E" stands for "extra time"), or Application – T status ("T" stands for trial work), or Application – X status ("X" stands for eXtended evaluation), or Closed – Other status.

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## 6. Voter Registration

**[REVISED: 5/1/16]**

[See Chapter 1.7, VOTER REGISTRATION, Policy 1.](#)

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## 7. Liens, Personal Injury

### A. DRS Legal Authority to File Lien on Personal Injury Settlement

**REVISED: 7/1/12]**

DARS Fiscal unit is not allowed by law to issue a Notice of Lien on Workers' Compensation benefits. For other legal personal injury action that a client is pursuing or contemplating DARS Fiscal unit will issue a Notice of Lien and request reimbursement for DRS expenses (for fee-based services) to be paid from the VR client personal injury settlement (per [§ 8.01-66.9 of the Code of Virginia](#)).

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## B. Procedure to Identify Personal Injury Cases

### B1. Identify Personal Injury Cases

**[REVISED: 7/1/12]**

At time of application DRS staff shall identify those cases where the disability is the result of an accident (excluding Workers' Compensation) or other personal injury and monitor it for any pending legal action. If legal action is planned or pending, DRS staff shall submit the Lien Worksheet RS-457 form to DARS Fiscal Operations unit.

**Best Practice.** The counselor should follow-up with Fiscal Operations staff to help identify fee-based services from non-fee-based services the client received.

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### B2. Use of Lien Worksheet RS-457 Form

**[REVISED: 7/1/12]**

Upon receipt of Lien Worksheet RS-457 from DRS staff, DARS Fiscal Operations staff will determine the appropriate Notice of Lien letter to be used and send it to the client attorney and to the negligent party with a copy to the VR counselor. DARS Fiscal Operations staff shall follow-up on the status until disposition has been made.

## Chapter 2.2 Contents:

[DRS Policy Manual Main](#)

- **Chapter 2.2. - ORDER OF SELECTION**
  - **1. [Order Of Selection Status](#)**
    - **A. [Current Status Regarding Order Of Selection](#)**
    - **B. [Procedure for Change in Agency Status Regarding Order Of Selection](#)**
    - **C. Individuals Jointly Served by DARS and the Department for the Blind and Vision Impaired (DBVI)**
  - **2. [Order Of Selection Criteria and Procedures and Scope of Services](#)**
    - **A. [Order Of Selection Priority Categories and Procedures](#)**
      - **A1. [When Order Of Selection Procedure Becomes Effective](#)**
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    - **B. [Scope of Services under Order Of Selection](#)**
      - **B1. [Scope of Services for All Applicants When DRS is under Order Of Selection](#)**
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      - **C2. [Closing Priority Categories and Serving Clients](#)**
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      - **C4. [Case Closure from Waiting List](#)**
    - **D. [Use of Forms and Screens in Delayed Status](#)**

3. [Applicants Determined Eligible Who Are at Immediate Risk of Losing Their Current Job](#)

### 3. [Applicants Determined Eligible Who Are at Immediate Risk of Losing Their Current Job](#)

A. Candidates

[revised: **2/9/179/15.22**]

1. Virginia has elected (per 2016 Federal Regulation 34 CFR § 361.36) to exempt from Delayed Status policy individuals determined eligible who meet all of the following criteria:

- a. The individual is determined eligible but the case will go into Delayed status or the individual is currently in Delayed status.
- b. The individual is currently working but would almost certainly lose his or her current job if not provided specific services or equipment in the very near future that would enable him or her to retain that employment.

- c. The employment plan can be developed and the services required can be provided immediately.
- d. VR services are needed to maintain the current employment with the current employer.
- e. ~~The individual is not eligible for post-employment services (see Chapter 8.21, Post Employment Services, Policy 1).~~

- 2. The case record must document communication from the employer stating that the employee is at immediate risk of losing their job.
- 3. The individual is not required to disclose the disability to the employer and DRS staff communication with the employer requires the individual's informed written consent.
- 4. The individual requires only:

- a. Guidance and counseling and follow along ; or
- b. In addition to guidance and counseling and follow ~~along~~up, only specific services and equipment that will keep the consumer in his or her current job.

**Note 1:** This exemption does not apply to those losing jobs because the employer is going out of business, eliminating the job, or for other business-related decisions.

**Note 2:** This exemption does not apply to individuals who are underemployed or seeking to maximize their employment.

**Note 3:** This exemption does not apply to those who are seeking to change employers.

## B. Plan Development [revised: 2/9/17]

### B1. Approval Required

Written pre-approval from the Supervisor is required before moving any case that does not meet order of selection priority category from Delayed status in AWARE.

### B2. Plan Requirements

In addition to the general requirements in Chapter 5, Plan, the following is required for employment plans written under this policy.

- 1. The employment plan must contain, at a minimum, counseling and guidance and 90-day job follow along.
- 2. Only specific services that will allow the individual to keep the current job may be provided under this plan.
- 3. If the individual also requires additional VR services not necessary to maintain the current job, those services cannot be provided until the individual's priority category becomes open.
- 4. If after a plan is written the consumer loses the job held at application, the counselor shall
  - a. Place the case in services interrupted status until the individual's priority category becomes open, or
  - b. Close the case upon the individual's request.

## C. Case Closure [revised: 2/9/17]

1. The 90 day follow-up prior to closing case Closed-Rehabilitated begins once planned services are completed.
2. If the individual requests the case be Closed-Other, follow procedures for case closure in Chapter 11, CLOSURE, Policy 1.

# Chapter 5. - PLAN (Individualized Plan for Employment)

## 1. IPE Development

### A. IPE Development Requirements

#### A1. [Mandatory Client Notifications During IPE Development](#)

**[REVISED: 11/22/16]**

The counselor shall advise the individual (or representative, as appropriate) in writing and in an appropriate mode of communication of (per 2016 [Federal Regulation 34 CFR § 361.5](#)) and (per 2016 [Federal Regulation 34 CFR § 361.45](#)):

1. The availability of appropriate modes of communication if required to develop the Individualized Plan for Employment (IPE or Employment Plan),
2. The timeframe for developing the IPE,
3. Any additional needs assessment information needed,
4. All the components that are required in an IPE. For use of RS-4b form and AWARE Eligible And IPE Appointment letter as client notification, see [Chapter 4.01, ELIGIBILITY, Policy 1, Section D2](#)). For policies on IPE components, see [Policy 2](#) of this chapter.
5. If the individual (or representative) wishes to take the lead in developing all or part of the IPE, ways the counselor may provide assistance upon request (e.g., explaining DRS policies, obtaining additional information or identifying sources, providing DRS forms and assisting in completing them, etc.),
6. DRS policies regarding eligibility criteria and consumer responsibilities for specific services under consideration, informed choice (see [Chapter 1.6, INFORMED CHOICE, Policy 1](#)), consumer financial participation (see Chapter 14.3, FINANCIAL), and comparable benefits (see Chapter 14.2 COMPARABLE).
7. Consumer rights and avenues of appeal and Client Assistance Program (which are pre-printed on the RS-4b form and IPE).
8. Individuals receiving SSI or SSDI who become eligible for a Ticket to Work anytime during the VR process will automatically have their Ticket assigned to DRS if they have a signed IPE. The counselor shall (per agency mandate) inform the client of this prior to the signing of the IPE and shall document this notice in the case record.



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## A2. [Deadline to Complete and Sign the IPE in Eligible status](#)

**[REVISED: 11/22/16]**

1. If DRS is operating under an Order Of Selection (OOS) and the case is not moving to the Delayed status waiting list (see [Chapter 2.2 ORDER, Policy 2](#)), the case is moved into Eligible status and the Individualized Plan for Employment (IPE) shall be developed and signed as soon as possible, but within 90 days of the Eligible Date. For required IPE format, see Policy 1: Section D of this chapter. When the IPE is finalized, mutually agreed to, and signed, the counselor shall complete the AWARE Plan screen and move the case into Service status. To extend the deadline, including for PERT and Transition cases, the counselor shall complete the AWARE Plan Development Extension screen to justify the IPE delay and move the case into Eligible - E status.
2. For students with disability who are VR clients  
To continue to provide pre-employment transition services already initiated before Eligible status, whether the assigned Order of Selection priority category is open or closed, see [Chapter 2.2, ORDER OF SELECTION, Policy 2 Section B](#)

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## A3. [Eligible - E status](#)

**[REVISED: 11/22/16]**

As often as necessary, but at least every 90 days the case remains in Eligible - E status, the case record must demonstrate casework, IPE planning, vocational counseling and guidance, or justification for the IPE delay. If the IPE for a transition case (per 2016 [Federal Regulation 34 CFR § 361.22](#)) is not finalized and signed before the student leaves the school setting, the counselor shall (per agency policy) document supervisor consultation.

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## A4. [Counseling Relationship and Client Informed Choice during IPE Development](#)

**[REVISED: 5/1/16]**

For vocational counseling and guidance see [Chapter 8.03, VR COUNSELING, Policy 1](#). For informed choice see [Chapter 1.6, INFORMED CHOICE, Policy 1](#).

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## A5. [IPE Development Participants and Signature Requirements](#)

**[REVISED: 9/16/21]**

1. By signing, the parties agree to abide by the contents.
2. For counselor qualified to develop and sign the IPE for a Workers Compensation case, see [Chapter 2.1, APPLICATION, Policy 1, Section A1](#).
3. The counselor shall not sign the IPE or substantial amendment on behalf of the client (per 2016 [Federal Regulation 34 CFR § 361.45](#)).
4. For clients with SSA Ticket to Work, the client name and signature on the IPE must exactly match the name as it appears on the documentation of SSI or SSDI Disabled Worker benefits (SSA-1099, Award Letter, etc.).
5. A client who cannot manually affix the legal signature or mark, must designate someone (other than the counselor) legally competent and age 18 or older to sign the client legal name followed with "by" and the designee printed legal name and signature.
6. The signatures must be in writing. "Verbal signatures" by telephone are unacceptable
7. The client and counselor are not required to sign in the presence of each other.
8. It is acceptable for the parties to sign a mutually agreed-upon draft IPE or amendment when there are no changes between the draft and final document; the counselor shall keep the signed draft and shall provide the signatories a copy of the signed draft and final document.
9. The counselor shall ask, using an appropriate mode of communication (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (5)), if the client has read the document and understands each section. It is not necessary to review every right and responsibility and term and condition that has previously been reviewed and understood. However, it may be appropriate for the counselor to probe to ensure the client understands the IPE contents and implementation.
10. For clients at least age 18 and not declared legally incompetent, informed written consent/release is required for others (parent, spouse, etc.) to participate with them and sign the IPE (see [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A6](#)). If the counselor professional judgment is that this client does not understand the IPE development process, contents, and implementation, then the counselor may inform the client of support services available to exercise informed choice and the right to include legally competent adults (not the counselor) to participate and sign the IPE along with the client.

11. Clients under 18 years old (unless legally emancipated) require a custodial parent or court-appointed legal guardian participation and signature on the IPE.
12. For students with disabilities (those receiving special education services and those who are not), appropriate individuals in the school system (e.g., IEP team, 504 Coordinator) shall participate in the IPE development process but are not required to sign the IPE or substantial amendment.
13. Individuals declared legally incompetent require a court-appointed legal guardian participation and signature on the IPE.
14. Wilson Workforce and Rehabilitation Center (WWRC) counselor shall participate (but is not required to sign the IPE or substantial amendment) when the client is at WWRC for vocational evaluation and all parties agree the client will stay at the Center for training services (per agency mandate).
15. In developing IPE for a Supported Employment case, the participants should consider the ancillary circumstances surrounding the employment, such as family support, work disincentives, medication effectiveness, residential environment, etc. For more information on Supported Employment, see the Virginia DRS Supported Employment Guide.

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## [A6. IPE Development and Individuals Jointly Served by DARS and the Department for the Blind and Vision Impaired \(DBVI\)](#)

**[REVISED: 12/3/18]**

1. For cases jointly served by DARS and DBVI, each agency develops an IPE with the individual. See [Chapter 16, INDIVIDUALS JOINTLY SERVED BY DARS AND THE DEPARTMENT FOR THE BLIND AND VISION IMPAIRED \(DBVI\), Policy 16, Section 7.](#)

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## **B. Scope of Services During IPE Development**

**[REVISED: 11/22/16]**

1. For each individual certified eligible for the Vocational Rehabilitation program (or if DRS is under Order Of Selection, each individual certified eligible for the Vocational Rehabilitation program to whom DRS is able to provide services), an Individualized Plan for Employment (IPE) must (per 2016 [Federal Regulation 34 CFR § 361.45](#)) be developed and agreed to and signed by the vocational rehabilitation counselor and the eligible individual (or representative, as

appropriate. The counselor shall not provide, or commit to providing, non-diagnostic, non-evaluation, non-assessment goods or services (e.g., college training, vehicle or home modification, supported employment, occupational tools and equipment, etc.) before the IPE is completed and signed. During Eligible and Eligible –E status, the counselor may provide only the services listed in [Chapter 4.02, TRIAL WORK, Policy 1, Section A2](#) that are needed to develop the IPE. The counselor shall evaluate with each client the need for post employment services.

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## C. Use of Forms and Screens

### C1. Use of Employment Plan Form (RS-5) and AWARE screen

**[REVISED: 11/22/16]**

1. The RS-5 form may be used to draft the individualized Plan for Employment (IPE), but the final IPE shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)). be entered and saved in AWARE and the signature page saved.
2. The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (e) and 2016 [Federal Regulation 34 CFR § 361.45](#)) promptly provide a copy, in the native language or appropriate mode of communication, of the signed IPE and any amendments (per 2016 [Federal Regulation 34 CFR § 361.18](#) (e) and 2016 [Federal Regulation 34 CFR § 361.45](#)).
3. From Service status the case may be moved into Service-J, or directly into Employed status, or may be closed.

### C2. Use of Client Financial Statement (RS-13)

**[REVISED: 2/15/05]**

The individual and counselor shall complete the RS-13 form, or update it, before the individual receives any fee-based services (per 2016 [Federal Regulation 34 CFR § 361.54](#)).

### C3. Use of Student Need and Aid Assessment (RS-25)

**[REVISED: 1/21/99]**

See [Chapter 7, SCHOOL, Policy 1, Section D3](#) for use of RS-13 and RS-25 forms when authorizing post-secondary training services.

#### C4. Use of Consumer Information on Development of The Employment Plan (RS-4b)

[REVISED: 10/1/01]

See [Chapter 4.01, ELIGIBILITY, Policy 1, Section D2](#).

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## 2. IPE Content Requirements

### A. IPE Contents

[REVISED: ~~11/22/169~~/15/22]

1. The Individualized Plan for Employment (IPE) is a written, signed agreement. The IPE is not a legal contract and DRS will pay for services as long as there is money available to do so, the laws affecting the VR program do not change, and the client makes satisfactory progress toward reaching the employment goal on the IPE. For requirements when developing the IPE, see [Policy 1](#) of this chapter. For IPE review requirements, see [Policy 4 of this chapter](#).
2. At a minimum, the IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) contain:
  - a. **An employment goal** (for requirements, see [Policy 2: Section B](#) of this chapter)
  - b. **Projected time frame for achieving the employment goal.**
  - c. **Progress measures.**

Progress measures are a description of criteria to evaluate progress toward achieving the established employment goal. Each must be a specific measurable outcome (skill, behavior change, etc.) needed to reduce or remove the documented impediments to employment/serious functional limitations and achieve the IPE employment goal, and way to measure it (grades, vendor report, etc. ). In developing progress measures, consider changes needed in educational level, job skills, interpersonal skills, physical or mental condition, environmental conditions and accessibility issues, and other relevant factors. Try to use a positive tone (e.g., maintain sobriety, acquire a degree or skill, increase a specific behavior, etc.). Progress measures may used to address ancillary issues that support achieving the IPE employment goal. For example, a progress measure to acquire skills to manage child care issues may be appropriate for an individual. However, if the individual simply needs child care services to access DRS-approved services (e.g., training) a progress measure regarding child care may not be necessary. For samples of progress measures, see [Policy 2: Section C](#) of this chapter.

d. **Specific vocational rehabilitation services.**

i. The IPE shall include specific vocational rehabilitation services to be provided. For example, if rehabilitation technology services are required, the IPE must identify the specific rehabilitation technology service. The IPE shall include the projected service start date, service provider name, cost (if known), and funding source(s) including any client financial contribution and any comparable benefits. The anticipated service end date is optional and, if used, must (per agency mandate) be based on the specific vocational rehabilitation needs of the individual.

ii. The IPE shall include, at a minimum, 1) vocational counseling and guidance as an essential VR service (per RSA Manual Transmittal RSA-MT-92-27) and 2) job search assistance and follow up for at least 90 days after Employed Date. See [Chapter 8.03, COUNSELING, Policy 1](#) for counseling and guidance requirements.

**ii. Counseling and guidance IPE**

This means the primary planned service is substantial counseling and guidance. While counseling and guidance is provided throughout the vocational rehabilitation process, a counseling and guidance IPE is written when the individual and counselor agree that i) planned, substantial counseling and guidance is the primary service the individual requires to achieve the established employment goal, and ii) the provision of counseling and guidance services will remove or substantially reduce the impediment to employment and will enable the individual to achieve the established employment goal. Specific counseling issues (see ) shall be included in the progress measures. See [Chapter 8.03, COUNSELING, Policy 1](#) for frequency of scheduled sessions, C and G progress measures, and other requirements. Unplanned sessions may also occur when a counseling and guidance issue needs immediate attention. Other progress measures and services required for the individual to achieve the established employment goal or to remove or reduce the documented impediment to employment/serious functional limitation may be included as appropriate.

**iii. Physical or mental restoration IPE**

This means the primary planned services are medical or mental services and related services. A physical or mental restoration IPE is written when the individual and counselor agree that i) the individual's substantial impediment to employment is caused by an identified physical or mental condition, and ii) the provision of physical or mental restoration services will remove or substantially reduce this impediment to employment and will enable the individual to achieve the established employment goal. Specific counseling issues (see [Chapter 8.03, COUNSELING, Policy 1](#)) shall be included in the progress measures. See [Chapter 8.03, COUNSELING, Policy 1](#) for frequency of scheduled sessions, progress measures, and other requirements. For samples of physical or mental restoration progress measures, see [section C of this policy](#). Other progress measures and services required for the individual to achieve the established employment goal or to remove or reduce the documented impediment to employment/serious functional limitations may be included as appropriate.

#### **iv. Training IPE**

This means the primary planned service is vocational training, academic training, supported employment (SE) training, Work Adjustment Training (WAT), on-the-job training (OJT), training at Wilson Workforce and Rehabilitation Center (WWRC), or other type of training program. A training IPE is written when the individual and counselor agree that the client i) does not have a marketable skill or the current employment is not consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities and functional limitations of the individual based on the results of the eligibility determination assessment and any additional needs assessments needed to develop the IPE, and ii) training will remove or substantially reduce this impediment to employment and will enable the individual to achieve the established employment goal. For multi-year training programs (e.g., college degree program), the IPE shall list services, costs, providers, etc. for year 1 only. The IPE must be amended annually. Specific training-related counseling issues and progress measures (see [Chapter 8.03, COUNSELING, Policy 1](#)) shall be included in the progress measures. See [Chapter 8.03, COUNSELING, Policy 1](#) for frequency of scheduled sessions, training progress measures, and other requirements. For samples of progress measures, see [section C of this policy](#). Other progress measures and services required for the individual to achieve the established employment goal or to remove or reduce the documented impediment to employment/serious functional limitations may be included as appropriate. For training services for Workers Compensation cases, see paragraph m below.

- v. The counselor shall be responsible for identifying providers of comparable benefits and for assisting the individual in obtaining those resources. The individual shall be responsible for applying for appropriate comparable benefits identified by the counselor. For policy, see [Chapter 14.2, Comparable Benefits](#).
- vi. Consumer financial participation in the cost of fee-based services is based on the Client Financial Statement RS-13 form see [Chapter 14.3, FINANCIAL, Policy 1](#)), and RS-25 when applicable (see [Chapter 7, SCHOOL, Policy 1, Section D3](#)).
- vi. If it is not possible to identify all the information for a planned service that will be provided at a future date (i.e., transition services to be provided after the students with an IEP exits school, extended services to be provided following time-limited supported employment services, anticipated post employment services to be provided following successful rehabilitation and reassessment for post employment services) to avoid delays in the IPE development and implementation, it is acceptable to record the information that is known (i.e., the anticipated extended services service provider and basis for determining that extended services will be available) and then note on the IPE that missing information will be determined later.
- vii. Planned services include services funded by another resource that DRS staff plans, arranges, or coordinates (i.e., work site accommodation paid by employer under P.L. 101-336 Americans with Disabilities Act of 1990, physical or mental restoration paid by insurance carrier, college training paid by federal student financial aid, etc.).

- viii. Planned services include services funded by DRS VR Program but provided by a vendor (i.e., job coach training services paid by DRS and provided by an Employment Services Organization, etc.).
  - ix. Planned services include services provided at no charge by DRS staff, such as counseling and guidance and job placement services.
  - x. The IPE should include VR support services (i.e., dependent or child care, PAS, maintenance, and transportation) that are necessary to access another VR service on the IPE.
  - xi. The IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) include statements concerning the expected need (yes, no/unknown) for ~~VR services under a Post-Employment Services (PES) Plan after case closure and anticipated services needed employment but before case closure.~~ ~~If PES needs are not known at the time of IPE development, but the need for PES occurs after Employed status but before case closure, the IPE shall be amended accordingly.~~ (See Chapter 5, PLAN, Policy 6) **Cross-reference:** For definition of post-employment services (PES) and procedure to provide PES ~~after case is Closed-Rehabilitated~~, see [Chapter 8.22, POST EMPLOYMENT, Policy 1](#).
  - xii. For each service on the IPE, the counselor must document in the client record that the service is vocationally necessary to achieve the established employment goal and the client meets eligibility criteria for the service (see Chapters 7, 8, and 9).
  - xiii. Each service on the IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) be provided in the most integrated setting possible, consistent with client informed choice, or the IPE shall include a brief justification why it is not provided in an integrated setting. For example, "Client requires a non-integrated setting for work adjustment before moving to an integrated setting."
- e. **Schedule for periodic review and evaluation of progress.**
  - f. **How, in the words of the individual** (or individual's representative, as appropriate), how the individual was informed about and involved in choosing among alternative employment goals, progress measures, services, providers, and methods used to procure or provide services (for informed choice policy, see [Chapter 1.6, CHOICE, Policy 1](#)). This statement should include the manner in which the individual was informed about the level of integration of services and job placement options. The individual should complete this section as independently as possible.
  - g. The individual's **rights, avenues of appeal, responsibilities, terms, and conditions** regarding the provision of vocational rehabilitation services.
  - h. **Signatures** (for requirements, see [Policy 1: Section A5](#) of this chapter).
  - i. **For a student with an Individualized Education Program (IEP)**, the DRS IPE, at a minimum, must be consistent with the transition components (goals, objectives and services related to transition from school to post-secondary activities, such as further



education, vocational training, employment, and independent living) of the student's IEP (per 2016 [Federal Regulation 34 CFR § 361.22](#) and 2016 [Federal Regulation 34 CFR § 361.45](#) and 2016 [Federal Regulation 34 CFR § 361.46](#)). The counselor shall keep a copy of the IEP (or Individualized Transition Plan, if available) in the client record as documentation that the IPE and IEP transition components are consistent. The counselor may (per 2016 [Federal Regulation 34 CFR § 361.47](#)), but is not required to, summarize on the DRS IPE the transition components of the IEP. Planned services include any VR fee-based services to be provided as well as any school-sponsored services in which DRS is not involved (i.e., vocational awareness/readiness services), but are required to achieve the established employment goal. The DRS IPE may include, as appropriate, other progress measures in addition to those relating to the transition components of the student IEP.

- j. **For Supported Employment (SE) cases**, the IPE shall include (per 2016 [Federal Regulation 34 CFR § 361.46](#)) the IPE contents required in [Chapter 8.16, SE, Policy 1](#).
- k. **For Self-Employment Enterprise (SEE) cases**, see additional IPE requirements and SEE approval process in [Chapter 8.17, SEE, Policy 1](#).
- l. **For alcohol or substance abuse cases**,
  - i. The individual must agree, as part of the IPE, to voluntarily participate in a treatment program or a support group. Due to limited DRS resources, DRS shall not (per [Chapter 2.1, APPLICATION, Policy 1, Section A11](#)) pay for treatment.

**Guidance:** All issues pertaining to the individual's other responsibilities (e.g., transportation, VR counseling sessions, etc.) should be listed in the IPE.

- ii. The individual must agree to a progress measure to maintain abstinence from alcohol/substances and agree that no fee-based services shall be authorized until the individual has demonstrated, to the counselor's satisfaction, abstinence for a period of time specified in the IPE (per agency mandate).
- iii. If the individual has a relapse, the counselor shall initiate an evaluation at DRS expense. Continuation of services on the IPE shall generally be contingent upon the individual's participation in the evaluation and recommended treatment, and abstinence from alcohol or substances. DRS shall not pay for any recommended treatment and the counselor shall refer the individual to other community resources for treatment.

**Guidance 1:** The recommended period of time for abstinence before authorizing fee-based services is at least 90 consecutive days. The 90 days may be counted from a date before the IPE is signed (e.g., from the date of application or date of certification of eligibility is the individual has not used alcohol or substances since that time).

**Guidance 2:** If the individual has a relapse and refuses to abstain, even after counseling and guidance and referral to community resources, the counselor may close the case.

**Guidance 3:** More than one relapse within a six (6) month period, even when the individual agrees to abstain, may be an indication that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of the disability.

- iv. Sample progress measures (or written as client responsibilities) may be:

Progress Measure: Individual will abstain from alcohol or drugs or any substances not currently prescribed by a physician familiar with the individual's alcohol/substance abuse diagnosis. No services subject to consumer financial participation will be authorized until the individual has demonstrated abstinence for at least (enter appropriate time period) consecutive days. This will be measured through the treatment records or consulting with the case manager on an ongoing basis [use if individual is involved in treatment] and counselor observations of arrival time for appointments [add other behaviors consistent with abstinence].

Progress Measure: Individual agrees to voluntarily participate in a treatment program or support group (but DRS shall not pay for treatment). This will be measured through attendance.

Progress Measure: Individual agrees to meet with the counselor at least twice a month for the first (enter appropriate time period) consecutive days of this IPE. This will be measured through attendance at scheduled counseling sessions.

- l. **For all Workers' Compensation cases**, the IPE shall contain this statement: "The carrier will be notified at time of employment and any termination or addition of services for which the carrier is paying some or all of the cost."
- m. **For Workers' Compensation cases, before planning training services**, the counselor must send the insurance company a letter containing:
- i. Documentation from the former employer indicating there is no job (without restructuring) available within the company for the injured worker,
  - ii. The proposed training program, duration, and the rationale for such a program,
  - iii. Projected costs of the training program itemized (e.g., tuition and fees, textbooks and supplies, transportation, etc.),

- iv. Projection, insofar as possible, of the injured workers earning potential after the completion of the training program as compared to the current/continuing Workers' Compensation benefits,
- v. Job Market Survey showing jobs that will exist upon completion of training, and
- vi. Name and address of the individual at the training institution to whom the carrier payment checks should be forwarded.

**Note:** The Virginia Workers' Compensation Act requires that the carrier provide for reasonable and necessary rehabilitative training services for claimants if so directed by the Workers' Compensation Commission. If the carrier is so directed but refuses to voluntarily participate in DRS recommended program, the injured worker can appeal the carrier decision to the Workers' Compensation Commission. The injured worker must do this in writing and should include the above letter the DRS VR counselor sent the insurance carrier.

**Guidance:** For guidelines on working with these cases, visit the Virginia Workers' Compensation Web site at <http://www.vwc.state.va.us/sites/default/files/documents/Vocational-Rehabilitation-Guidelines.pdf>

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## B. IPE Employment Goal

### B1. Requirements for the Employment Goal

**[REVISED: 9/16/21]**

1. Recorded on IPE.  
The established employment goal shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (d)) be recorded on the Individualized Plan for Employment (IPE) (or amendment to the Plan).
2. Specific.  
At a minimum, the established employment goal shall (per 2016 [Federal Regulation 34 CFR § 361.46](#) (a)) describe a particular type of profession or occupation (i.e., clerical work). Use the O\*Net code listing in AWARE Employment Plan screen. An employment goal of "supported

employment" or "self-employment" is too vague. (per Federal Register Vol. 62, No. 28, February 11, 1997, page 6326).

3. Employment outcome.

The established employment goal shall (per Public Law 113-128, Title IV, Section 404, Sec 7) be competitive integrated employment (including customized employment) or supported employment. For definition of competitive integrated employment, see Chapter 11, CLOSURE, Policy 1, Section A2.) For definition of customized employment, see Chapter 11, CLOSURE, Policy 1, Section A2. For definition of supported employment, see Chapter 8.16, SUPPORTED EMPLOYMENT, Policy 1, Section A1.

4. Mutually agreed upon.

The established employment goal shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (d)) be mutually agreed-upon by the client and VR counselor. It shall (per 2016 [Federal Regulation 34 CFR § 361.46](#) (a)) reflect the client career interests and informed choice to the extent that those factors are consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual based on the results of the eligibility determination assessment and any additional needs assessments needed to develop the Employment Plan (see Chapter 6). It shall consider the client current (and projected, if the disability is of a progressive nature) physical and mental condition and functional limitations (such as diminishing or increasing strength and energy). The counselor shall not agree to a goal that is inconsistent with these factors.

**Guidance 1:** For a high school student with a disability (students in special education programs and those who are not), reflects the current status since strengths, resources, priorities, concerns, abilities, and capabilities may change significantly during the transition years (per agency mandate). For example, assessment information older than three years from the date the student applies for the Vocational Rehabilitation program may require updating.

**Guidance 2:** The client may be able to keep/return to same job, choose a different job goal not requiring re-training/school by using marketable or transferable skills, be qualified for other jobs with the current employer, etc. However, underemployment, certain changes in the job market or prognosis/functional limitations, etc. may make the work history become less of a factor in choosing an appropriate employment goal.

**Guidance 3:** If the client has no work history or has a work history that does not include a recent job consistent with the client unique strengths, resources, priorities, concerns, abilities, and capabilities, consider job opportunities in the following order, consistent with the individual's informed choice:

Competitive integrated employment, then

Supported employment

**Guidance 4:** Resources to assist the consumer and counselor to establish the employment goal include OnetOnLine.org, Virginia Career View, VaView.VT.edu, Virginia Employment Commission, vocational evaluation, school counselors, local job market survey, etc.

5. Is not precluded by a felony conviction.  
A felony conviction precludes employment in certain occupations. A criminal background check is required by state law for the following:
  - a. applicants for ABC license and certain ABC employees,
  - b. applicants for explosives blaster certification or handling permit,
  - c. applicants for mental health provider license,
  - d. employees and volunteers providing care to children, the elderly, and people with disabilities (specifically child care facilities, day care centers, child welfare agency, family day homes, nursing homes, juvenile residential facilities),
  - e. fire departments,
  - f. law enforcement officers,
  - g. gun dealers,
  - h. hospital pharmacy employees,
  - i. lottery employees and sales agents,
  - j. private school employees,
  - k. private security services businesses, and
  - l. pari-mutuel wagering on horses.

**Note:** This Web site lists of some of the regulated occupations <http://www.dpor.virginia.gov/ProfessionsAndOccupations/>

6. Substance Use Considerations.  
Substance use, including marijuana (medical or recreational) may disqualify an individual from certain kinds of employment. Many employers mandate drug-free workplaces and require drug testing as a condition for employment. The counselor will need work with the individual on a case-by-case basis to determine whether the individual can obtain their desired employment goal consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Counseling and guidance should be provided that includes information on Virginia's occupational and regulatory requirements regarding substance/marijuana use that could affect employment including the denial, revocation, suspension, or restriction of a license, certificate, or registration. For additional information, see **Chapter 8.03 Counseling and Guidance, Policy 1A**. For information about Alcohol and Substance Abuse Assessment during Eligibility, See **Chapter 4.01 Eligibility, Policy 2: Section A10**. For client legal issues, see Policy 2 of this chapter.
7. Job Market.  
The fact that the local job market for the client desired employment goal may be limited should not by itself affect the appropriateness of that goal if the individual is willing to relocate to a market in which the particular job is available. On the other hand, if there is a limited local job market for the individual's

desired employment goal and the individual is unwilling to relocate, then local job market conditions become a relevant factor in identifying employment options.

8. Cost is not a consideration in goal selection.  
The counselor shall not consider the cost or the extent of vocational rehabilitative services that the client may need to achieve a particular employment goal. For example, the fact that an employment goal may require an advanced degree, while another may only require job retraining or job placement assistance, should not affect the determination of an employment goal. This does not preclude DRS from enforcing its consumer financial participation and comparable benefits policies.
9. Maximize employment outcome.  
If the client is interested in one employment goal requiring an associate degree and another goal requiring a bachelor degree, and the client has the ability and capability and interest to earn a bachelor degree, the counselor cannot use service cost as the reason to reject the latter goal.
10. Entry-level job.  
Entry level employment is an appropriate employment goal if the client is only capable of performing entry level work or if the client chooses an entry level job as the employment goal.
11. Advancement in employment.  
[See Policy 2: Section B2](#) of this chapter.

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## B2. Advancement in Employment as an Employment Goal

**[REVISED: 9/16/21]**

The extent to which DRS should assist individuals who are determined eligible to advance in their careers depends upon whether the individual has achieved employment consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. Vocational rehabilitation services to an individual whose job is not consistent with these factors must assist that individual to obtain employment consistent with these factors and informed choice (per 2016 Federal Regulation [34 CFR § 351.52](#), [see Chapter 1.6, INFORMED CHOICE](#)).

**Guidance 1:** There should be evidence (vocational evaluation, comparison of job description to individual's qualifications, situational assessment, etc.) that the individual is underemployed, there are disability-related barriers to advancement in employment, and the individual cannot remove or substantially reduce these barriers on their own but needs vocational rehabilitation services provided within a counseling and guidance relationship. DRS should not assist individuals who are in a job consistent with the individual's strengths, etc. and who are choosing to change careers/occupations/jobs for reasons other than disability-related barriers to employment.

**Guidance 2:** Advancement in employment is not restricted to those in competitive employment. DRS may assist an individual in extended employment when an integrated setting becomes appropriate.

**Guidance 3:** Advancement in employment may include, but is not limited to, better employee benefits, part-time to full-time, increased salary or wages that reduces some or all public assistance amount received (but not doing same job for more money elsewhere), job promotion, change from unskilled or semi-skilled to skilled job, change from "dead end" job to one with career path or in a growth industry, change from employee to self-employment, when they reach retirement age during competitive employment and need VR services to remove or substantially reduce disability-related barriers to becoming self employed, etc.

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### B3. Homemaker as an Employment Goal

**[REVISED: 11/22/16]**

1. Definition.  
Homemaker is a man or woman whose activity is keeping house for persons in their household, or for him- or herself if living alone (per federal policy directive RSA-PD-00-06 Reporting Manual for Case Service Report RSA-911, March 16, 2000).
2. Homemakers do not earn a wage and homemaker is not competitive integrated employment (per 2016 Federal regulation 34 CFR 361.5(c)(9) and preamble to 2016 Federal regulation 34 CFR 361.5(c)(15)).
3. Beginning September 19, 2016, the counselor and supervisor shall not (per preamble in 2016 Federal regulation 34 CFR 361.5(c)(15)) approve an IPE with homemaker employment goal or an IPE amendment that changes the IPE goal to homemaker. For clients with homemaker employment goal on the IPE approved and signed before September 19, 2016, the case is grandfathered and the counselor shall continue to provide services until June 30, 2017.
4. Closure as homemaker.  
All grandfathered (see item 3 above) homemaker cases shall (per 2016 [Federal Regulation 34 CFR § 361.47](#)) be closed on or before June 30, 2017. For Closed – Rehab status, the counselor shall document the individual's pre-IPE and post-IPE homemaker skills and abilities, and how services were required and contributed to achievement of the employment outcome. A grandfathered case that does not meet those criteria, and a grandfathered case in which the client lives in a nursing home, rest home, or assisted living residence shall be closed in Closed – Other status.

**Cross-reference:** For Closed – Rehab status criteria and definition of competitive integrated employment , see [Chapter 11, CLOSURE, Policy 1, Section A2](#).

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## C. Sample Progress Measures

**[REVISED: 4/9/18]**

**Guidance:** The following sample progress measures are provided only to show how to: phrase them in a positive tone, focus on changes or outcomes, and include measurable criteria and progress evaluation methods. Counselors should customize the progress measures on a case-by-case basis and are not restricted to the wording shown in these samples. Additional examples of how to relate counseling and guidance service to progress measures and serious functional limitations are in [Chapter 8.03, COUNSELING, Policy 1](#).

1. Progress measure: I will acquire drafting skills by taking appropriate courses and maintaining a 'C' average or better during the academic year. This will be measured by my school grades which I will share with my counselor immediately when I receive them. I will promptly advise my counselor of any difficulty with my school assignments or schedule.
2. Progress measure: During pre-vocational training, I will increase my concentration and work tolerance to 6 hours a day over 8 consecutive weeks. This will be measured through vendor reports to my counselor.
3. Progress measure: I will learn effective job interview skills and demonstrate eye contact, personal hygiene, and appearance at job interviews. This will be measured through my self-report, my counselor's observations, and feedback to my counselor from employer interviewers and my job placement counselor.
4. Progress measure: I will acquire understanding of the functional limitations of my disability and become as independent as possible in my self-care. This will be measured through my self-report, my counselor's observations, and feedback to my counselor from service providers regarding my demonstrated increased independence in self-care.
5. Progress measure: I will maintain the mental health required for me to be successful in my vocational rehabilitation program and stable in employment. I will take my medication as prescribed and continue to attend monthly counseling sessions with my therapist for at least 1 year. This will be measured through my counselor's contact with my therapist and case managers and my counselor's review of physician and therapist reports.
6. Progress measure: My driving options will be assessed. This will be measured through successful completion of classroom and on-the-road training and vendor recommendation to counselor regarding driving potential.
7. Progress measure: I will improve my speech and language skills to communicate more effectively. This will be measured through counselor observations, feedback to counselor from speech therapist, and vendor reports to counselor.
8. Progress measure: I will learn how to use checklists, alarm watch, and other compensatory strategies to assist in satisfactory completion of job-related duties. This will be measured through vendor reporting to counselor on completion of required job tasks within an acceptable time frame.



9. Progress measure: I will interact appropriately with supervisor and co-workers at my job site in one-on-one and group situations. This will be measured through feedback to counselor from job supervisor.

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### [3. IPE Implementation](#)

**[REVISED: 5/1/16]**

1. Implementation of the Individualized Plan for Employment (IPE) begins within 90 days after the signature date. If additional time is required, the counselor must provide written justification in the case notes and further justification every 90 days thereafter.
2. Case note is required every 90 days to justify why the case remains in any service status over 90 days, to ensure the client is receiving services appropriately.
3. C&G scheduled sessions are required for all IPEs. For policy, see [Chapter 8.03, VR COUNSELING, Policy 1](#).
4. To implement other services on the IPE, see the chapter for the specific service.

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### [4. IPE Review](#)

**[REVISED: 11/22/16]**

1. Annual review.  
At least once a year (per 2016 [Federal Regulation 34 CFR § 361.45](#)), a multi-year Individualized Plan for Employment (IPE) shall be reviewed for satisfactory client progress towards employment, PAS and AT needs assessment shall be considered and authorized if appropriate (per 2016 [Federal Regulation 34 CFR § 361.46](#)), progressive disabilities shall be considered for changes affecting vocational rehabilitation, and the review results shall be recorded in the AWARE Plan Review screen. The review is conducted by the counselor and individual (and others who signed the IPE).
2. The counselor shall update the Client Financial Statement RS-13 form when required (see [Chapter 14.3, FINANCIAL, Policy 1](#)) and Student Need and Aid Assessment RS-25 form for school training if required (see [Chapter 7, SCHOOL, Policy 1, Section D3](#)).

3. Amendments.

To amend the IPE, see [Policy 6](#) of this policy. For formal appeals, see [Chapter 15, APPEALS, Policy 1](#).

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## 5. [Services Interrupted](#)

**[REVISED: 8/1/15]**

1. The counselor shall place the case in Service – I status in AWARE when all planned services in the Individualized Plan for Employment (IPE) are interrupted.
2. The counselor shall (per 2015 Public Law 114-18, Title I, Section 102 (c) (2)) provide the Services Interrupted letter to notify the client in writing of the service suspension, the reason, and the right and avenues to appeal.
3. Services shall not be provided while the case is in Service - I status, except PAS may be provided consistent with PAS policy (see [Chapter 8.13, PAS, Policy 1](#)).
4. Supervisor pre-approval shall be required for the case to remain in Service - I status more than 18 months over the life of the case.
5. The counselor shall write a case progress note in AWARE at least every 90 days.
6. Reasons for Service – I status include, but are not limited to:
  - a. Incarceration less than 18 months
  - b. Medical issues
  - c. Mental health issues
  - d. Alcohol or substance abuse relapse
  - e. Emergency in client family
  - f. Waiting for Grades and GPA to go back up

- g. Client request - definite VR return date
- h. Client request - indefinite VR return date
- i. Lack of client progress
- j. Lost contact with client
- k. Other (specific reason must be noted in AWARE and letter to client)

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## 6. [Amending the IPE](#)

**[REVISED: 12/15/21]**

1. Timing.  
The Individualized Plan for Employment (IPE) may be amended any time. For IPE amendments needed at closure, see [Chapter 11, CLOSURE, Policy 1.](#)
2. Mutual agreement.  
The IPE amendment shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) require the client (or representative, as appropriate) and DRS VR counselor mutual agreement. The counselor may obtain the individual's agreement by telephone call documented in the case notes, Certified Mail — Return Receipt Requested, fax, e-mail, or other appropriate method. However, for any substantial changes to the IPE signatures are required. For formal appeals and continuation of services pending appeal, see [Chapter 15, APPEALS.](#)
3. Signatures.  
The amendment shall not (per 2016 [Federal Regulation 34 CFR § 361.45](#)) take effect until the new signature page is signed by the required signatories (see [Policy 1: Section A5](#) of this chapter), unless this policy does not require a signature. At closure, see [Chapter 11, CLOSURE, Policy 1, Section A2.](#)
4. Employment goal amendment.
  - a. Signatures shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) be required to change the employment goal, even when there are no changes to progress measures, services, or service providers. At closure, see [Chapter 11, CLOSURE, Policy 1, Section A2.](#)

- b. The counselor shall update the Occupational Information Network (O\*NET-SOC) Titles in AWARE when an employment goal is changed.

5. Services amendment.

- b. Signatures shall be required to discontinue or delete a service already on the IPE, whether before or after the service is initiated. However, signatures are not required when canceling hospital days authorized but not needed or fully utilized, or for an ancillary service not funded by DRS that is not directly related to achieving the employment goal. The counselor should try to recognize as early as possible when a planned service will not be necessary and should amend the IPE at that time rather than waiting until case closure. To delete services at case closure, see [Chapter 11, CLOSURE](#).

Cross-reference: For Service - I status when services provided under the IPE are interrupted after IPE implementation, [see Policy 5](#) of this chapter.

- b. The counselor shall (per agency mandate) document in the client record (e.g., letter, case note, etc.) the justification for deleting or discontinuing the planned service, and cancel any unused authorized amount. If all services are being temporarily discontinued, use Service-I status and see [Policy 5](#) of this Chapter.
- c. Signatures shall be required to add a new core service (e.g., training, school training, physical restoration services, vehicle or home modification, etc.).
- d. Signatures are not required when:
  - i. Authorizing additional diagnostic, evaluation, and assessment services.
  - ii. While client is hospitalized for VR services, authorizing a specialist or additional hospital days when recommended by the physician.
  - iii. Adding a short-duration service required to support a service already being provided under the IPE. Examples include: transportation, additional PAS hours and maintenance costs, interpreting and reader services, hearing aids, eyeglasses, work clothing, and WWRC ancillary services.

6. Service provider amendment.

Signatures shall be required to change the service provider.

7. Financial participation.

Signatures shall be required to increase the client financial participation amount, but are not required to decrease it.

8. Other amendments.

If the counselor anticipates consumer misunderstanding or disagreement regarding a change to

the IPE that does not specifically require signatures, the counselor may, but is not required to, obtain signatures and initial each change before implementing the change.

9. Distribution of IPE amendment.

- a. The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) provide a copy to all signatories in the native language, or appropriate mode of communication, and keep the signature page in the client record. AWARE stores the other pages either as a cloned plan or a new plan.
  
- b. The counselor shall notify others (or provide a copy of the amendment) as appropriate (e.g., for Workers' Compensation case immediately notify the insurance carrier only when the carrier is paying all or part of the VR cost).

# Chapter 6.01. - MEDICAL DIAGNOSTICS

## 1. Referral for Medical Diagnostics

[REVISED: 8/2/13/9/15/22]

1. Medically-recognized diagnostics may be authorized in Application status and higher, after maximizing comparable benefits (per 2001 [Federal Regulation 34 CFR § 361.53](#)), but only to the extent (per 2001 [Federal Regulation 34 CFR § 361.42](#) and 2001 [Federal Regulation 34 CFR § 361.45](#) (b)) that it is needed and existing information does not describe the current functioning of the client, is unavailable, insufficient, or inappropriate to determine eligibility, assign Order of Selection priority category, or develop the Individualized Plan for Employment (IPE)-~~or Post Employment Services (PES) Plan.~~
2. Before authorizing it, the counselor shall:
  - a. Ensure it is a medically-recognized service (has a current CPT code). Obtain the CPT code(s) from the diagnostics service provider.
  - b. If using a specialist, follow additional requirements. See [Policy 2](#) of this chapter.
  - c. Obtain insurance pre-approval if the insurance plan requires it. Physical and mental restoration services, including diagnostic and evaluation services related to subsequent treatment of a medical or mental condition, are subject to comparable benefits policy (see [Chapter 14.2, COMPARABLE, Policy 1](#)). If the insurer denies a pre-approval request, or the diagnostic is not medically-necessary according to the insurer, doctor, or dentist, the counselor may (per 2001 [Federal Regulation 34 CFR § 361.53](#)) authorize diagnostics essential to determine eligibility, assign Order of Selection priority category, or develop the Individualized Plan for Employment (IPE).
  - d. Authorize all components of diagnostic test(s) before the visit is scheduled or the tests are performed. Authorization for an examination implies authorization for X-ray or laboratory procedures or tests necessary to diagnose and make medical recommendations. If billed for unforeseen medically-necessary services related to the authorized service (non-incidentals), the counselor shall prepare a separate authorization for the additional cost, and use the same date as on the initial authorization.
  - e. Separate authorizations may be needed for professional and technical (hospital) components of a fee. For fee schedule, see the [DRS Services Reference Manual](#). For authorization amount after maximizing comparable benefit, see [Chapter 8.14, PHYS RES, Policy 1](#), Section D. Diagnostic services in a hospital (either inpatient or outpatient care) must (per [State Regulation 22 VAC 30-20-120](#)), be included in writing by a doctor as a component of the VR diagnostic service and authorization for hospital services shall not exceed three (3) days for diagnostic purposes.
  - f. For HIV testing (per [§ 32.1-37.2 of the Code of Virginia](#)), include both pre- and post- test counseling by a person experienced in this type of counseling, and providers include the

health or medical practitioner who administers the HIV test, the health department, other known state or local programs, or VR counselors specifically trained in this specialty.

3. To apply comparable benefit to DRS authorization and payment, see [Chapter 8.14, PHYS RES, Policy 1](#), Section D.

## 2. Referral to Medical Specialists for Diagnostics

**[REVISED: 8/2/13]**

1. The counselor may authorize medical diagnostics from a specialist already serving the client. For authorization procedure, see [Policy 1](#) of this chapter.
2. Authorizing to a specialist not already serving the client shall require:
  - a. Referral from a doctor or dentist already serving the client, or
  - b. Referral from a doctor or dentist whose report(s) suggest the impairment is severe enough to warrant a specialist, or
  - c. Documented consultation with the DARS chief medical consultant that the specialty is appropriate and the impairment is severe enough to warrant a specialist,
  - d. Preference given to any board-certified providers serving the community if state regulation establishes a specialty board in that medical field (for list, see [Policy 4](#) of this chapter).

## 3. Referral for Medical Second Opinion

**[REVISED: 8/2/13]**

1. At client request, the counselor may authorize a second medical opinion in Application status and higher. For authorization procedures, see [Policy 1](#) of this chapter.
2. If the two medical opinions conflict, the counselor shall (per [State Regulation 22 VAC 30-20-120](#) (4)(b)(2)) authorize a third opinion and the counselor decision shall be made on the two concurring opinions.

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## 4. List of Medical Specialties Requiring Referral from Doctor or Dentist

**[REVISED: 8/2/13]**

DRS policy on using specialists (for diagnostics services, see [Policy 2](#) of this chapter . For medical treatment services, see [Chapter 8.14, PHYS RES](#)), applies to these specialties regulated by a state board:

acupuncturists,  
athletic trainers,  
audiologists,  
chiropractors,  
counseling,  
dentists and dental assistants,  
dialysis care technicians,  
dietitians,  
healing arts practitioners,  
hearing aid specialists,  
massage therapists,  
medication aides,  
midwives,  
nursing professions,  
nutritionists,  
occupational therapists and assistants,  
opticians,  
optometrists,  
osteopathic medicine practitioners,  
otolaryngologists,  
pharmacists and pharmacy technicians,  
physical therapists and assistants,  
physicians and physician assistants,  
podiatrists,  
psychiatrists,  
psychologists,  
radiological technology practitioners,  
respiratory care practitioners, and  
speech-language pathologists.

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## 5. Referral for Psychological Testing

**[REVISED: 8/2/13]**

1. Psychological information older than one (1) year may be used when the counselor believes it is still valid; otherwise, the counselor may purchase a new assessment and report. For authorization procedures, see [Policy 1](#) of this chapter.
2. For Workers Compensation cases, psychological testing shall not be authorized as a routine tool, but may be authorized when the former employer writes that no job exists for that employee within the company.



3. Mental health services provided to diagnose mental or emotional disorders must be provided by qualified personnel in accordance with state licensure laws.

## 6. Referral for Dental Evaluation

**[REVISED: 8/2/13]**

The counselor may authorize a dental evaluation. For authorization procedures, see [Policy 1](#) of this chapter. A full periapical x-ray is not required.

## 7. Qualified Medical, Dental, and Psychological Services Providers

**[REVISED: 8/2/13]**

DRS shall only use medical service providers, including out-of-state vendors, who are Virginia board licensed or certified within the scope of their practice as defined under Virginia law and the state regulatory board (per Federal Register Vol. 66, No. 11, pp 4430 – 4431 guidance for standards for vendors regulation in 2001 [Federal Regulation 34 CFR § 361.51](#)).

For medical specialists policy, see [Policy 4](#) of this chapter.

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# Chapter 6.02. - PAS ASSESSMENT

## 1. Referral for PAS Assessment

[REVISED: ~~11/22/16~~9/15/22]

1. Personal assistance services (PAS) shall (per 2016 [Federal Regulation 34 CFR § 361.42](#) and 2016 [Federal Regulation 34 CFR § 361.45](#)) require an initial PAS Assessment - even if the client has already been managing a personal assistant or using a non-VR funding source for PAS. A new PAS Assessment is not required when the VR PAS Coordinator documents in a case note in AWARE that an existing assessment (such as WWRC, state-funded PAS Assessment, etc.) accurately reflects client current functional limitations and types of assistance and hours needed for VR.
2. The counselor and client shall (per 2016 [Federal Regulation 34 CFR § 361.42](#), 2016 [Federal Regulation 34 CFR § 361.45](#), 2016 [Federal Regulation 34 CFR § 361.46](#), 2016 [Federal Regulation 34 CFR § 361.48](#), and 2016 [Federal Regulation 34 CFR § 361.55](#)) consider whether referral for PAS Assessment is needed to determine eligibility, assess service needs during Individualized Plan for Employment (IPE) ~~or Post Employment Services (PES) Plan~~ development and review, and when reviewing a case closed as disability too severe or employed earning less than minimum/customary wage.
3. Candidates for PAS Assessment are (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(39)) clients who require assistance to perform everyday activities on or off the job that the clients would ordinarily perform for themselves if they did not have the disability. Everyday activities are: tasks bathing, dressing, toileting, transferring, eating/feeding, preparing meals, housekeeping, doing laundry, managing money, driving or transportation, shopping, using phone, maintaining the home, functioning in the VR school training classroom and doing homework, and functioning and working in the workplace.
4. VR clients must apply for VR PAS and PAS Assessment via the DRS VR counselor. The counselor shall:
  - a. Schedule a client screening for long-term care services with the local Department of Social Services (a comparable benefit)
  - b. Send to the VR PAS Coordinator:
    - i. PAS Application (CBS-603) with client signature
    - ii. Copy of the written results of the Medicaid Eligibility Determination if the client applied for Medicaid (or date of screening for long-term care services)
    - iii. Copy of the RS-13 if the client does not financially qualify for Medicaid
    - iv. Information that the client was previously screened by a nursing home screening committee

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## 2. Processing PAS Application and Conducting PAS Assessment

### A. Processing PAS Application

**[REVISED: 11/22/16]**

1. VR PAS Coordinator shall document results of the comparable benefits search (per 2016 [Federal Regulation 34 CFR § 361.53](#)):
  - a. If the RS-13 shows the client would not financially qualify for Medicaid, document it in a case note in AWARE.
  - b. If a nursing home screening was previously performed, contact Social Services for the results and document the response in a case note in AWARE.
  - c. If a screening for long-term care services is warranted, ensure an appointment is scheduled.
2. If comparable benefits are not available at the time needed for VR, VR PAS Program staff shall arrange for the PAS Assessment unless waived by the VR PAS Coordinator.
3. If authorizing to a vendor, VR PAS Program staff use VR case service funds drawn from a designated fund code and not drawn from local case service budgets.

### B. PAS Assessment Requirements

**[REVISED: 11/22/16]**

1. DRS shall (per Federal Register Vol. 66, No. 11, pp 4430 – 4431 guidance for 2016 [Federal Regulation 34 CFR § 361.51](#) on standards for vendors) only use PAS assessors who meet the qualifications in the PAS Policy Manual.
2. PAS Assessment shall involve:
  - a. Completion (per 1993 House Joint Resolution 601) of the Uniform Assessment Instrument (UAI) and PAS Addendum, and
  - b. Client interview in the home, and work environment if the client is employed

3. The PAS assessor shall send to the VR PAS Coordinator a written report that includes findings and recommendations regarding:
  - a. Whether assistive technology or modification could reduce the need for PAS or increase safety or accessibility; and
  - b. Types of PAS needed for VR, and
  - c. Client ability to manage PAS attendant and services independently.

### C. Determining PAS Hours

#### **[REVISED: 8/2/13]**

1. The VR PAS Coordinator shall use the PAS Assessment Report and standard allotment of time formula published in the PAS Policy Manual to determine the number of PAS hours the client is eligible to receive. The VR PAS Coordinator shall forward the Report and computation of hours to the counselor.
2. The counselor shall review the information with the client.
3. To proceed with PAS, see [Chapter 8.13, PAS, Policy 1](#).
4. For PAS in Delayed status, see [Chapter 2.2, ORDER, Policy 2](#), Section B3.
5. For PAS in Service – I status (IPE services interrupted), see [Chapter 5, PLAN, Policy 5](#).

### D. Temporary PAS Hours Pending PAS Assessment

#### **[REVISED: 8/2/13]**

The VR PAS Coordinator may authorize temporary PAS hours pending a PAS Assessment when PAS is needed for an emergency short term situation (such as the sudden illness of a relative who normally provides assistance).

## 3. Annual Screening for PAS Hours

#### **[REVISED: 8/2/13]**

The VR PAS Coordinator shall perform a telephone screening annually. If there is an indication of an increase or decrease in client functional limitations and PAS hours needed, the VR PAS Coordinator shall authorize an in-person re-assessment. The re-assessment may be handwritten on the most recent Uniform Assessment Instrument (UAI) and a new PAS Addendum shall be completed.



# Chapter 6.04. - DRIVER EVALUATION

## 1. Referral to Evaluate Client Driving Ability

**[REVISED: ~~11/22/16~~9/15/22]**

1. Driver Evaluation recommendation shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (b)) be required for Modified Vehicle Driver Training service.
2. Driver Evaluation is one of the needs assessments required (per 2016 [Federal Regulation 34 CFR § 361.45](#) (b)) - regardless of whether the client will be the driver or passenger – to justify any Class I (non-structural) vehicle modification that the driver has not owned and used, and any Class II (structural) modification. For examples of Class I and II, see [Chapter 8.21, VEHICLE, Policy 5](#).
3. The counselor may include Driver Evaluation on the Trial Work Experiences Plan ~~or~~ Individualized Plan for Employment (IPE) that includes vocational counseling and guidance and job placement services, ~~or Post Employment Services (PES) Plan~~. For a public secondary (junior and senior high) school student, the counselor may include Driver Evaluation only if:
  - a. it is not included in school curriculum for the student body, and
  - b. the transportation is vocationally necessary and the school is not mandated to provide the transportation (such as transportation to an after school job, to a VR service, etc.).
4. If DRS already sponsored a vehicle modification for the client, see [Chapter 8.21, VEHICLE, Policy 5](#) for policy on when subsequent modifications and Driver Evaluations are permitted.

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## 2. Conducting Driving Evaluation

**[REVISED: 7/1/15]**

1. All Driving Evaluations shall (per Federal Register Vol. 66, No. 11, pp 4430 – 4431 guidance on 34 CFR § 361.51 concerning standards for vendors) be performed by a driving rehabilitation specialist who is certified by ADED (which is the Association for Driver Rehabilitation Specialists) or a certified driving instructor affiliated with an adapted driving program.
2. The Driving Evaluation Report shall be in writing and include:
  - a. Assessment of client ability to drive an automobile or a van
  - b. Approximate number of driver training sessions the driver needs
  - c. Whether medical clearance is needed for DMV purposes

- d. Adaptive equipment or other vehicle modification needed, if any
  - e. Less costly alternatives considered and why they were ruled out
  - f. If vehicle modification is needed, a detailed preliminary modification prescription
  - g. Whether a pre-bid conference is required to ensure the prescribed systems are compatible with each other, the vehicle, and the wheelchair.
3. The driver evaluator shall provide the Driving Evaluation Report or the Driving Prescription Report (Vehicle Modification Report) to the counselor.
  4. The counselor shall submit reports/recommendations/prescriptions written by a facility other than Wilson Workforce and Rehabilitation Center (WWRC) to the driver evaluator at WWRC for review, comments, recommendations, and to determine if a more thorough evaluation is required.
  5. The WWRC driver evaluator will note in the Driving Evaluation Report if a pre-bid conference is required to ensure the prescribed systems are compatible with each other, the vehicle, and the wheelchair.
  6. The counselor shall review the Report(s) with the client. To proceed with Vehicle Modification Assessment, see [Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 1](#).

# Chapter 6.05. - VEHICLE MOD ASSESSMENT

## 1. Referral for Vehicle Modification Assessment

[REVISED: ~~11/22/16~~9/15/22]

1. Vehicle Modification Assessment is one of the needs assessments required (per 2016 [Federal Regulation 34 CFR § 361.45](#) (c)) to justify any vehicle driver or passenger modification.
2. Supervisor consultation.  
Supervisor consultation is strongly recommended before considering Vehicle Modification Assessment.
3. Referral package.  
Referral for Vehicle Modification Assessment shall include the Driver Evaluation Report and Driving Prescription Report (Vehicle Modification Report), Transportation Assessment Form (RS-32), and supervisor written pre-approval for a client age 22 or younger. Costs from the Driving Prescription Report may be used on the RS-32 Form; costs in the Driving Evaluation Report may be used if the Driving Prescription Report has not yet been completed. The counselor may wish to contact the driver evaluator if more information is needed for the RS-32 Form. The RS-32 Form is not required when:
  1. The modification cost is within the counselor authorizing authority for a single purchase, and
  2. Either:
    - a. The request is to repair or replace existing Class I modification the client already owns and uses, or
    - b. Prescriptive evaluation is not required to use the new equipment safely and appropriately.
4. Once a lifetime.  
If DRS already sponsored vehicle modification for the client, see [Chapter 8.21, VEHICLE, Policy 5](#) for when subsequent modifications and Vehicle Modification Assessments are permitted.
5. Case status.  
Vehicle Modification Assessment may be authorized in Eligible status and higher after the client and counselor have agreed upon the employment goal. In extraordinary situations, the counselor may authorize Vehicle Modification Assessment under Trial Work Experiences Plan when vehicle modification is essential and the most cost effective way for the client to access trial work services. Because vehicle modification is a complex and comprehensive service, (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (41)) ~~the counselor must open a new case rather than provide Vehicle Modification Assessment and modification under shall not be provided as a Post-Employment Services (PES) Plan. (See Chapter 8.22 Post-Employment Services.)~~



6. Age 22 or younger.

A client age 22 or younger is a candidate for Vehicle Modification Assessment and modification if:

1. Supervisor gives written pre-approval
2. Client is not enrolled in a public secondary (junior and senior high) school (which is a comparable benefit and has a legal mandate to provide school-related transportation services for this population)
3. Client is enrolled in a public secondary school, and the transportation is vocationally necessary, and the school is not mandated to provide the transportation (such as transportation to an after school job, to a VR service, etc.)

7. Vehicle.

The vehicle must be appropriate for modification ([See Policy 2: Section B](#) of this chapter).

8. Driver.

The prospective driver of the vehicle (which may be the client or someone else) must have, or in counselor judgment will be able to obtain, all of the following:

- a. Functional capacity to drive,
- b. Valid driver license,
- c. Ownership / title of the vehicle (either in the name of the client, spouse, parent, or legal guardian). Title does not have to be clear; there may be a loan against the vehicle; and
- d. The type and extent of modifications required.

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## 2. Conducting Vehicle Modification Assessment

### A. Vehicle Modification Assessment Requirements

**[REVISED: 7/1/15]**

1. Driver or passenger.

The client may be eligible for driver or passenger modification, but not both. The decision as to which modification is most appropriate shall be made jointly by the client, vehicle owners, and counselor and must consider the Driver Evaluation Report and any other pertinent

information. The client and counselor may wish to include the driver evaluator or DRS rehabilitation engineer (or both) in this discussion.

2. Repair or replacement.

Repair or replacement of existing Class I equipment (for definition see Chapter 8.21, VEHICLE) prescribed in the Driver Evaluation Report (Vehicle Modification Report) shall require pre-approval from the DRS rehabilitation engineer. Additional pre-approval is required from the driver evaluator at Wilson Workforce and Rehabilitation Center (WWRC) unless:

a. The person has used the Class I vehicle modification in the past, and

b. There are no changes in client functioning level since the most recent use

3. All other Class I and any Class II (for definition see [Chapter 8.21, VEHICLE, Policy 5, Section A1](#))

recommendations/reports/prescriptions from a facility other than Wilson Workforce and Rehabilitation Center (WWRC) shall require pre-approval from the WWRC driver evaluator. Requests for new, non-driving equipment, such as wheelchair loader, etc. may be submitted by telephone or e-mail. The WWRC driver evaluator will determine if a more thorough evaluation is required.

4. Qualified assessor.

All assessments for any vehicle modification that the person (client or prospective driver if client will be the passenger) will use for the first time shall (per Federal Register Vol. 66, No. 11, pp 4430 – 4431 guidance on 34 CFR § 361.51 concerning standards for vendors) be performed by a Certified Driving Rehabilitation Specialist certified by ADED (The Association for Driver Rehabilitation Specialist) or a Certified Driving Instructor affiliated with an adapted driving program.

5. Vehicle.

The vehicle must be appropriate for modification ([See Policy 2: Section B](#) of this chapter).

6. Prescription.

The assessor shall provide the counselor a final prescription for vehicle modification.

1. Next step.

The counselor may consult the assessor and shall review the prescription with the client. The counselor obtains client and vehicle owner commitment to proceed. To proceed with vehicle modification, see [Chapter 8.21, VEHICLE, Policy 1](#).

## B. Requirements for Vehicles Considered for Vehicle Modification

### [REVISED: 8/2/13]

DRS reserves the right to limit by make, model, or mileage the vehicles considered for modification, based on safety, cost, and the recommendation from the WWRC driver evaluator or DRS rehabilitation engineer, including these requirements:

1. The vehicle must have a current State Inspection sticker required by Virginia law [§ 46.2-1157 of the Code of Virginia](#).
2. The client must provide proof from the insurer, which becomes part of the case record, of Liability and Collision insurance on the vehicle.
3. The client must obtain Comprehensive insurance on the modification.
4. Modification of an automobile must be ruled out before considering more costly van modification.
5. If the vehicle to be modified is a used vehicle, the client must provide a Used Vehicle Inspection Form (RS-36) that indicates the vehicle is in good operating condition and is signed by ASC-certified repair shop or manufacturer-certified/ASC-certified auto mechanic who is not the vehicle owner.
6. A vehicle older than seven (7) years or driven more than 70,000 miles may be considered for modification when:
  - a. The driver evaluator or DRS rehabilitation engineer inspects it and concludes: it is appropriate for the prescribed modification and the modification is cost effective and in the client best interest; and
  - b. The Used Vehicle Inspection Form indicates that the vehicle is, and will probably remain, in good operating condition for at least the next seven (7) years.
7. If the client or prospective driver plans to purchase the vehicle new, the counselor and DRS rehabilitation engineer shall provide information on standard features it needs to be compatible with the prescribed modification specifications.

# Chapter 6.06. - HOME MOD ASSESSMENT

## 1. Referral for Home Modification Assessment

[REVISED: ~~11/22/16~~9/15/22]

1. All home modifications shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (b)) require Home Modification Assessment.
2. Referral package.  
Referral for Home Modification Assessment shall include an authorization to the rehabilitation engineer and the Home Modification Assessment Tool (RS-33 Form). The RS-33 Form is not required if
  - a. The modification cost is within counselor authorizing authority for a single purchase, and
  - b. Either:
    - i. the request is to repair or replace modification the client already owns and uses, or
    - ii. prescriptive evaluation by a professional is not required to use the equipment safely and appropriately.
3. Once a lifetime.  
If DRS already sponsored home modification, see [Chapter 8.06, HOME MOD, Policy 1](#) to see if subsequent home modifications and Home Modification Assessments are permitted.
4. Case status.  
Home Modification Assessment may be authorized in Eligible status or higher after the client and counselor have agreed upon the employment goal and the counselor has made at least one home site visit. In extraordinary situations, the counselor may authorize Home Modification Assessment under Trial Work Experiences Plan only when the counselor has made at least one home site visit and home modification is essential and the most cost effective way for the client to access needed trial work services; and consultation with the supervisor is strongly recommended. Because home modification is a complex and comprehensive service, (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (42)) Home Modification Assessment and modification is not appropriate ~~for-as~~ a Post-Employment Services (PES)-~~Plan~~.
5. Vocationally necessary.  
The counselor must document that modification to the primary living quarters or architectural changes (for definition, see [Chapter 8.06, HOME MOD, Policy 1](#)) and vocational counseling and guidance will remove or reduce the disability impediments to employment and substantially contribute to the employment outcome and there is no other less costly and reasonable way to remove the impediments.

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## 2. Conducting Home Modification Assessment

**[REVISED: 11/22/16]**

1. The Home Modification Assessment shall (per Federal Register Vol. 66, No. 11, pp 4430 – 4431 guidance on 2016 [Federal Regulation 34 CFR § 361.51](#) concerning standards for vendors) be conducted by the DRS rehabilitation engineer.
2. The rehabilitation engineer shall coordinate and conduct a site visit to assess the home and discuss the Home Modification Assessment Tool (Form RS-33), if the RS-33 Form is required.
3. The counselor is required to be present at this site visit.
4. The client is required to be present at this site visit - except the rehabilitation engineer may excuse the client under exceptional circumstances (such as client does not currently live in the home to be modified, etc.). If the client is at Wilson Workforce and Rehabilitation Center (WWRC), the counselor may request a leave pass for the client.
5. If the client is expected to occupy the home less than one (1) year or has a one-year lease, an occupational therapist (OT) should be consulted. The OT may be able to identify less permanent alternatives to home modification.
6. The home must meet all applicable building codes. For responsibility, [See Policy 3](#) of this chapter.
7. The rehabilitation engineer shall provide a written Home Assessment Report to the counselor. The Report may contain drawings, photos or product information. The Report shall describe:
  - a. Client functional limitations in the primary living quarters (one bathroom, client bedroom, and if the client lives alone, the kitchen and an eating area)
  - b. Which functional limitations, if any, present an impediment to employment
  - c. Temporary and permanent options for modifications
  - d. Less costly alternatives considered and why they were ruled out
8. The counselor shall review the Report with the rehabilitation engineer and determine the most cost-effective option.
9. The counselor shall review the Report with the client and obtain client and homeowner commitment to proceed. To proceed with home modification, see [Chapter 8.06, HOME MOD, Policy 1](#).

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### 3. Building Code Requirements for Home Considered for Modification

**[REVISED: 8/2/13]**

The dwelling currently must meet all applicable building codes. This is the financial responsibility of the landlord or homeowner. If the home modification can only pass the inspection if that specific portion of the home is brought up to code, the counselor may consider authorizing the additional construction cost to bring that specific portion of the home up to code. The counselor shall include this additional cost in the total cost when applying requirements for obtaining price quotes and supervisory approval. Under no circumstances (including supervisory pre-approval) can this exception be made when the client is renting from a landlord, since this is the landlord's legal responsibility.

**Example 1:** The counselor is authorizing a stair lift to make the client second floor bedroom accessible. However, the stairway is too narrow to meet the current building code. The counselor may authorize the cost of widening the stairway as part of the stair lift project, but not widening the second stairway leading to the spare bedroom in the attic.

**Example 2:** The counselor is authorizing a roll-in shower and lowering the sink. However, the bathroom plumbing system is not up to current building code. The counselor may consider authorizing the additional cost to bring the bathroom plumbing up to code to support the plumbing requirements for the project.

# Chapter 6.07. - REHABILITATION TECHNOLOGY ASSESSMENT

## 1. Rehabilitation Technology Assessment

[REVISED: 11/22/16 ~~9/15/22~~]

1. Rehabilitation technology includes rehabilitation engineering, and assistive technology (AT) devices and services (per 2016 Federal Regulation 34 CFR § 361.5 (c) (45)). For definition of AT devices and services, see Chapter 8.02, Rehabilitation Technology, Policy 1. See Chapter 8.14, PHYS RES for prosthetic and orthotic appliances, telecommunications and sensory and other technological aids and devices, corrective lenses and eyeglasses, hearing aids, and wheelchairs.
2. All rehabilitation technology goods and services shall (per 2016 Federal Regulation 34 CFR § 361.45 (b)) require Rehabilitation Technology Assessment.
3. The counselor and client shall (per 2016 Federal Regulation 34 CFR § 361.42, 2016 Federal Regulation 34 CFR § 361.45 (b), 2016 Federal Regulation 34 CFR § 361.46, 2016 Federal Regulation 34 CFR § 361.48, and 2016 Federal Regulation 34 CFR § 361.55) consider whether referral for Rehabilitation Technology Assessment is needed to determine eligibility, assess service needs during Individualized Plan for Employment (IPE) ~~or Post Employment Services (PES) Plan~~ development and review, and when reviewing a case closed as disability too severe or employed earning less than minimum/customary wage.
4. Candidates for Rehabilitation Technology Assessment are individuals with functional limitations in (per 2016 Federal Regulation 34 CFR § 361.5 (c) (44) and (45)) mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, transportation, and integration into the community. A client with a work history is a candidate for rehabilitation technology or job restructuring solutions required to maintain, regain or advance in employment.

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## 2. Conducting Rehabilitation Technology Assessment

[REVISED: 11/22/16]

1. The client must actively participate in the Rehabilitation Technology Assessment.
2. Personnel qualified (per Federal Register Vol. 66, No. 11, pp 4430 – 4431 guidance on 2016 [Federal Regulation 34 CFR § 361.51](#) concerning standards for vendors) to conduct Rehabilitation Technology Assessment includes (per agency policy) individuals skilled in rehabilitation technology or rehabilitation engineering, occupational therapists (OT), therapists

who have documented expertise in assistive technology (AT), the Wilson Workforce and Rehabilitation Center Computer Accommodations Lab (CAL) engineer, etc. The equipment sales vendor may provide product information and demonstration but is not an objective evaluator and is therefore not qualified to conduct the Rehabilitation Technology Assessment.

3. Rehabilitation Technology Assessment may be provided at Wilson Workforce and Rehabilitation Center (WWRC), another rehabilitation facility, or the environment in which the client requires the rehabilitation technology.
4. The Rehabilitation Technology Assessment and purchase specifications (or recommendations) must:
  - a. Rule out low cost low technology options before recommending higher cost higher technology options, and
  - b. Be intended to reduce or remove client disability-related impediments to accessing VR services and achieving an employment outcome, and
  - c. Provide recommendations and purchase specifications and client training needs
5. The assessor shall provide the information and purchase specifications to the counselor and the counselor shall review it with the client. To purchase services and goods, see [Chapter 8.02, REHABILITATION TECH, Policy 1.](#)

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# Chapter 6.08. - VOCATIONAL EVALUATION

## 1. Vocational Evaluation

[REVISED: ~~8/2/13~~9/15/22]

1. The counselor may (per 2001 [Federal Regulation 34 CFR § 361.42](#) and 2001 [Federal Regulation 34 CFR § 361.45](#) (b)) authorize Vocational Evaluation in Application status and higher to the extent needed to determine eligibility, assign Order Of Selection priority category, ~~or~~ develop the Individualized Plan for Employment (IPE), ~~or develop a Post Employment Services (PES) Plan,~~ but only when existing information does not describe the current functioning of the client, is unavailable, insufficient, or inappropriate. In Eligible status, assessments shall (per 2001 [Federal Regulation 34 CFR § 361.45](#) (f)) be limited to information necessary to develop the IPE and the counselor may provide Vocational Evaluation alone or within an IPE Comprehensive Needs Assessment (see [Chapter 6.09, IPE COMPREHENSIVE, Policy 2](#)).
2. When the client has a job or work history, the counselor shall consider work experience and any transferable skills and possible rehabilitation technology or job restructuring solutions to enable the client to achieve an employment outcome. Underemployment, certain changes in the job market or prognosis/functional limitations, etc. may make the work history become less of a factor in choosing an appropriate employment goal, and the counselor may consider Vocational Evaluation and other assessments. DRS should assist individuals with career advancement when (per Federal Register, Vol. 66, No. 11, issued January 17, 2001, Page 4419) evidence (such as Vocational Evaluation, comparison of job description and KSAs to client qualifications, Situational Assessment, etc.) demonstrates:
  - a. The employment is not consistent with client unique strengths, resources, priorities, concerns, abilities, and capabilities; and
  - b. The barriers to advancement are disability-related and the client is not choosing to change careers/occupations/jobs/employers for reasons other than disability; and
  - c. The individual cannot remove or substantially reduce these barriers without VR services provided under an IPE ~~or PES Plan~~ within a vocational counseling and guidance relationship.
3. Longshoremen and Harbor Workers cases.  
For Longshoremen and Harbor Workers cases referred by the Department of Labor Office of Workers Compensation Programs for Vocational Evaluation, the vocational evaluation information shall be provided in the format or Form required by the referral source and all concerns about the scope and need for Vocational Evaluation must be discussed with the referral source.
4. For Workers' Compensation cases:

- a. The counselor may wish to authorize Vocational Evaluation when the former employer states in writing that no job exists within the company for that employee, and
- b. Vocational Evaluation may be useful in identifying job restructuring solutions or other job opportunities with the former employer.

# Chapter 8.02. - REHABILITATION TECHNOLOGY

## 1. Rehabilitation Technology

[REVISED: ~~11/22/16~~9/15/22]

1. Chapter 8.02 applies to rehabilitation technology other than:
  - Corrective lenses and eyeglasses, see Chapter 8.14, PHYS RES, Policy 2.
  - Driving instruction on modified vehicle, see Chapter 8.21, VEHICLE MOD, Policy 5.
  - Durable medical equipment and wheelchairs; see Chapter 8.14, PHYS RES, Policy 2
  - Hearing aids, see Chapter 8.14, PHYS RES, Policy 1.
  - Home modification; see Chapter 8.06, HOME MOD, Policy 1.
  - Occupational therapy, see Chapter 8.14, PHYS RES, Policy 1.
  - Physical therapy, see Chapter 8.14, PHYS RES, Policy 1.
  - Prosthetic and orthotic appliances see Chapter 8.14, PHYS RES, Policy 1.
  - Telecommunication, sensory and other technological aids and devices, see Chapter 8.14, PHYS RES, Policy 1.
  - Vehicle modification, see Chapter 8.21, VEHICLE MOD, Policy 5.
2. Rehabilitation technology definition.

Rehabilitation technology means (per 2014 Public Law 113-128, Title IV, Section 404, Sec 7 and 2016 Federal Regulation 34 CFR § 361.5 (c)(45)) the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Rehabilitation technology (per federal Technical Assistance Circular RSA-TAC-91-01 issued November 16, 1990) includes rehabilitation engineering, assistive technology devices, and assistive technology services available to substitute for functions lost through disability, or to supplement/enhance existing functions to expand employment and independent living opportunities, or to impact the environment through changes, such as job re-design or work site modifications.
3. Rehabilitation engineering definition.

Rehabilitation engineering means (per 2016 Federal Regulation 34 CFR § 361.5 (c)(44)) the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas such as mobility, communications, hearing, vision, and cognition, and in

activities associated with employment, independent living, education, and integration into the community. Rehabilitation engineering is often provided in collaboration with other rehabilitation service providers, such as physical therapists and occupational therapists.

4. Assistive technology device definition.

Assistive technology device means (per 2014 Public Law 113-128, Title IV, Section 404, Sec 7 and 29 U.S.C. 3002 and 2016 Federal Regulation 34 CFR § 361.5 (c) (6)) any item, piece of equipment, or product system - whether acquired commercially off the shelf, modified, or customized - that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

5. Assistive technology service definition.

Assistive technology service means (per 2014 Public Law 113-128, Title IV, Section 404, Sec 7 and 29 U.S.C. 3002 and 2016 Federal Regulation 34 CFR § 361.5 (c)(6)) any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

- a. Evaluation of the needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in his or her customary environment,
- b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities,
- c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices,
- d. Coordinating and using necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs,
- e. Training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual, and
- f. Training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.
- g. Expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

6. Case status.

The counselor may provide rehabilitation technology under a Trial Work Experiences Plan, Extended Evaluation Plan, or Individualized Plan for Employment (IPE), ~~or Post-Employment Services (PES) Plan.~~

7. Needs assessment.

Before the counselor includes rehabilitation technology on the service plan, the case record shall

(per 2016 [Federal Regulation 34 CFR § 361.42](#) (d) (1) and 2016 [Federal Regulation 34 CFR § 361.45](#) (b) (1) and 2016 [Federal Regulation 34 CFR § 361.48](#) (a)) document all requirements in Chapter 6.07, AT ASSESSMENT, Policies 1 and 2 have been met.

8. Borrowing before buying.  
When appropriate, feasible, readily available, and more cost effective to DRS than purchasing, the counselor shall provide on a "borrow-free-of-charge" or pay to rent any assistive technology device needed for an assessment service or before Service status.
9. Service and warranty contracts.  
The counselor may authorize a service maintenance contract and extended warranty contract.
10. Client training on use and care.  
The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(8)) authorize client training on assistive technology device use and care recommended in the Rehabilitation Technology Assessment Report. If authorized, the client shall complete the training.
11. Client use.  
Assistive technology devices are (per [State Regulation 22 VAC 30-20-120](#)) for the exclusive use of the client for whom they are purchased. For some job placements and vocational training situations (such as modified equipment used in work shifts, employer or training vendor shares the purchase cost, etc.), the client, counselor, and employer/trainer may agree that others may share the goods that are purchased for client use. The client shall properly use and maintain the assistive technology device and protect it from theft or damage. The client shall not dispose of, sell, lend, give away, or borrow against the item while it is needed for VR or employment. The client shall inform the counselor right away if the client stops using it.
12. Ownership and annual inventory.
  - a. The assistive technology device shall become client personal property upon receipt if it is:
    - i. Prescribed, or
    - ii. Personalized and therefore not appropriate for reassignment to another client (sip and puff device, etc.), or
    - iii. Depleted (not depreciated) with normal use, or
    - iv. DRS paid less than \$5,000 for it.
  - b. DARS shall retain title/ownership to all other assistive technology devices, and the client shall sign the Title of Agreement RS-14 before taking possession, and staff shall take annual inventory (see [Chapter 14.1, PURCHASING, Policy 7](#)). If the client stops using the device while DRS retains title, the counselor may ask the client to voluntarily return it and reassign it to another client. The client shall fully cooperate with DARS staff assigned to take inventory of goods listed on the Title of Agreement RS-14 form.
  - c. DRS does not repossess assistive technology devices from a client, unless obtained by collusion, fraud, or illegal means.

### 13. Comparable benefits.

Although rehabilitation technology is exempt (per 2016 [Federal Regulation 34 CFR § 361.53](#)) from a search for comparable benefits, the counselor shall (per federal Technical Assistance Circular RSA-TAC-91-01 issued November 16, 1990; federal policy directive RSA-PD-91-03 issued November 16, 1990) use a readily available comparable benefit.

- a. Employers having more than 15 full-time employees are generally financially responsible under federal law (P.L. 101-336 Americans with Disabilities Act of 1990) for reasonable job- and work site-accommodation and rehabilitation technology for their employees, including VR clients who are employed, such as clients with Supported Employment job placement or clients in on-the-job training (OJT). However, if the employer is unwilling or financially unable to comply, or is not subject to ADA, the counselor may (per federal Technical Assistance Circular RSA-TAC-98-04 issued September 29, 1998) provide it during the 90 day employment period without requiring the employer to meet the ADA test for "undue hardship" or "undue burden." After VR case closure, responsibility to provide rehabilitation technology lies elsewhere (such as with the employer or individual). Refer ADA employer obligation questions or alleged violations to the DARS Policy and Planning Division or U.S. Department of Justice or U.S. Equal Employment Opportunity Commission.
- b. Public secondary (junior and senior high) schools have a legal obligation under federal law (P.L. 105-17 Individuals with Disabilities Education Act) to provide rehabilitation technology necessary for the student to benefit from the Individualized Education Program (IEP). When needed for the school IEP only, the counselor shall not authorize the purchase. When needed for VR only (such as eligibility and VR service needs assessment, or training that is not part of the high school curriculum, etc.), the counselor may authorize the purchase. When needed for both the IEP and to achieve the IPE employment goal, the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) document an attempt to negotiate co-funding with the school.

### 14. Fee-based.

- a. Rehabilitation technology goods, service maintenance contract, and extended warranty contract shall (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(2)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see Chapter 14.3 FINANCIAL, Policy 1), including (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(3)) when needed to access a VR assessment service.
- b. Non-assessment rehabilitation technology services shall be exempt from consumer financial participation when provided by DRS staff (such as assistive technology specialist, rehabilitation

engineer, etc.) and shall (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(3)) be subject to consumer financial participation when provided by someone else.

15. Encumbering funds.

See [Chapter 14.1, PURCHASING, Policy 1](#). For S/I Code and fee schedule, see [DARS Services Reference Manual, Other services, Rehabilitation Engineering category](#).

16. Lowest cost.

For policies on lowest cost, add-ons, and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).

17. Repair.

See [Chapter 8.08, REPAIRS, Policy 1](#).

# Chapter 8.03. - VR COUNSELING AND GUIDANCE

## 1. VR Counseling and Guidance

### A. VR Counseling and Guidance

**[REVISED: ~~9/16/21~~9/15/22]**

1. Guidance means the counselor gives information and acts as a coordinator and advocate or mediator.
2. Vocational rehabilitation counseling means assisting the client through appropriate modes of communication to deal effectively with important issues or concerns related to vocational rehabilitation, which differentiates it from other types of counseling.
3. Counseling techniques may vary based on client needs and counselor approach.
4. To enable the client (and custodial parents or legal guardians) to comprehend and respond to information being communicated, and make informed VR decisions, in all VR counseling and guidance sessions and planned communications, the counselor shall:
  - a. Use client mode of communication and supplement written information as needed
  - b. Use the native language of client with limited English proficiency (to authorize this service, see [Chapter 8.07, INTERPRETER, Policy 2](#))
  - c. Use a qualified interpreter for the deaf for client who uses sign language (per P.L. 101-336 Americans with Disabilities Act of 1990), unless the counselor is a DRS regional counselor for the deaf (to authorize this service, see [Chapter 8.07, INTERPRETER, Policy 1](#))
  - d. Provide support and assistance (for suggestions, see [Chapter 1.6, CHOICE, Policy 1](#)) needed by client with a cognitive disability (such as intellectual disabilities, learning disabilities, head injury, stroke, etc. or disability as a result of organic brain damage or mental illness or medications, etc.), or client with no experience in making decisions for him or her self, or client with significant impairment in communication skills
5. All casework communications or contact with, or assistance rendered to, the client should be documented in the case record to give an accurate and complete picture of client-agency staff interaction. If professional opinions and subjective conclusions are necessary to understand the case, they must be supported by objective data, information from vendor reports or other third parties, client behaviors observed, client spoken words heard, etc.
6. At the end of each VR counseling and guidance session, the counselor shall document in a case note in AWARE, at least: the date, counseling issue addressed, any required client or counselor follow-up, and impact of the session on client vocational rehabilitation. If client contact involves



service planning, include the opportunity for client informed choice (per 2016 [Federal Regulation 34 CFR § 361.52](#)). From Service status and beyond, include the impact on removing or substantially reducing an impediment to employment or achieving the employment outcome (per 2016 [Federal Regulation 34 CFR § 361.47](#) (a) (14)) to demonstrate how services provided under the Individual Plan for Employment (IPE) substantially contributed to achieving the employment outcome.

7. VR counseling and guidance issues may include: the vocational rehabilitation (VR) process; roles and responsibilities and expectations of client and counselor; confidentiality and signed informed consent; order of selection; explanation of agency policies, procedures, forms requiring client signature, and counselor decisions affecting the case; consumer right to appeal and avenues; comparable benefits available; assessment of client real and perceived disabilities, functional abilities and limitations and other impediments to employment; client vocational knowledge, skills, and abilities; resources; family support; VR services needed for eligibility assessment and employment goal; client motivation level; planning the client job search or placement; self-disclosure; employer expectations; client salary expectations; job or workplace modification and attitudinal barriers; local job market and occupational growth trends; client relocation, criminal history, and other factors affecting client employment; transportation needed to access VR services; client job performance; accessible primary living quarters; availability of support services and referral to other agencies and programs; client self-advocacy skills; understanding and following medical advice; personal adjustment counseling; progress in job training or work adjustment training, school training grades and graduation requirements; [post-employment services \(PES\)](#); and other issues appropriate to client vocational rehabilitation. For client legal issues, see [Policy 2](#) of this chapter.
8. If an individual discloses that they are using a substance, the counselor shall provide counseling and guidance to educate the client so they understand the implications regarding the substance use as it pertains to employment. For example, the individual may disclose that they are using marijuana. The counselor will want to advise the individual that marijuana use remains illegal at the federal level; therefore, the counselor will want to discuss the impact of marijuana use upon federal employment. In addition, employers are permitted to maintain policies and hiring practices that prohibit marijuana use, even when the employee is away from the workplace. Counseling and guidance would include information on Virginia's occupational and regulatory requirements regarding substance/marijuana use that could affect the denial, revocation, suspension, or restriction of a license, certificate, or registration. For information about Alcohol and Substance Abuse Assessment during Eligibility, See [Chapter 4.01 Eligibility, Policy 2: Section A10](#). For client legal issues, see [Policy 2](#) of this chapter.
9. The client may appeal the quality of VR counseling and guidance and assigned counselor (see [Chapter 15, APPEALS, Policy 2](#)).
10. The counselor and client (and custodial parents or legal guardians) shall (per RSA Manual Transmittal (RSA-MT-92-27) maintain a VR counseling and guidance relationship from the Intake and onset of the eligibility assessment throughout the planning and implementation of the Individualized Plan for Employment (IPE) ~~and any Post-Employment Services (PES) Plan~~ except:

Delayed status (see 14 below) and Service – I status (see 16 below). The client shall be responsible for:

- a. Working with the counselor to develop a good working relationship
  - b. Keeping and being on time for all appointments with the counselor, and notifying the counselor right away if the client cannot keep an appointment
  - c. Notifying the counselor about changes that could affect client vocational rehabilitation (such as a change in address, family size, personal injury legal action, other benefits and funding sources, job status, disability or general health, financial situation, support network, etc.)
  - d. Asking questions to understand information being communicated and make informed VR decisions
  - e. Being honest about the disability, service needs, and feelings
11. The client may bring a family member, friend, or advocate to VR meetings. The counselor may require client informed signed consent for anyone other than the custodial parent or legal guardian to participate in a VR meeting. See Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A2 confidentiality in other situations.
12. When an issue needs immediate attention, an unplanned VR counseling and guidance session may occur.
13. During Intake/Onset of Eligibility Assessment.  
The counselor and applicant (and custodial parents or legal guardians) shall (per Federal Register, Vol. 66, No. 11, January 17, 2001 pp 4426 - 4427) be together in one room for a VR counseling and guidance meeting at least once (preferably at Intake) before the eligibility decision is made – to begin eligibility assessment and assist the counselor to determine if the applicant is present in the state and assess whether the applicant requires VR services to achieve an employment outcome. Under special circumstances when identity can be established and eligibility can be determined without an in-person meeting, the counselor may postpone meeting the client until Individualized Plan for Employment (IPE) development begins. VR counseling and guidance at Intake and Application shall include: voter registration opportunity (per National Voter Registration Act), confidentiality of personal information and conditions for accessing and releasing it (per 2016 [Federal Regulation 34 CFR § 361.38](#)), avenues of appeal (per 2016 [Federal Regulation 34 CFR § 361.57](#)), and opportunities to exercise consumer informed choice (per 2016 [Federal Regulation 34 CFR § 361.52](#)).
14. During Eligibility Assessment.  
In Application, Application – E (exceptional circumstances require extra time to obtain documentation) and Application - T (Trial Work Experiences Plan) statuses, VR counseling and guidance shall (per 2016 [Federal Regulation 34 CFR § 361.52](#)) be provided as needed to determine eligibility and service needs and assign Order of Selection priority category. Also, topics may include information not needed to apply or determine client eligibility but will be needed to determine the Individualized Plan for Employment (IPE) goal and services (such as desired employment goal, medically contraindicated employment goals, student financial aid,

Medicaid waivers, criminal background check, felony pre-sentence report/ crime/length of sentence information, etc.); however, this information shall not (per 2016 [Federal Regulation 34 CFR § 361.42](#) (c)) be used to determine eligibility and the counselor shall not delay the eligibility decision waiting for it.

15. During Delayed Status.

The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.37](#)) provide information and referral to the Workforce Investment System One-Stop (is in OOS Waiting List letter and local One-Stop list attachment), referral to federal and state programs best suited to address client specific employment needs, and limited guidance that does not interfere with staff ability to serve applicants and those clients being served under Order Of Selection (OOS) (for status of whether DARS is on OOS or not, see [Chapter 2.2, ORDER, Policy 1](#)).

16. During IPE Planning and Service statuses.

- e. Upon certifying eligibility, the counselor shall begin or continue VR counseling and guidance and assistance needed to make informed choices in selecting an appropriate IPE goal, vocationally-necessary services, service duration, and providers (per 2016 [Federal Regulation 34 CFR § 361.52](#)). Information shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) include: providing the Consumer Information on Development of the Employment Plan (RS-4b form), financial policies (such as methods available to procure a VR service, consumer financial participation, comparable benefits, maximum allowances, etc.), and additional information the client requests or the counselor deems necessary. If DRS is operating under Order Of Selection, the counselor provides the Consumer Information on Development of the Employment Plan (RS-4b form) to clients assigned to an open category. The Consumer Information on Development of the Employment Plan (RS-4b form) complies with the client written notification requirement in 2016 [Federal Regulation 34 CFR § 361.45](#)(c) and describes the option to develop the IPE with assistance from the DARS VR counselor or other entity set forth in the federal regulation, required IPE elements, availability of assistance to complete the DARS IPE form, consumer rights to appeal, and other mandatory procedures.
- b. All Individualized Plans for Employment shall include VR counseling and guidance. Counselors and clients shall schedule and participate in vocational counseling and guidance sessions at least every 90 days if the primary service is C&G, at least twice a year (preferably at the end of every term) for school training, and as often as needed for other IPEs.
- c. When VR counseling and guidance is the primary IPE service needed, planned sessions should be face-to-face (in-person or via technology at counselor discretion) with date, location and time convenient to both client and counselor. The counselor may offer individual sessions, group sessions, or both.
- d. When training (such as vocational training, work adjustment training (WAT), Supported Employment (SE), Job Coach Training Services (JCTS), On-the-Job Training (OJT), post secondary school, etc.) is the primary IPE service needed, IPE Progress Measures shall include training graduation/completion requirements. VR counseling and guidance shall include emphasis on training-related issues and client responsibilities. For school training cases, VR counseling and guidance shall include attendance, grades, progress towards

graduation requirements, financial status, next semester schedule, and other issues such as classroom accommodation, referral to campus disability services office, etc.

- e. When rehabilitation technology or physical or mental restoration service is the primary IPE service needed, VR counseling and guidance shall include issues such as following medical advice and treatment or recovery program, length of treatment, projected date of return to work, work restrictions, information available on service provider, comparable benefits, billing procedures, and other issues such as necessary child care and housekeeping arrangements.
- f. All Individualized Plans for Employment shall (per 2016 [Federal Regulation 34 CFR § 361.46\(a\)\(5\)](#)) include criteria used to evaluate progress towards achieving the employment goal. When VR counseling and guidance is the primary IPE service needed, progress measures shall include specific counseling issues that remove or substantially reduce the impediments to employment and the expected changes.

Examples of VR Counseling and Guidance Progress Measures (measurable, attainable, SFL-related, specific):

**Example 1** - SFL: self-care, Progress measure: Learn effective job interview skills measured in mock interviews by demonstrating appropriate eye contact and responses to common interview questions.

**Example 2** - SFL: self-care, Progress measure: Improve personal hygiene and appearance at job interviews. This will be measured through client self-report, counselor observation, and feedback to counselor from employer interviewers and job placement counselor.

**Example 3** - SFL: interpersonal skills, Progress measure: Acquire understanding and acceptance of functional limitations of disability, know what accommodations are needed and why, become an effective self-advocate. This will be measured through client self-report, counselor observations, and feedback to counselor from service provider regarding demonstrated positive attitude about abilities.

**Example 4** - SFL: interpersonal skills, Progress measure: Interact appropriately with service providers, supervisor, and co-workers in one-on-one and group situations. This will be measured through feedback to counselor from job coach and employer.

**Example 5** - SFL: self-direction, Progress measure: Learn how to use checklists, alarm watch, and other compensatory strategies to assist in satisfactory completion of job-related duties. This will be measured through vendor reporting to counselor on completion of required job tasks within an acceptable time frame.

**Example 6** - SFL: self-direction, Progress Measure: Abstain from alcohol or drugs or any substances not currently prescribed by a physician familiar with the alcohol/substance abuse diagnosis. No services subject to consumer financial participation will be authorized until client has demonstrated abstinence for at least [enter appropriate time period] consecutive days. This will be measured through the treatment records or consulting with the case manager on an ongoing basis [use if individual is involved in treatment] and counselor observations of arrival time for appointments [add other behaviors consistent with

abstinence].

Progress measure: Client agrees to voluntarily participate in a treatment program or support group (however, DRS shall not pay for treatment). This will be measured through attendance.

Progress measure: Client agrees to meet with the counselor at least twice a month for VR counseling sessions during the first [enter appropriate time period] consecutive days of this IPE. This will be measured through attendance at scheduled VR counseling sessions.

17. During Service – I status.

For scope of services, see [Chapter 5, PLAN, Policy 1](#). For case progress note requirement, see [Policy 3](#) of this chapter.

18. During Employed status.

The counselor shall continue to provide VR counseling and guidance. At least one VR counseling and guidance interaction with the client (or representative with a signed consent form) shall occur during the ten day period preceding the Closed - Rehabilitated Date in order to (per 2016 [Federal Regulation 34 CFR § 361.56\(c\)](#)): reach agreement that the employment outcome is satisfactory and the client is performing well in the employment, to discuss case closure, and to inform the client of the availability of post employment services (PES). If the counselor is not able to maintain contact with the client following job placement, the counselor must document in the case record the reason(s) and attempts. For supported employment (SE) cases, the counselor must ensure that the entity that will fund the long term follow along support services after VR case closure is aware of the pending case closure and discontinuation of VR time-limited SE services. For clients needing personal assistance services (PAS) after VR case closure, during Employed status a referral to state-funded PAS may be appropriate (see Chapter 8.13, PAS).

~~19. During Post Employment Services Planning and PES status.~~

~~All post employment services (PES) Plans shall include VR counseling and guidance.~~

~~20.~~19.      Addressing Abusive or Threatening Behaviors by Individuals

The Department for Aging and Rehabilitative Services (DARS) is committed to the prevention of workplace violence and harassment and maintaining civility in the workplace. DARS will comply with the [Department of Human Resource Management's Policy 2.35 - Civility in the Workplace](#), which applies not only to employees, applicants, and contractors but also to customers, clients, and other third parties in the workplace. Third parties include customers, clients, students, interns, vendors, contractors, volunteers, applicants for employment or services, and the public.

[Per DHRM Policy 2.35](#), workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the workplace by third parties. Threatening behaviors create a reasonable fear of injury to another person or damage to property or subject another individual to extreme emotional distress.

DRS is committed to promoting and maintaining a safe workplace and service-delivery environment. When DRS staff believe that a third party poses a clear and immediate threat of serious violence, they should notify law enforcement immediately. See [Chapter 1.1 Confidentiality, Policy 1: A2 Disclosure to Third Parties](#), regarding the release of confidential client data to third parties. Workplace violence, including profane, abusive, or threatening verbal or written

statements or behaviors, could result in delay or termination of VR services. Applicants or clients shall receive counseling and guidance about their responsibilities to act appropriately during the vocational rehabilitation process. When the individual is an applicant or client, the threat or act of workplace violence shall be documented in the case record.

**Guidance** – Applicants and clients shall be provided counseling and guidance about acceptable workplace behaviors and interpersonal skills being critical for employment success and the requirement for acting appropriately with their counselors, DARS staff, service providers, employers, and other consumers.

**Guidance** – If appropriate, accommodations may be considered if the applicant or client has exhibited workplace violence. Examples may include having additional staff present when the applicant or client is present in the office or utilizing virtual service delivery. It is always appropriate to provide the client or applicant information about the Client Assistance Program (CAP).

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## B. Counselor Qualifications for Workers Compensation Cases

**[REVISED: 4/1/14]**

Counselors assigned to Workers Compensation cases must meet qualifications in the Workers Compensation Act. See [Chapter 2.1, APPLICATION, Policy 1, Section A1](#).

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## 2. Client Legal Issues

**[REVISED: 10/1/13]**

1. When DARS is not a party in the legal dispute, it may be appropriate to discuss the impact of the legal issues (such as personal injury law suit, felony conviction as an adult, denial of state occupational certification, ineligibility for student financial aid, revoked driver license, eligibility to work in the U.S., etc.) on client vocational rehabilitation with the client (or custodial parents, legal guardians, or client representative with client informed signed consent).
2. Consult the supervisor or Policy and Planning staff in DARS Central Office when in doubt about the propriety of discussing the impact of other legal issues on client (such as child support, custody, bankruptcy, housing eviction, etc.).
3. DRS staff shall not discuss a legal case if DARS is a party in the legal dispute (including but not limited to court case to appeal final VR hearing decision; claims with DDS for Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), or Medicaid benefits; discrimination complaints; client injury or property damage involving DARS or the service provider, adult protective services investigation, etc.)

4. For response to subpoena, judicial order, or law enforcement, see [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A2.](#)

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## 3. Documenting Casework and Case Progress

**[REVISED: 9/16/21]**

1. All DRS staff casework efforts should be documented in the client case record to give a complete and accurate picture of the comparable benefits search, service coordination activities, information and referral services, services and assistance rendered by DRS staff, etc.
2. As often as necessary, but at least every 90 days (per agency) the case remains in Application - T (Trial Work Experiences), the counselor shall (per 2016 [Federal regulation 34 CFR § 361.47\(a\)\(5\)](#)) review the assessment results and document the results in the case record, and shall (per agency) justify in a case note why the eligibility decision has not been made.
3. To ensure the client is receiving services appropriately, once the counselor certifies eligibility the counselor shall justify in a case note every 90 days why keeping the case in the same status (including Service – I and PES statuses) is appropriate. This does not apply to:
  1. Cases in Delayed status; for casework see [Chapter 2.2, ORDER, Policy 2.](#)
  2. School training cases in Service status; a copy of the school term grades is sufficient to track progress.
  3. Self employment enterprises (SEEs) in Employed status; the business progress review schedule is established case-by-case (see Chapter 8.17, SELF EMPLOYMENT, Policy 1).

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## 4. School IEP Meetings

**[REVISED: 10/1/13]**

The VR Individualized Plan for Employment (IPE) for a student receiving special education services shall (per 2016 [Federal Regulation 34 CFR § 361.46](#) (d)) be coordinated with the secondary (junior high or high) school Individualized Education Program (IEP) goals, objectives, and services. The counselor is not required to attend school IEP meetings until the school or custodial parent or legal guardian invites the counselor to attend a meeting to develop the Transition Plan component of the IEP for a student (per 2016 [Federal Regulation 34 CFR 361.48\(a\)\(4\)](#)).

# Chapter 8.04. - FAMILY

## 1. Services To Family Members

[REVISED: ~~11/22/169/15/22~~]

1. For purposes of this policy, family members means (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(23\)](#)) an individual:
  - a. Who is a relative (by blood or marriage) or guardian of the client, or (per agency mandate) who lives with the client, and
  - b. Who has a substantial interest in the well-being of the client, and
  - c. Whose receipt of vocational rehabilitation services is necessary to enable the client (including VR applicants) to achieve an employment outcome.

**Note 1:** This definition is not the same one used by institutions of higher education for financial aid purposes. The financial aid program is subject to the definition in the Higher Education Act and its regulations.

**Note 2:** This definition differs from the definition of family size that DRS uses in the consumer financial participation policy and Client Financial Statement RS-13 form (see [Chapter 14.3, FINANCIAL, Policy 1](#)).

2. The counselor may provide these Vocational rehabilitation (VR) services to a client family member if necessary to enable the client to access a VR service from Application status through ~~Post-Employment Services (PES)-Employed~~ status:
  - a. transportation when approved to accompany the client to a VR service (for policy, see [Chapter 8.20, TRANSPORTATION, Policy 1](#)),
  - b. dependent care or child care when the client is the care giver (for policy, see [Chapter 8.01, DEPENDENT, Policy 1](#)),
  - c. training on care for assistive technology devices (for policy, see [Chapter 8.02, REHABILITATION TECH, Policy 1](#)),
  - d. driving instruction when approved to be the driver of the modified vehicle and training to maintain the modification if the vehicle owner (for policy, see [Chapter 8.21, VEHICLE MOD, Policy 5](#))
  - e. training on care of home modifications if the homeowner or living with the client (for policy, see [Chapter 8.06, HOME MOD, Policy 1](#)),



- f. room, board, and incidentals when approved to accompany the client to an out-of-town VR service (for policy, see [Chapter 8.10, MAINTENANCE, Policy 1](#))
- 
- 3. VR services provided to family members are also subject to comparable benefits policy (see [Chapter 14.2, COMPARABLE, Policy 1](#)), consumer financial participation policy (see [Chapter 14.3, FINANCIAL, Policy 1](#)), and DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)). For S/I Code and fee schedule, See DARS Services Reference Manual, Other Services, "[Services to Family Members](#)" category.

# Chapter 8.06. - HOME MODIFICATION

## 1. Home Modification

### A. Home Modification

#### A1. Home Modification

[REVISED: 9/16/21-9/15/22]

1. Home modification definition.  
Home modification means architectural changes and permanent installation of equipment that remove or reduce the impediment to employment, including inaccessible home entrance and primary living quarters.
2. Primary living quarters definition.  
Primary living quarters means one bathroom, client bedroom, and an eating area. If the client lives alone, primary living quarters may also include the kitchen and laundry areas. It does not include other areas where inaccessibility is a problem but not an impediment to employment, such as basement without laundry area, attic, family room or living room.
3. Case status.  
The counselor may only provide home modification under a Trial Work Experiences Plan or an Individualized Plan for Employment (IPE) if required for the client to achieve their employment goal. Consultation and both supervisor and district director approval are required when authorizing home modification (See Section 1A2). The counselor shall not (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(41\)](#)) provide home modification ~~under as~~ a Post Employment Services (PES) ~~Plan~~ because it is a complex and comprehensive service. Before providing home modification, the case record shall document all home modification assessment requirements in [Chapter 6.06, HOME MOD ASSESSMENT](#), have been met.
4. Home Modification Assessment.  
Before the counselor includes home modification on the service plan, the case record shall (per 2016 [Federal Regulation 34 CFR § 361.42\(d\)\(1\)](#) and 2016 [Federal Regulation 34 CFR § 361.45\(b\)\(1\)](#) and 2016 [Federal Regulation 34 CFR § 361.48\(a\)](#)) document all requirements in [Chapter 6.06, HOME MOD ASSESSMENT, Policy 1](#) for RS-33 Home Modification Assessment tool, [Chapter 6.06, HOME MOD ASSESSMENT, Policy 2](#) for home modification assessment report, and [Chapter 6.06, HOME MOD ASSESSMENT, Policy 3](#) for local building codes. DRS staff shall not authorize home modifications that the counselor determines are not essential to removing the disability impediment to employment (such as a leaky roof).
5. Home modifications over once a lifetime.  
The district director must approve any home modifications beyond the first occurrence. Modifications must be necessary for the client to achieve their employment goal. For example, the counselor may make an exception supported by documentation that after the initial modification, a dramatic change in the disabling condition adversely affects the client's ability to obtain or

retain employment, and the client requires home modification to remove the disability impediment to employment. DRS staff shall not authorize home modifications that the counselor determines are not essential to removing the disability impediment to employment. The case record shall document that all home modification assessment requirements in [Chapter 6.06, HOME MOD ASSESSMENT](#), have been met.

6. Allowable architectural changes to home.

The counselor may authorize architectural changes, such as, but not limited to, adding ramps and other structures to enter or exit the home or move about the primary living quarters; widening doorways; retrofitting a bathroom; modifying the client bedroom; lowering a counter top; and other modifications to an eating area and/or the kitchen. For a home under construction, the counselor may authorize non-architectural modifications (such as adding shower grab bars) recommended in the Home Modification Assessment Report, but DRS staff shall not authorize architectural modifications. DRS staff shall not authorize home additions (new permanent structures, rooms, or units) unless approved by the DRS rehabilitation engineer as the most cost-effective solution to removing a disability impediment to employment. For example, the rehabilitation engineer may recommend the addition of an accessible bathroom when there is no bathroom in the home, or the addition is more cost effective to DRS than modifying/retrofitting a current bathroom.

7. Allowable equipment purchases for home.

The counselor may authorize installation or modification of the following equipment when integral to the home modification project: telephones; and systems for plumbing, electrical, ventilation, heating, and cooling. Heating and cooling systems as the home modification itself shall be limited to the primary living quarters and shall require documentation that the current system is an impediment to employment and written documentation from a doctor that the need is medically necessary due to client disability. Otherwise, these systems are (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(35\)](#)) normal homeowner expenses and homeowner financial responsibility, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13) results.

8. Building code requirements.

See [Chapter 6.06, HOME MOD ASSESSMENT, Policy 3](#).

9. Homeowner insurance.

Regardless of the Client Financial Statement (RS-13) results and client exemption from consumer financial participation, (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(35\)](#)) the homeowner, not DRS, is responsible for adequately insuring the home and modification and paying the insurance premiums.

10. Rental property modification.

The counselor may authorize modification to rental property where the client resides. Rental property is subject to the Fair Housing Act Amendments of 1988, not the Americans with Disabilities Act of 1990, and does not require the landlord to make the property or home accessible.

11. Homemaker cases documentation.

For cases with employment goal or employment outcome of homemaker, the counselor shall document client homemaking skills before and after home modification and evidence (per

2016 [Federal Regulation 34 CFR § 361.56](#)) that the home modification and at least one other service on the Individualized Plan for Employment (IPE) substantially contributed to achieving the homemaker outcome.

12. Decor.

The counselor shall not (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(35\)](#)) authorize costs to decorate the home or modification, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results. This is a normal homeownership expense and the financial responsibility of the homeowner.

13. Qualified vendors and contractor selection.

[See Policy 2](#) of this chapter.

14. Home Modification procedures.

[See Policy 1: Section A2](#) of this chapter. For pre-bid conference, [See Policy 3](#) of this chapter.

15. Change order.

The counselor may authorize a change order only when needed to correct DRS work specifications.

16. Retrofitting.

The counselor may authorize retrofitting of the DRS modification only when i) needed because the vendor followed DRS work specifications that were incorrect (such as when modifications do not meet building code), or ii) DRS accepts the modifications at inspection and later requests a change order. All other retrofitting and work necessary to meet DRS Scope of Work specification is at the expense of the building permit holder and is subject to additional DRS inspection.

17. Repair.

See [Chapter 8.08, REPAIRS, Policy 1](#).

18. Client training on use and care.

The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(8)) authorize training the client or homeowner needs to use or maintain the home modification. The client or homeowner shall successfully complete authorized training.

19. Ownership.

DARS shall not retain title or ownership of the home modification, even if DRS is paying part or all of the cost.

20. Restoration to original state.

DARS staff shall not authorize services to restore the modified home to the previous decor, state, or condition, even if the client moves or no longer needs the modification. The client is responsible for restoring it back to its original state if necessary.

21. Comparable benefits.

Home modification, service maintenance contract, and extended warranty contract shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be exempt from a search for comparable benefits.

22. Fee-based.

- a. Home modification, service maintenance contract, and extended warranty contract shall (per [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see Chapter 14.3 FINANCIAL, Policy 1), including when provided under Trial Work Experiences Plan or Extended Evaluation Plan.
  - b. Change order or retrofitting costs due to incorrect DRS Scope of Work specifications are exempt from the RS-13 results.
23. Encumbering funds.  
Signed Scope of Work and Homeowner Agreement for Residential Modifications (RS-34 form) indicate client and homeowner commitment to proceed, and shall not financially obligate DRS to pay part or all of the modification cost. Home modification shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)). For S/I Code and fee schedule, see [DARS Services Reference Manual, Other services, Home Mod category](#).
24. Lowest cost.  
For policies on lowest cost, add-ons, and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).
25. Client debts.  
For policy on consumer debts, mechanics liens on modifications, etc. see [Chapter 14.1, PURCHASING, Policy 8](#).

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## A2. Home Modification Procedure

**[REVISED: 2/4/21]**

Before the counselor includes home modification on the Trial Work Experiences Plan or Individualized Plan for Employment (IPE):

- a. The counselor shall obtain both their supervisor's and district director's approval for inclusion of the home modification on the client's IPE as documented in the form of an actual service note in the case record:
  - b. Client shall provide written proof the home is insured and the counselor shall keep a copy in the case record, and
  - c. Client and staff shall select a qualified vendor and follow the vendor selection procedure. [See Policy 2: Section A1](#) of this chapter.
2. Once the counselor obtains supervisor/district director approval and authorizes the home modification:

- a. Counselor shall meet in the home with the contractor, client, and identified homeowners. The counselor may ask the DRS rehabilitation engineer to attend. All parties agree to the work to be done, the work timetable, and who pays for what, and homeowner and contractor sign the construction contract. The counselor shall maintain a copy of the signed construction contract in the case record. By law, there is a three day period in which the homeowner can cancel the construction contract. The counselor, homeowners, client, and DRS rehabilitation engineer shall have a copy of the contractor work timetable, and
  - b. If the contract falls through, the client shall immediately notify the counselor, who shall immediately cancel the authorization, and
  - c. Contractor obtains the building permit; however, the homeowner obtains it when the labor is being provided free of charge. Under no circumstances shall the building permit be issued to DARS or Commonwealth of Virginia, and
  - d. DRS rehabilitation engineer may conduct periodic in-progress inspections for DRS. The client, counselor, and homeowners may attend at their discretion after consulting the rehabilitation engineer, and
  - e. Client shall participate in formal or informal (such as by telephone) follow-up activities to ensure the home modification is meeting client VR needs, and
  - f. Building permit holder shall arrange the necessary building inspections, and
  - g. Building permit holder shall provide a copy of the inspection or certificate of occupancy signed by the building inspector to the counselor, who maintains it in the case record and forwards a copy to the DRS rehabilitation engineer to review.
3. Once the building inspector passes the work:
- a. DRS rehabilitation engineer shall conduct the DRS final inspection to ensure the home modifications meet the DRS-approved work specifications and contractual obligations and any installed equipment is in good working order. The client, counselor, and homeowners may attend at their discretion after consulting the DRS rehabilitation engineer. If the work fails, the DRS rehabilitation engineer shall give the contractor directions and a timetable,
  - b. When the work passes DRS final inspection, the DRS rehabilitation engineer shall notify the counselor in writing,
  - c. DRS rehabilitation engineer shall document client satisfaction, modification effectiveness, and contractor quality, and
  - d. Counselor shall request vendor payment upon receipt of: i) signed proof of inspections or certificate of occupancy, and ii) written notice the work passed final DRS rehabilitation engineer inspection, and iii) accurate contractor invoice.

4. If the modification has increased the home value to require additional insurance, the client shall provide written proof of adequate insurance and the counselor shall keep a copy in the case record.

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## 2. Qualified Vendor for Home Modifications

**[Revised: 3/1/14]**

1. Qualified vendor.
  - a. When the cost is \$1,000 or more and involves construction, removal, repair, improvement or equipment installation of any building, the contractor, except non-profit agencies that provide free labor (such as Habitat for Humanity), must possess the appropriate license from the State Board of Contractors (per [§ 54.1-1100 of the Code of Virginia](#)), which is subject to change:
    - Contractor License B (\$10,000 — \$119,999)
    - Contractor License A (\$120,000 or more)
    - Contractor License C (\$1,000 — \$9,999)
  - b. When the building permit stipulates that a Master's Card is required to perform the work (such as heating, plumbing, air conditioning, electrical, and ventilation systems), then the workers must be supervised by a person issued a Master's Card.
  - c. When the labor is provided free of charge by a non-profit organization (such as Habitat for Humanity): i) the counselor should consult the DRS rehabilitation engineer to ensure the work conforms to the standards, ii) the homeowner must sign and date a statement for DRS acknowledging liability for correcting any building code violations, which the counselor shall maintain in the case record, and iii) the building permit must be applied by and issued to the homeowner, not the organization or DARS or Commonwealth of Virginia.
  - d. For additional vendor requirements, see [Chapter 14.4, VENDORS, Policy 2](#)
2. Vendor shall be selected in this manner:
  - a. When considering complex modifications or weighing different modification alternatives, the DRS rehabilitation engineer may require a pre-bid conference ([See Policy 3](#) of this chapter).
  - b. The counselor, in consultation with the client, shall obtain from a licensed contractor a price quote on the Scope of Work. If the price quote exceeds counselor authority in [Chapter 14.1, PURCHASING, Policy 3](#) the counselor shall obtain management pre-approval. If multiple price quotes are required in [Chapter 14.1, PURCHASING, Policy 1](#), the counselor shall contact the

DRS rehabilitation engineer, who shall solicit the additional price quotes.

- c. DRS rehabilitation engineer shall review the price quote(s), references, and construction contract and shall offer any recommendations to the counselor.
- d. Counselor shall: A) Notify the selected contractor, B) Verify or establish the contractor in the DRS approved vendor file, C) Amend the Plan to add home modification and any client or homeowner training, D) Authorize home modification, and E) Inform the DRS rehabilitation engineer.
- e. DRS rehabilitation engineer shall notify the bidders not selected.

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### 3. Pre-bid Conference for Home Modifications

**[Revised: 3/1/14]**

1. When considering complex home modifications or weighing different modification alternatives, the DRS rehabilitation engineer may require a pre-bid conference to ensure all parties have a clear understanding of the exact services needed.
2. The pre-bid conference is usually held at the home to be modified.
3. The counselor shall coordinate the date for the pre-bid conference with the homeowners (mandatory participants), client, DRS rehabilitation engineer who should attend to answer Scope of Work questions and approve any suggested changes, and occupational therapist if OT is appropriate.
4. The counselor shall invite all qualified vendors to participate in the pre-bid conference. The notice must advise the vendors that only vendors attending the pre-bid conference shall be allowed to bid.
5. Any Scope of Work changes suggested during the pre-bid conference shall require i) written pre-approval from the DRS rehabilitation engineer that the recommended changes will effectively meet client VR needs and meet quality and safety standards and ii) client and homeowner to sign the change to document acceptance.



# Chapter 8.08. - REPAIRS

## 1. Repair and Routine Product Maintenance

[REVISED: ~~11/22/16~~9/15/22]

### 1. Counselor discretion.

The counselor may, but is not obligated to, authorize repair or replacement (and related costs, such as shipping charges) of goods needed for client VR. The counselor may decide not to authorize repairs or replacement needed due to misuse, negligence, improperly securing the goods from theft or damage, or use by someone other than the client or person trained to use the device, modified equipment, or goods. The counselor may determine that buying a new item is more cost-effective for DRS than repairing the item.

- a. For assessment of repairs/replacements needed to home modification, see [Chapter 6.06, HOME MODIFICATION ASSESSMENT, Policy 1](#). Because home modifications are complex and comprehensive services, (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (42)), the counselor ~~may not must open a new case rather than~~ provide repairs or replacements to modification ~~under~~ as a Post Employment Services (PES) ~~Plan~~.
- b. For assessment of repairs/replacements needed to vehicle modification, see [Chapter 6.05, VEHICLE MODIFICATION ASSESSMENT, Policy 2](#). Because vehicle modifications are complex and comprehensive services, (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (42)), the counselor ~~must open a new case rather than~~ may not provide repairs or replacements to modification ~~under~~ as a Post Employment Services (PES) ~~Plan~~.
- c. For assessment of repairs/replacements for assistive technology (AT) devices needed for VR, consult the DRS AT Specialist.
- d. For repair and replacement of prosthetic and orthotic appliances, see [Chapter 8.14, PHYSRES, Policy 1, Section A18](#).
- e. For repair and replacement of wheelchairs, see [Chapter 8.14, PHYSRES, Policy 1, Section A24](#).
- f. The client shall be financially responsible for maintaining and repairing occupational tools and equipment and other goods needed for VR.
- g. A self employed client shall (per [Chapter 8.17, SELF-EMPLOYMENT, Policy 1](#) ) be responsible for maintaining, repairing, or replacing occupational tools and equipment needed after the start up period, including while DARS retains title after case closure. Other working clients shall be financially responsible for maintaining, repairing, or replacing occupational tools and equipment required to maintain the current job.

### 2. Warranty and service maintenance contracts.

The counselor may authorize a service maintenance contract and extended warranty

contract. The counselor may authorize routine product maintenance when required by the product warranty, extended warranty, or service maintenance contract.

3. Risk Management.

DRS staff shall not use VR funds to authorize repair to the home or personal property or real property damaged due to the home modification process or repair to the vehicle during the vehicle modification process. Commonwealth of Virginia Risk Management must first determine DARS liability (see [Chapter 1.2, LIABILITY, Policy 1](#)).

4. Vendors.

The repair and required product maintenance services the counselor authorizes shall be provided by the manufacturer or manufacturer-authorized service dealer. For other vendor qualifications, see [Chapter 14.4, VENDORS, Policy 2](#).

5. Comparable benefit.

Costs shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be subject to comparable benefit policy. Product warranty, product extended warranty, vehicle insurance, or homeowner insurance is a comparable benefit if the repair is covered under the warranty or insurance contract.

6. Fee-based.

Costs shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to financial participation policy and Client Financial Statement (RS-13) results (see [Chapter 14.3, FINANCIAL, Policy 1](#)).

7. Encumbering funds.

Services shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)).

# Chapter 8.10. - MAINTENANCE

## 1. Maintenance (Other Than For School Training)

[REVISED: 11/22/16 ~~9/15/22~~]

1. This policy shall not apply to Cost Of Attendance (COA) for school training services subject to the RS-25. For school training room, board, and personal and miscellaneous costs, see Chapter 7, SCHOOL.
2. Definition.  
Maintenance means (per Public Law 114-18 and 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(35)), monetary support for the extra living expenses (such as shelter, food, clothing, incidentals) needed for VR and is not for normal living expenses the client would incur if not in the VR program. Maintenance shall not be used to alleviate poor or abject living conditions, and the counselor should refer clients needing on-going long term assistance with normal living expenses to other agencies and programs (such as TANF, WIC, food stamps, General Relief, fuel assistance program, summer heat cooling centers, homeless shelters, etc.). Maintenance may be used for clients with third party benefits for normal living expenses (such as Supplemental Security Income (SSI) and Social Security Disability Income (SSDI), Workers Compensation, Unemployment Compensation, personal injury settlement, etc.).
3. Not a stand alone service.  
Maintenance must be needed to access an assessment service under a Trial Work Experience Plan or Extended Evaluation Plan. Under an Individualized Plan for Employment (IPE) ~~or Post Employment Services (PES) Plan~~, it must be needed to access an assessment service, physical/mental restoration service, training not subject to RS-25, or to accept a job offer. When the client no longer receives the authorized service that the Maintenance services support, the counselor shall terminate the Maintenance services.
4. Clothing.  
The counselor may authorize a clothing budget when the counselor documents the client does not have appropriate clothing for training or service provided in the workplace (such as situational assessment, unpaid work experience, job interviews, work uniform or work boots not provided by employer, career exploration job shadowing, etc.).
5. Meal for UWE.  
When unpaid work experience (UWE) overlaps mealtime, the counselor may authorize the actual meal cost not to exceed the maximum reimbursement rate allowed in the Meals and Incidental Expenses for state employees for the geographic area in which the client is working.
6. Lodging.  
The counselor may authorize up to eight (8) weeks, not to exceed \$500 per month, for overnight lodging and meals needed to access an out-of-town assessment service, physical/mental restoration service, or training not subject to RS-25.

7. Incidentals.

The counselor may authorize incidentals (toiletries, laundry, etc.) in conjunction with lodging. Before the counselor authorizes and approves payment, the client must submit an itemized list with costs to document service need and cost reasonableness.
8. Relocation.
  - a. Out-of-town permanent relocation may be authorized only if the counselor has a copy of the written job offer including start date and salary/wage and client written acceptance, and the client and counselor agree relocation is required to achieve stable employment.
  - b. Relocation assistance may include actual cost of: initial one month rent due at lease signing, any required initial security deposit due at lease signing, and basic utility hook up cost not included in rent (electricity, water, telephone, natural gas, not internet or cable TV). The rental lease and utility accounts must be in the client name (for legal landlord-tenant reasons), not agency name.
  - c. The counselor must authorize the rent to the landlord (to ensure payment), not to the client.
  - d. For moving expenses (moving van, packing service, travel, etc.), see [Chapter 8.20, TRANSPORTATION, Policy 1](#).
  - e. If an out-of-town job starts before the client signs a lease for longer than 1 month, the counselor may authorize the number of temporary overnights needed, up to 45 days of hotel/motel/extended stay lodging and meals - with the food and lodging total not to exceed \$500 the first month and \$250 for the remaining period. The client is responsible for obtaining affordable housing and shall (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(35)) be financially responsible for additional housing costs, regardless of the RS-13 results.
9. The counselor shall not authorize Maintenance for a client who quits a job unless the counselor documents the reason is disability-related or the job was inappropriate employment.
10. DRS staff shall not (per federal OMB Circular A-87 revised August 29, 1997) authorize entertainment costs.
11. Client failure to follow through on client responsibilities as agreed by the counselor and client is sufficient cause to deny or withdraw DRS Maintenance services.
12. For definition of a family member who may receive Maintenance, see [Chapter 8.04, FAMILY, Policy 1](#).
13. Maintenance shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be subject to comparable benefits policy (see Chapter [14.2, COMPARABLE, Policy 1](#)).
14. Maintenance, except when needed for a VR assessment service, shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy (see [Chapter 14.3, FINANCIAL, Policy 1](#)).

15. Services shall be subject to DRS established purchasing policies and procedures. For encumbering funds, see [Chapter 14.1, PURCHASING, Policy 1](#). Use the S/I code for room, board, clothing, and incidentals listed in the [DARS Services Reference Manual, Other services, Maintenance](#) category.

# Chapter 8.13. - PERSONAL ASSISTANCE SERVICES (PAS)

## 1. Personal Assistance Services (PAS)

### A. Eligibility for Personal Assistance Services (PAS)

**[REVISED: ~~11/22/169/15/22~~]**

1. Definition.  
Personal assistance services (PAS) means (per Public Law 114-18 and 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(39)) a range of services provided by one or more persons, designed to assist a VR client perform daily living activities (on or off the job site), that the individual would typically perform without assistance if the individual did not have a disability. Such services shall be designed to increase client control in life and ability to perform everyday activities on or off the job. Everyday activities are: tasks bathing, dressing, toileting, transferring, eating/feeding, preparing meals, housekeeping, doing laundry, managing money, driving or transportation, shopping, using phone, maintaining the home, functioning and learning in the VR school training classroom and doing homework at home, and functioning and working in the workplace.
2. PAS program options.  
Under the consumer-directed VR PAS option, the client directs the PAS and employs the personal attendant(s). The client (or custodial parent or legal guardian) must have the capacity and willingness to perform the tasks associated with directing their PAS and hiring and managing their personal attendant. Under agency-managed VR PAS option, the client and counselor select a vendor (such as a commercial home health care agency) that directs the PAS and employs the personal attendant(s). Attendant hours and activities may be more restricted than under consumer-directed VR PAS option. Agency-managed VR PAS may be the more appropriate option when the client needs PAS services for a short time and requires extensive PAS orientation training, or needs medical services such as skilled nursing care, or needs PAS for eligibility determination process and setting up the consumer-directed option would delay the eligibility determination decision, etc.
3. Not a stand-alone service.  
PAS shall (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (39)) be provided only while the client is receiving other vocational rehabilitation services; at a minimum, DRS requires vocational counseling and guidance. PAS may (per 2016 [Federal Regulation 34 CFR § 361.42](#) (d) (1) and 2016 [Federal Regulation 34 CFR § 361.45](#) (b) (1) and 2016 [Federal Regulation 34 CFR § 361.48](#) (a)) be provided in Application status and higher when needed to determine eligibility, assign Order of Selection priority category, develop the Individualized Plan for Employment (IPE)-~~or Post Employment Services (PES) Plan~~, or achieve the IPE ~~or PES~~-employment goal.
4. PAS application and needs assessment.  
Before providing PAS, the case record shall document all PAS application and assessment requirements in [Chapter 6.02, PAS ASSESSMENT, Policy 2](#) have been met. PAS shall not be used

to provide supervision or companionship to a client who has the physical ability to perform routine activities of daily living for himself or herself.

5. OOS.  
For PAS in Delayed status, see [Chapter 2.2, ORDER, Policy 2](#).
6. PAS as PES.  
PAS may be provided for up to 12 months ~~in PES status~~ as a post-employment service (PES). Every 90 days ~~while the case is in PES status~~, the counselor shall verify and document the client employment status and continued need for PAS hours and share the results with the VR PAS Coordinator.
7. Maximum hours.  
The maximum PAS hours shall be determined case-by-case based on the required PAS Assessment (see [Chapter 6.02, PAS ASSESSMENT, Policy 2](#)) and annual PAS screening (see [Chapter 6.02, PAS ASSESSMENT, Policy 3](#)).
8. Consumer financial participation.  
PAS shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be exempt from consumer financial participation. However, under agency-managed PAS option, if the home health care agency fee exceeds the DRS maximum hourly rate, the client shall (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(2)) pay the difference, regardless of the Client Financial Statement (RS-13 form) results and the counselor must add a statement on the Authorization instructing the vendor to bill the client for the cost over the authorized amount. The consumer-directed VR PAS maximum hourly rate is published in the [DRS Services Reference Manual, Nursing, Attendant Care and Personal Assistance Services category](#). The maximum hourly rate for agency-managed VR PAS shall be the same as the consumer-directed VR PAS option.
9. Payment.  
For payment processing, [See Policy 3: Section A](#) of this chapter.
10. PAS attendant list.  
DARS has no responsibility for a registry of personal attendants maintained by other entities.
11. Services interrupted.  
If the client must interrupt the Trial Work Experiences Plan, Extended Evaluation Plan, or Individualized Plan for Employment (IPE) due to client (not others) illness or emergency, the counselor may continue to authorize PAS for a maximum of four (4) weeks and must document justification in an AWARE case note and notify the VR PAS Coordinator when VR services are interrupted and later reinstated. The counselor may exceed four (4) weeks only when the counselor documents: i) expectation that the client will resume VR, and ii) supervisor written pre-approval, and iii) counselor consultation with the VR PAS Coordinator.
12. Comparable benefits.  
DRS shall use comparable benefits before using VR dollars and may authorize additional PAS needed for client vocational rehabilitation. Having a co-pay or consumer financial participation for a comparable benefit does not constitute unavailability of, or ineligibility for, the comparable benefit. If the client has DARS state-funded PAS, the VR PAS shall be coordinated with it and shall not replace it. If the client is on a waiting list for the comparable benefit, the counselor may

provide VR PAS until the comparable benefit becomes available, and must document client eligibility for the comparable benefit, ranking of placement on the waiting list, and anticipated date of availability. Some comparable benefits include, but are not limited to: Medicaid-Waivers, Medicare, companion/chore/home care services from Department of Social Services or Health Department or Area Agency on Aging, Veterans Disability Benefits, payment by the Department of Education for PAS which could be included in an Individualized Education Plan (IEP), and employer reasonable accommodation with job tasks but not personal care services.

13. Client responsibilities.

The client shall comply with client responsibilities as defined in the DARS PAS Policy Manual.

14. Encumbering funds.

Client-initiated contract for PAS before the counselor authorizes the vendor in writing to provide the service (per 2016 [Federal Regulation 34 CFR § 361.50](#) (e)) does not obligate DRS to pay for PAS.

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## B. PAS Procedure

**[REVISED: ~~11/1/13~~9/15/22]**

1. To plan consumer-directed PAS:

- a. Counselor shall assist the client to apply for comparable benefits (for comparable benefits examples, [See Policy 1: Section A](#) of this chapter and see [Chapter 6.02, PAS ASSESSMENT, Policy 1](#)).
- b. Counselor shall enter in AWARE the planned service and the Vendor ID number of the Independent Bookkeeping Contractor. The Service/Item (S/I) Code is XO920S (counselors in Northern Virginia region must use the S/I code XO920N). See [DRS Services Reference Manual, Diagnostics Medical Services category](#).
- c. Counselor shall notify PAS Program staff via e-mail of the client name, case number, effective date, and service line number.
- d. Upon notification, the PAS Program Coordinator shall:
  - i. Set up a Central Office PAS file for the client. As of March 3, 2008, the file shall include time sheets and verification that the personal attendants meet worker criteria; the authorization and payment requests and cancelations are saved in AWARE, and
  - ii. Send an acceptance letter to the client that includes an explanation of the payment process, necessary materials (start-up packet, time sheets, etc.) for payment processing, and *The Consumer & Personal Assistant Handbook*, and



- iii. Arrange client PAS orientation.
    - e. Client shall participate in PAS orientation before hiring a personal attendant.
    - f. For qualified vendors, [See Policy 2](#) of this chapter. To establish the personal attendant as a PAS vendor, client and attendant shall submit employment paper work required in PAS Policy Manual.
    - g. PAS Program Coordinator shall administer PAS attendant vendor approval process.
    - h. For authorization procedure, [See Policy 3: Section A](#) of this chapter.
  2. To plan and authorize agency-managed PAS:
    - a. Client and counselor shall select a DRS-approved vendor (see the DRS Training and Facilities Manual for DRS-approved vendors).
    - b. Counselor shall enter the planned service into AWARE. The Service/Item (S/I) code is XO910. See [DRS Services Reference Manual, Diagnostics Medical Services category](#).
    - c. Counselor shall contact the vendor to arrange PAS and shall send written authorization to the vendor.
  3. At least every 90 days the counselor shall document in AWARE case notes communication with the VR PAS Program staff concerning anticipated, planned, and actual changes that may affect the need for PAS hours or eligibility for PAS. For example, loss of comparable benefit, case moves into Service – J status or Employed status, notice of pending case closure, time period allowed for PAS in post-employment is ending, etc.
  4. Counselor shall document in AWARE case notes any and all contacts with VR PAS Program staff.
  5. At least 30 days before VR case closure, counselor shall notify the VR PAS Coordinator regarding ~~whether PAS will end at~~ case closure ~~or will continue in PES status~~ and the discontinuation of PAS.
  6. PAS Program staff shall provide PAS consultation and technical assistance as needed to DRS staff.
  7. If necessary, PAS Program staff shall serve as a liaison between the counselor and local CIL and other agencies and organizations regarding PAS issues, including helping the counselor to resolve disagreements regarding a PAS Assessment or other related issues. PAS Program staff shall perform other responsibilities as defined in the PAS Policy Manual.

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## 2. Qualified Vendor for PAS

**[REVISED: 11/1/13]**

The personal attendant shall be:

1. Age 18 or older (unless special circumstances warrant and work permit is issued), and
2. Not the spouse of the VR client, and
3. Not the parent/guardian of a VR client claimed on the parent/guardian most recent tax return, and
4. Eligible to work in the United States (under consumer-directed PAS option, the client is responsible for completing Form I-9 Employment Eligibility Verification), and
5. In compliance with program requirements as specified in *The Consumer & Personal Assistant Handbook*.
6. For agency-managed PAS, the client and counselor select a DRS-approved vendor (such as a commercial home health care agency) that provides the personal attendant. See the DARS Training and Facilities Manual and [Chapter 14.4, VENDORS, Policy 2](#).

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## 3. Requesting Vendor Payment for PAS

### A. Requesting Vendor Payment for Consumer-Directed PAS

**[REVISED: 11/1/13]**

1. The personal attendant cannot be paid for hours worked before the date the client and personal attendant submitted the paperwork required in the PAS Policy Manual.
2. The client shall submit a PAS time sheet signed by the client and personal attendant to the PAS Program staff in the DARS Central Office.
3. PAS Program staff shall handle payment, withholding taxes, and related issues. Upon receipt of the signed time sheet, the PAS Program fiscal technician shall:
  - i. Compare the time sheet to the AWARE screen to verify approved PAS and availability of approved hours, and
  - ii. Complete a payment request in AWARE, and

- iii. Issue an Authorization using the PAS fund code, and
- iv. Process payments in accordance with established fiscal policy (see [Chapter 14.4, VENDORS, Policy 3](#)).[Back to Chapter Index](#)

## B. Requesting Vendor Payment for Agency-Managed VR PAS

**[REVISED: 11/1/13]**

See [Chapter 14.4, VENDORS, Policy 3](#).

# Chapter 8.16. - SUPPORTED EMPLOYMENT (SE)

## 1. Supported Employment (SE)

### A. Supported Employment

**[REVISED: 12/1/16]**

1. The need for extended services (long term follow along) after VR case closure is what distinguishes supported employment (SE) from other types of employment outcomes.
  
2. SE means (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (53) and (54), and [State Regulation 22 VAC 30-20-120](#)) means competitive integrated employment (for definition, see [Chapter 11, CLOSURE, Policy 1, Section A2](#)), including customized employment, for a client:
  - a. With a most significant disability (for definition, see [Chapter 3, DISABILITY, Policy 1, Section B](#)), including youth with a most significant disability, and
  
  - b. For whom competitive employment either: i) has not traditionally occurred or ii) has been interrupted or intermittent as a result of a significant disability, and
  
  - c. Who because of the nature and severity of the disability, needs one or more intensive ongoing services (also called SE services) from the Vocational Rehabilitation Program, and
  
  - d. Who needs extended services (also called long-term follow-along services) to perform the work after VR case closure.
  
3. If the client no longer requires SE services, that individual is no longer an appropriate candidate for SE.

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### B. SE Services

**[REVISED: ~~12/1/16~~ 9/15/22]**

1. Ongoing services (also called Supported Employment (SE) services) (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(37)) are delivered by skilled job trainers who accompany the individual for intensive job skill training at the work site and provide the following :
  - a. Progress monitoring at least twice a month at the work site (or off-site, especially at client request).
  
  - b. Intensive job skills training and interventions at the work site until the client is stable in employment.

See [Chapter 8.09, JCTS, Policy 1](#).

- c. Job development, job retention, and job placement.
- d. Social skills training.
- e. Regular observation or supervision.
- f. Follow-up services, such as regular contact with the employer, client, and other appropriate individuals, to reinforce and stabilize the job placement.
- g. Facilitation of natural supports at the work site.

2. The counselor may provide SE services (per 2016 [Federal Regulation 34 CFR § 361.46](#) (b)) under an Individualized Plan for Employment (IPE). SE services shall not be provided before Service status.

~~3. It is not appropriate to provide SE services under a Post Employment Services (PES) Plan because the client is receiving extended services after VR case closure.~~ Following movement to extended services, VR services unavailable from an extended services provider, ~~but not services available from an extended services provider~~, may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (54) (iv)) be provided ~~under as~~ a Post-Employment Service (PES) plan during Employed status subsequent to the achievement of an employment outcome but before case closure. (See Chapter 8.22 Post Employment Services)

4. Before the counselor includes SE services and expected extended services in the IPE, the case record shall document:

- a. All requirements in [Chapter 6.03, SITUATIONAL ASSESSMENT, Policy 2](#) are met, and
- b. Counselor consultation with the Employment Service Organization (ESO) SE vendor and any identified funding source for extended services (and special education staff for students with most significant disabilities receiving special education services).

5. The IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#) (b)) include:

a. Expected extended services needed, providers, and funding sources. See Virginia DRS Supported Employment Guide for resources. If unknown but there is a reasonable expectation that a source will become available at the time needed, the counselor shall justify this expectation. For example, "Local CSB funding is available to fund extended services."

b. Specific SE services recommended in the Situational Assessment Report that are to be provided by DRS. SE services shall be provided from job placement until movement to extended services (long term follow along) at VR case closure.

c. If job skills training is provided, a statement that it will occur at the work site.

- d. Job placement in an integrated setting for the maximum number of hours possible based on client abilities, limitations, and informed choice.
  - e. Weekly work requirement goal to be achieved by the time of movement to extended services.
  - f. Twice a month monitoring of progress at the work site (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (38) (ii) (A)). If the IPE provides for off-site monitoring, it shall consist of at least two meetings with the client each month and (per [State Regulation 22 VAC 30-20-120](#)) at least one contact with the employer each month.
  - g. Progress measured through the required monitoring of progress meetings and Monthly Vendor Report.
  - h. Any other VR services the client and counselor agree are needed to achieve the employment goal.
6. SE services shall (per Public Law 114-18, Section 7(39)) be time-limited to 24 months after job placement, unless the client and counselor document special circumstances that justify a longer period.
  7. SE services may be provided through the individual placement model (supported employment job coach) or group placements with one job coach provided by vendors approved by DARS to provide this service.
  8. There is no limit on the number of clients working at the same work site.
  9. SE services shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be subject to comparable benefits policy. See [Chapter 14.2, COMPARABLE, Policy 1](#)
  10. SE services shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results. See [Chapter 14.3, FINANCIAL, Policy 1](#)
  11. The counselor shall use the appropriate agency fund codes, which change annually. For current agency fund codes, see the Chart of Accounts under the Fiscal Web site on the DARS Intranet. For Service/Item (S/I) codes and other service Authorization information, see Virginia DRS Supported Employment Guide and the DARS Services Reference Manual, Other services, SE category. For vendor list and negotiated rates, see DARS Training and Facilities Manual, ESO Rate Sheets.
  12. DRS staff shall not request vendor payment until the counselor receives the monthly vendor report. For report format and other billing information, see Virginia DRS Supported Employment Guide. Also see [Chapter 14.4, VENDORS, Policy 2](#).

13. Counselor moves the SE case into Employed status on the job placement/Employment Date. The client is not considered to be stable in employment on this date.

14. Once the counselor determines the client has reached stability in employment and extended services have begun (see Virginia DRS Supported Employment Guide for information on stability in employment) the counselor shall check in AWARE that the client is stable in employment. The 90 day time period required for closure begins on the date the client begins to receive extended services .

15. An individual receiving SE is considered to have achieved competitive integrated employment (per 2016 Federal Regulations 34 CFR 361.5(c) (9)) providing the individual earns at least minimum wage or the customary amount paid to other employees without disabilities in equivalent positions and with similar experience in an integrated setting at the time of VR case closure (not job placement/employment date).

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## C. Qualified Vendor for SE Services

**[REVISED: 10/1/13]**

See DRS Training and Facilities Manual. For additional vendor requirements, see [Chapter 14.4, VENDORS, Policy 2.](#)

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## 2. Extended Services

**[REVISED: 3/14/16]**

1. Extended services (long term follow along services) include, but are not limited to:

a. SE vendor contact with either the client or employer at least once a month to ensure stable employment, and

b. Development and maintenance of natural workplace supports.

2. The purchase of Extended services (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (20)) with vocational rehabilitation 110 funds or Title VI Supported Employment funds shall not be provided to adults age 25 and older.

3. The purchase of Extended services (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (20)) with vocational rehabilitation 110 funds or Title VI Supported Employment funds may be provided to a youth with the most significant disability age 14 to 24

a. for up to four years; or

b. until age 25 when the youth no longer meets the definition of youth with a disability; or

- c. until an alternative funding source has been found; or
- d. until the youth no longer requires the service.

**Note:** DRS Director Approval is required at IPE development for all plans that will require extended services funded by DRS.

3. Movement to extended services shall occur when the client becomes stable in employment. For closure requirements, see [Chapter 11, CLOSURE, Policy 1, Section A2](#).

4. The case is documented in AWARE as stable in employment when it is transferred to extended services.

5. During the 90 days before anticipated case closure, the counselor shall ensure stability based on the following:

a. Funding for extended services has been secured.

b. Job coaching and related interventions have decreased to a level necessary to maintain the client in employment. Intervention has reached a plateau or leveled out.

c. Client is emotionally or behaviorally stable.

d. Client performs expected job duties.

e. Supervisor reports satisfaction with client job performance.

f. Client is satisfied with the job and work environment.

g. Necessary modifications and accommodations have been made at the worksite.

h. Client has reliable transportation to and from work.

i. Client is compensated at or above minimum wage but not less than the customary wage paid by the employer for the same or similar work performed by employees without disabilities.

6. Cases of youth with disabilities shall not be closed as employed while extended services are being purchased with 110 funds or Title VI Supported Employment funds (per 2016 Federal Regulations 34 CFR 361.5 (c) (19)). However, these cases shall be closed as employed once 90 days stability has been reached and sources of funding for extended services have been found.

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# Chapter 8.17. - SELF-EMPLOYMENT AND SEE

## 1. Self Employment

### A. Self Employment Ventures

**[REVISED: 4/1/14]**

1. Self-employed or self-employment enterprise (SEE) means an individual earns income from his or her own small business, trade, or profession rather than from a specified salary or wages from an employer.
2. For a client already self-employed who requests assistance with low-cost, non-assistive technology occupational tools and equipment rather than SEE start up assistance, see [Chapter 8.18, Tools and Equipment, Policy 1](#).
3. The business shall not involve illegal activities.
4. The business shall comply with all relevant state, federal, and local laws and regulations.
5. The business shall be solely owned and managed by the client. Franchises and multi-level marketing shall not be sponsored. An exception shall require a written policy exception from the DARS commissioner.
6. The business shall be expected to enable the client to meet ongoing living expenses and business expenses, generally within the first twelve (12) months.
7. The business shall be intended to become a major source of income for the client.
8. The business shall be for-profit.

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### B. Self Employment Start Up Costs

**[REVISED: 11/22/16]**

1. Marketing.  
Marketing expenses, such as advertising, business cards, etc. may be included in the SEE proposal. Use the S/I code for SEE Advertising. Business social or entertainment costs shall not (per federal OMB Circular A-87 revised May 10, 2004 and see [Chapter 14.1, FINANCIAL, Policy 9](#)) be included in the SEE proposal.
2. Tools and equipment.  
Occupational tools and equipment, including office equipment and supplies, furniture, livestock

feed, livestock that will not be sold (such as dairy cattle, honey bees, etc.), etc., may (per 2016 [Federal Regulation 34 CFR § 361.48](#) (p)) be included in the SEE proposal in accordance with policy in [Chapter 8.18, Tools and Equipment, Policy 1](#). Use the "S" prefix for the service/item (S/I) codes A7500 to A7580 to identify the item is for self-employment. When appropriate, feasible, readily available, and more cost effective to DRS than purchasing, the counselor shall pay to rent the item under the client or business name. For ownership and retaining title, [See Policy 1: Section C](#) of this chapter.

3. Initial inventory.

Initial inventory and stocks (per 2016 [Federal Regulation 34 CFR § 361.48](#) (p)), including livestock to be sold (such as beef cattle, etc.) may (per [State Regulation 22 VAC 30-20-120](#)) be included in the SEE proposal. Purchase specifications shall be determined with the client, counselor, and knowledgeable objective third party. For S/I authorization code, see [DRS Services Reference Manual, Other Services/Items, "Self-Employment Enterprise" category](#), "Initial Inventory" item code. For ownership and retaining title, [See Policy 1: Section C](#) of this chapter.

4. Business license.

Business license tax required by state or local government regulations may be included in the SEE proposal. The counselor shall not authorize business license tax required to maintain client current employment because this is the financial responsibility of the client or is an ongoing operational expense of self-employment. Occupational license shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy. See [Chapter 14.3, FINANCIAL, Policy 1](#). The maximum allowed is the actual cost, subject to consumer financial participation.

5. Occupational fees.

Occupational license, certification, or permit fee required by state or local government regulations may (per 2016 [Federal Regulation 34 CFR § 361.48](#) (p)) be included in the SEE proposal (see [Chapter 8.12, LICENSE, Policy 1](#)). For occupational examination fees and examination prep course costs, see Chapter 7, SCHOOL.

6. Insurance.

Premium for occupational-type insurance coverage (such as inventory insurance, professional liability insurance, bonded employee, malpractice insurance, etc.) may be included in the SEE proposal (see [Chapter 8.11, OCCUPATIONAL, Policy 1](#)). The client shall provide proof of insurance upon request.

7. Rent and utilities.

Rent and utilities at the business property may be included in the SEE proposal.

8. Property improvements and modifications.

DARS staff may consider rehabilitation technology goods and services needed to the business property to accommodate the VR client disability (see [Chapter 8.02, REHABILITATION TECH, Policy 1](#)), but not other changes, improvements, or permanent additions.

9. Buildings and land.

DARS staff shall not purchase any building or land even if necessary to the business.

10. Name on accounts.

Client or business name shall be on any business property lease, utilities accounts, tools and equipment rental agreements, financial accounts and loans, etc. Under no circumstances shall DARS or the Commonwealth of Virginia be named.

11. Memberships.

DARS shall not pay costs of non-mandatory membership organizations.

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## C. Self Employment Policies

**[REVISED: 11/22/169/15/22]**

1. Case status.

Technical assistance and other consultation services to conduct market analyses and develop business plans may (per Public Law 114-18) be provided during the SEE approval process and under the SEE IPE. Other SEE services shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (a) (2)) only be provided under an Individualized Plan for Employment (IPE) and only if listed in the SEE Proposal approved under the SEE approval process ([See Policy 2](#) of this chapter). DRS assistance is for SEE start up and the SEE proposal and approval processes are complex; therefore, it is not appropriate to provide SEE services ~~under as~~ a Post-Employment Services (PES) ~~Plan~~.

2. After case closure.

After VR case closure, the client or business, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results, shall be responsible for all SEE costs, including goods and services listed on the approved SEE proposal, ongoing operational costs, one-time unexpected business expenses, taxes, long term costs to maintain or expand the business, retirement fund, etc.

3. Startup costs only.

DRS may fund the costs needed to start up the business ([See Policy 1: Section B](#) of this chapter). Business costs that are not "startup" costs include, but are not limited to, retirement fund, ongoing operational expenses and one-time unexpected business expenses incurred after the startup period, business expansion costs, etc.

4. IPE requirements.

At the successful conclusion of the SEE approval process ([See Policy 2](#) of this chapter), the client and counselor shall develop or amend the Individualized Plan for Employment (IPE). The client and counselor shall be responsible for implementing the IPE and SEE startup. The DRS SEE coordinator may serve in a consulting role. The IPE shall include:

- a. Employment goal that reflects the business, trade, or profession, not "self-employment".
- b. Goods and services listed in the approved SEE proposal.

- c. Progress measure or client responsibility statement that DRS assists only in the business startup and the client shall be financially responsible for business expansion and ongoing operational expenses.
  - d. Progress measure with a schedule for periodic business review, with reviewer and review frequency determined case-by-case.
  
- 5. Client use and retaining title.

The client shall be responsible for using the goods as intended for self-employment. The client shall be responsible for establishing and maintaining proper on-site controls and security for inventory, occupational tools and equipment, and cash on hand. Inventory is sold as intended, but the client shall not sell, lend, dispose of, give away, or borrow against other goods needed for self-employment. The client shall inform the counselor right away if the client no longer needs the goods for self-employment. Occupational tools and equipment, tool sets, and inventory on hand/in stock shall (per [§ 51.5-126 of the Code of Virginia](#) and OMB Circular A-87 revised August 29, 1997) remain DARS state property unless DRS paid less than \$5,000 for the item or set (order splitting violates state purchasing laws) or the inventory is perishable (such as fresh produce). If DARS retains title, the counselor and client shall follow policy in [Chapter 14.1, PURCHASING, Policy 7](#).
  
- 6. Theft.
  - a. If initial inventory or occupational tool or equipment is stolen during the startup period, within one week the client must file a stolen property report with the local police (per [State Regulation 22 VAC 30-20-120](#)) and notify the insurance carrier if insured, and notify the counselor.
  - b. The counselor is not obligated to, but may, authorize replacement during the startup period. After case closure, the client or business is financially responsible for replacement. A copy of the police report can be used to justify the need for replacement. Insurance is a comparable benefit if the item is insured.
  - c. If DARS retains title, unless the current depreciated value is \$0, the goods are state property, and the counselor shall call the State Police local office. DARS General Services staff do not need to be involved.
  
- 7. Stable employment.

Stable employment and case closure is determined case-by-case. The counselor may consult the DRS supervisor, SEE Committee, or DRS SEE coordinator when determining if the employment is stable. For the typical SEE, it is usually achieved within twelve (12) months.
  
- 8. Fee-based.

SEE costs shall (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)) be subject to client financial participation policy and Client Financial Statement (RS-13 form) results (see [Chapter 14.3, FINANCIAL, Policy 1](#)). DRS shall not ([see Policy 3](#) of this chapter) be the primary funder of the

SEE costs, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results.

9. Encumbering funds.  
DRS staff shall not issue authorizations directly to the client for self-employment or SEE costs. Consult the DRS SEE coordinator regarding exceptions on a case-by-case basis. The client cannot financially obligate DARS funds; the counselor (per 2016 [Federal Regulation 34 CFR § 361.50](#) (e)) encumbers DARS funds with a written authorization to the service provider (see [Chapter 14.1, PURCHASING, Policy 1](#)).
10. Lowest cost.  
For policies on lowest cost, add-ons, and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).
11. Repair.  
See [Chapter 8.08, REPAIRS, Policy 1](#).
12. Client debts.  
For policy on client or business loan interest payments, consumer debts, liens, judgments, fines, court costs, and similar expenses, see [Chapter 14.1, PURCHASING, Policy 8](#).

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## 2. SEE Approval Process

**[Revised: 1/4/14]**

1. Client shall agree in writing (may be included on the IPE, client signature on a copy of this policy, or client signed and written statement) to successfully complete all the Self-Employment Enterprise (SEE) approval process steps. Client signature affirms commitment to participate in the SEE approval process; it does not obligate DRS to fund part or all of the SEE cost.
2. Client and counselor shall meet with the DRS SEE coordinator to discuss self-employment. The SEE coordinator is available for consultation on all self-employment cases, including cases within the counselor's dollar level authority.
3. Client must score 60 or better on the Business Assessment Scale administered and scored by DRS staff.
4. Based on the Business Assessment Scale results, the DRS SEE coordinator may recommend small business training and self-employment counseling, etc. The counselor may authorize recommended training. The client shall successfully complete authorized training. Following training, the client may re-take the Business Assessment Scale to reach a score of 60 or better.
5. Client shall write a SEE proposal and submit it to the counselor and DRS SEE coordinator. The proposal shall include the business plan, itemized list of client investment in the SEE (including tangible goods contributed), requested SEE services and anticipated cost and funding source, and income and expense projections. For guidance, see the SEE Handbook.

6. DRS SEE coordinator shall prepare a written review and attach it to the SEE proposal and forward it to the counselor. To demonstrate viability of the SEE proposal, the DRS SEE coordinator may recommend the counselor authorize a small scale SEE trial within counselor dollar level authority. The client, counselor, and SEE coordinator shall coordinate the trial SEE and add the trial SEE services to the IPE, including a progress measure that specifies the criteria that will demonstrate viability.
7. If the total SEE cost to DRS is within the counselor dollar level authority (see [Chapter 14.1, PURCHASING, Policy 3](#)), the counselor shall make the decision to approve or disapprove the SEE proposal. Upon approval, the client and counselor shall amend the IPE (for SEE IPE requirements, [See Policy 1: Section C](#) of this chapter).
8. If the total SEE cost to DRS exceeds counselor dollar level authority and the counselor and DRS SEE coordinator support the SEE proposal: i) the client shall present the SEE proposal to the SEE Committee, ii) SEE Committee shall issue a written recommendation to the counselor, iii) if the recommendation is favorable, the SEE proposal shall move to the dollar level approval process (see [Chapter 14.1, PURCHASING, Policy 3](#)). For SEE Committee details, see the SEE Handbook. Upon management approval of the SEE proposal, the client and counselor shall develop or amend the IPE (for SEE IPE requirements, [See Policy 1: Section C](#) of this chapter).

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### 3. Funding SEEs

**[Revised: 4/1/14]**

1. DRS assistance is determined in part by client circumstances, market considerations, and other factors impacting the potential success and sustainability of the proposed business. Therefore, DARS is under no obligation to fund any SEE. The decision shall be determined case-by-case (for approval process, [see Policy 2](#) of this chapter). DRS shall not be the primary funder; VR funds shall not equal or exceed the sum of all non-VR funds for the SEE, and VR funds may be much less than half the total needed to fund the SEE. SEE funding is a three step process.

**Step 1: Determine client financial participation for IPE cost:**

Client percentage (from Line 12 of RS-13 form)

Times annual IPE cost (non-SEE and SEE services)

Equals client financial participation amount.

However, this amount cannot exceed the dollar maximum (from Line 11 of RS-13 form).

**Step 2: Fund non-SEE services, such as physical restoration, etc.:**

DRS maximum allowances

Subtract comparable benefits

Subtract client financial participation amount

Equals DRS funding for non-SEE services.

**Step 3: Fund less than half the SEE cost:**

Annual SEE cost

Subtract remaining client financial participation amount.

If this funds the SEE, then DRS SEE authorization is \$0.

However, if there is a remaining SEE cost, DRS SEE authorization must be less than half the Annual SEE cost.

2. To sufficiently fund any remaining SEE cost, it may be necessary for the client, including those exempt from consumer financial participation and those who have contributed the maximum amount on the RS-13, to obtain additional resources (such as to contribute money over and above the RS-13 results, contribute tangible goods, reduce the SEE scope and cost, apply for a small business loan, etc.). For guidance on funding sources, see the SEE Handbook.
3. Tangible goods shall be valued at the current market value less percentage of personal use.
4. Services and "sweat equity" shall not be accepted in lieu of funds or tangible goods.

# Chapter 8.20. - TRANSPORTATION

## 1. Transportation

[REVISED: ~~3/23/22~~ 3/15/22]

1. This policy shall not apply to Cost Of Attendance (COA) for school training services subject to the RS-25. If the RS-25 applies, see [Chapter 7, SCHOOL, Policy 1.](#)
2. Definition.  
Transportation services means (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(56\)](#)) travel (mileage or fares) and travel-related expenses (such as tolls, parking rates, etc. but not traffic or parking violation fines) that are necessary to enable the client (including applicants) to participate in a vocational rehabilitation service.
3. Not a stand-alone service.  
Transportation is not a stand-alone service. The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(56\)](#)) authorize the cost of transportation to another vocational rehabilitation service, beginning with the Intake meeting. Once the client has achieved satisfactory stable employment for at least 90 days, the case shall not (per RSA Manual Chapter 2020.05 issued March 25, 1992) be kept open solely to provide transportation services. Transportation may (per RSA Manual Chapter 2020.5 issued March 25, 1992) be provided ~~under as~~ a Post Employment Services (PES) ~~Plan~~-only when the counselor documents it is needed to access another post employment service. The counselor shall not authorize normal transportation costs the client would incur if not participating in the VR program.
4. Public transportation.  
DRS shall (per [State Regulation 22 VAC 30-20-120](#)) pay the most economical rate for travel and travel-related expenses. The counselor must always consider local public transportation (such as city bus, Metro, etc.) before other options. For public transportation, the maximum allowed is the actual cost, subject to comparable benefits policy and consumer financial participation policy.
5. Private transportation.  
When the counselor can document that public transportation is not available or accessible, or when the client cannot travel by public transportation because of disability, the most economical type of private transportation that meets client transportation needs shall be used. If the lowest-cost private transportation option is not selected, the counselor must justify in the case file why the lower cost options do not meet client transportation needs. Private transportation includes personal vehicle, taxi, private van services, hired driver, and other contractual arrangements. For private transportation except private vehicle, the maximum allowed is the actual cost, subject to comparable benefits policy and consumer financial participation policy. For private vehicle, travel (mileage) expenses may be paid at the consumer mileage reimbursement rate.
6. Consumer reimbursement rate.  
The consumer mileage reimbursement rate is the current mileage rate approved by the Commonwealth of Virginia. Please refer to the [Commonwealth's Accounting Policies and Procedures \(CAPP\) Manual.](#)



7. Transportation for permanent relocation.  
In conjunction with permanent out-of-town relocation for a written job offer (see [Chapter 8.10, MAINTENANCE, Policy 1](#)), the counselor may authorize transportation-related relocation costs to include, but not limited to: travel mileage, professional packing services for an individual with mobility limitations, moving van rental or professional movers, etc. For assistance with other relocation costs, see Maintenance policy.
8. Transportation for non-clients.  
The counselor may authorize transportation for the custodial parent or legal guardian who will accompany the client to the vocational rehabilitation service.
9. Transportation for PAS attendant.  
The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(56\)](#)) authorize transportation for the client PAS attendant or aide if the services of that person are necessary to enable the client to travel to the vocational rehabilitation service.
10. Comparable benefits.  
Transportation services shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be subject to comparable benefits policy. See [Chapter 14.2, COMPARABLE, Policy 1](#).
11. Consumer financial participation.  
Transportation services, except when needed to access a VR assessment service, shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation (see [Chapter 14.3, FINANCIAL, Policy 1](#)).
12. Encumbering funds.  
Purchased services shall be subject to DRS established purchasing policies and procedures. For encumbering funds, see [Chapter 14.1, PURCHASING, Policy 1](#). See [DARS Services Reference Manual, Other Services, "Transportation" category](#). Before Application status in AWARE, the authorization screen is not available and the administrative small purchase charge card (Admin SPCC) is used instead.
13. Advances.  
The counselor may authorize a fuel card or books of bus tickets, etc. in advance of travel but shall not forward money in advance of travel.
14. For Driver Education and Learner permit or Driver License, see [Chapter 8.21, VEHICLE, Policy 1](#).
15. For repair of client vehicle, see [Chapter 8.21, VEHICLE, Policy 3](#).
16. For vehicle purchase for a client, see [Chapter 8.21, VEHICLE, Policy 4](#).
17. For routine upkeep (such as state inspections, decals, oil changes and other routine maintenance, title and tags, personal property tax, vehicle registration fees, etc.) for a client vehicle, see [Chapter 8.21, VEHICLE, Policy 3](#).
18. For vehicle insurance or uninsured motorist fees for a client vehicle, see [Chapter 8.21, VEHICLE, Policy 2](#).

19. For vehicle modification, see [Chapter 8.21, VEHICLE, Policy 5](#).

# Chapter 8.21. - VEHICLE, AIRCRAFT, BOAT

## 1. Driver Education Classroom and Behind The Wheel Training

### A. Driver Education Classroom and Behind The Wheel Training

**[REVISED: 2/4/21]**

1. If vehicle modification is necessary to access services under a Trial Work Experiences Plan, the counselor may authorize driving instruction for Class I or Class II vehicle modifications recommended in the report ([See Policy 5: Section A](#) of this chapter, Driving Instruction).
2. The counselor may authorize Driver Education under an Individualized Plan for Employment (IPE) for a client aged 22 or older, or a client under age 22 who is not enrolled in secondary (junior or senior high) school, or a client under age 22 who is enrolled in secondary school when Driver Education is not within the school curriculum. The school curriculum is a comparable benefit. Division of Motor Vehicles (DMV) requires individuals under age 19 to obtain a Learner permit and Driver Education Certificate (DEC-1) from a state-approved Driver Education program before obtaining a driver license. DMV and DARS require parental written consent for individuals under age 18. For approved Driver Education vendors, see DARS Training and Facilities Manual. For Learner permit fee, [See Policy 1: Section B](#) of this chapter.
3. Satisfactory progress.  
The client must make satisfactory progress in the Driver Education program. The client shall provide informed written consent for the counselor and service provider to share information about the client special needs/accommodations and progress.
4. Fee-based.  
Driver Education shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy (see [Chapter 14.3, FINANCIAL, Policy 1](#)).
5. Encumbering funds.  
Driver Education shall be subject to DRS established purchasing policies and procedures. Client contract with a service provider shall not financially obligate DRS to pay part or all of the cost. To encumber funds, see [Chapter 14.1, PURCHASING, Policy 1](#). Use (S/I) code for "Tuition" in the [DARS Services Reference Manual, Other Services](#), "Tuition and Fees: Vo/Tech School, Business School and Other Training Vendors" category.
6. Lowest cost  
The maximum allowed for Driver Education tuition is actual cost, subject to lowest cost policy (see [Chapter 14.1, PURCHASING, Policy 6](#).)
7. Client debts.  
For policy on consumer debts, see [Chapter 14.1, PURCHASING, Policy 8](#).

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## B. Learner Permit Fee and Driver License Fee

**[REVISED: 11/22/16]**

1. Learner permit fee.  
The counselor may authorize under an Individualized Plan for Employment (IPE) the Division of Motor Vehicles (DMV) fee for a Learner permit when all DMV criteria are met.
2. Driver License fee.  
The counselor may authorize under an Individualized Plan for Employment (IPE) the DMV fee for a Driver License when all DMV criteria are met. Clients who are employed shall be financially responsible for annual renewal fee, regardless of consumer financial participation and RS-13 results. For policy on consumer fines, etc., see [Chapter 14.1, PURCHASING, Policy 8](#).
3. Comparable benefits.  
There are no comparable benefits.
4. Fee-based.  
DMV Learner permit fee and Driver License shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy (see [Chapter 14.3, FINANCIAL, Policy 1](#)).
5. Encumbering Funds.  
DMV Learner permit fee and Driver License fee shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)). The counselor authorizes payment to Virginia DMV using an Administrative Voucher if DMV accepts them. or the counselor may use the SPCC for this purpose. The maximum allowed is actual cost, subject to consumer financial participation. Use Service/Item (S/I) code for 'Other non-medical services and items not listed elsewhere' under Other Services/Items tab, category, "Miscellaneous Non-Medical Services and Items".

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## 2. Vehicle or Aircraft or Boat Insurance

**[REVISED: 6/1/14]**

The counselor shall not authorize insurance premiums or uninsured motorist fees for motor vehicles (for definition, [See Policy 4](#) of this chapter), aircraft, hang gliders, motor boat, or personal watercraft. This is routine upkeep. The owner shall be responsible, regardless of consumer financial participation or RS-13 results, for insuring the vehicle, aircraft, hang glider, watercraft, or boat.

### 3. Vehicle or Aircraft or Boat Repair

**[REVISED: 9/16/21]**

1. Routine Upkeep.  
The owner is responsible, regardless of consumer financial participation and RS-13 results, for maintaining the personal vehicle, aircraft, or watercraft in good operating condition. DRS staff shall not authorize routine operating and maintenance costs of the client personal vehicle (such as state inspection, decals, oil change and other routine maintenance, vehicle registration, title and tags, personal property tax, tires or tire repair).
2. Aircraft repair.  
DRS shall not authorize repair to client aircraft, hang gliders, etc.
3. Watercraft repair.  
DRS shall not authorize repair to client boat or other watercraft.
4. Vehicle repair.
  - a. The counselor may authorize repair to the client vehicle when the repair is essential to the operation of the vehicle and the client would be unable to achieve the established employment goal without the repaired vehicle. The counselor shall (per [State Regulation 22 VAC 30-20-120](#)) document which alternative transportation services were considered and that the repair is more appropriate and cost effective. The counselor shall also document that the vehicle age and overall condition was considered and may require use of the RS-36 Used Vehicle Inspection form.
  - b. DRS reserves the right to deny funding for vehicle repair that is not recommended and performed by a ASC-certified repair shop or manufacturer-certified/ASC-certified auto mechanic.
  - c. The counselor may refuse to make future repairs.
  - d. If the initial repair estimate is within counselor dollar limit authority (see [Chapter 14.1, PURCHASING, Policy 3](#)), at counselor discretion, the counselor may require multiple repair estimates. The client shall provide multiple repair estimates when asked to do so by the counselor. If the initial repair estimate exceeds counselor dollar limit authority, authorization shall be subject to price quote policy (see [Chapter 14.1, PURCHASING, Policy 1.](#)) Repair shall be subject to lowest cost policy (see [Chapter 14.1, PURCHASING, Policy 6.](#)).
  - e. Repair shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be subject to comparable benefits policy and comparable benefits such as auto insurance (see [Chapter 14.2, COMPARABLE, Policy 1.](#))
  - f. Repair shall be subject to consumer financial participation policy (per 2016 [Federal Regulation 34 CFR § 361.54](#)). See [Chapter 14.3, FINANCIAL, Policy 1.](#)

- g. Repair shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)). For S/I code, see [DARS Service References Manual](#).
- h. For policy on consumer debts, mechanics liens, etc. see [Chapter 14.1, PURCHASING, Policy 8](#).

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## 4. Vehicle or Aircraft or Boat Purchase

**[REVISED: 6/1/14]**

1. Motor vehicle means (per [§ 46.2-100 of the Code of Virginia](#)) all-terrain vehicle, antique motor vehicle, antique trailer or semitrailer, automobile or watercraft transporter, camping trailer, electric power-assisted bicycle, farm tractor, foreign vehicle, foreign market vehicle, golf cart, low speed vehicle other than self-propelled wheelchair or wheelchair conveyance, manufactured home, moped, motor home, motor-driven cycle or motorcycle or off-road motorcycle, motorized skateboard or scooter, passenger car, pickup or panel truck, reconstructed vehicle, school bus, semi-trailer, snowmobile, specially constructed vehicle, stinger-steered automobile or watercraft transporter, tractor truck, trailer, or truck.
2. DRS shall not use VR case service dollars to purchase (including down payment or monthly loan payment) a motor vehicle, airplane or other aircraft, hang glider, boat, or other watercraft for a VR client.
3. The counselor may assist the client to apply for a loan from the Assistive Technology Loan Fund Authority to purchase a vehicle for vehicle modification purposes or to purchase a modified vehicle.

## 5. Vehicle Modification

### A. Vehicle Modification

**[Revised: ~~9/16/219/15/22~~]**

1. Class I definition.  
Class I vehicle modification is a non-structural modification such as hand controls, left foot accelerator, steering devices, built up pedals or pedal extensions, turn signal and gear shift extensions, wheelchair restraint, wheelchair lifts, 6-way power seat bases, wheelchair carriers and trunk loaders, etc.

2. Class II definition.

Class II vehicle modification is a structural or high tech modification such as lowered floors, raised roofs, raised doors, widened doors, reduced/zero effort steering, high tech driving equipment (electronic or sensitized steering and gas brake systems), etc.

3. Case status.

The counselor may provide vehicle modification under a Trial Work Experiences Plan or Individualized Plan for Employment (IPE) if required for the client to achieve their employment goal. Consultation and both supervisor and district director approval are required when authorizing vehicle modification under a Trial Work Experience Plan or IPE (See Policy 5B of this Chapter). Approval must be documented in the form of an actual service note in the case record. The counselor shall not provide vehicle modification under ~~as a Post Employment Services (PES) Plan~~ (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(42)) because it is a complex and comprehensive service. Before providing vehicle modification, the case record shall document all vehicle modification assessment requirements in [Chapter 6.05, VEHICLE MOD ASSESSMENT](#), have been met (See Section 4 below).

4. Needs assessment and vehicle and driver criteria.

Before the counselor includes vehicle modification on the service plan, the case record shall (per 2016 [Federal Regulation 34 CFR § 361.42](#) (d) (1) and 2016 [Federal Regulation 34 CFR § 361.45](#) (b) (1) and 2016 [Federal Regulation 34 CFR § 361.48](#) (a)) document all requirements in [Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 1](#) and [Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 2](#) have been met, including prospective driver and vehicle criteria. When the client or prospective driver is purchasing a vehicle, the driver evaluator and modification vendors are resources to ensure it is suitable for the prescribed modification.

5. Youth.

Age 22 or younger. client age 22 or younger is a candidate for Vehicle Modification Assessment and Modification if:

- a. Supervisor and district director pre-approval is obtained, as documented in an actual service note in the case record;
- b. The service is vocationally necessary to achieve the employment goal in the client's IPE; and
- c. (i) Client is not enrolled in a public secondary (junior and senior high) school (which is a comparable benefit and has a legal mandate to provide school-related transportation services for this population); or (ii) Client is enrolled in a public secondary school, and the transportation is vocationally necessary, and the school is not mandated to provide the transportation (such as transportation to an after school job, to a VR service, etc.

6. Modifications over once a lifetime.

The district director must approve any vehicle modifications beyond the first occurrence.

Modifications must be necessary for the client to achieve their IPE employment goal. For example, a client has been unable to drive and received DRS passenger modifications, the medical condition has recently stabilized and a new driver evaluation recommends driver modifications, and the counselor justifies why remaining a passenger is an impediment to employment. The case record shall document all vehicle modification assessment requirements in [Chapter 6.05, VEHICLE MOD ASSESSMENT](#), have been met.

7. Driver or passenger modification.  
The counselor may authorize either driver or passenger modification, but not both.
8. Vehicle insurance.  
The vehicle owner, not DRS, shall (per Federal Register, Vol. 66, No. 11, Issued January 17, 2001, Page 4421) be responsible for insuring the vehicle and modifications and for paying insurance premiums (see [Chapter 8.21, VEHICLE, Policy 2](#)), including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results.
9. Modification costs only.  
Counselor authorization shall not exceed the cost of prescribed modifications, or the current market value/depreciated value of prescribed modifications on a modified vehicle. In addition, DRS staff shall not authorize purchase or installation of standard or optional equipment traditionally available through a car dealer at purchase (such as automatic transmission, power steering and brakes, cruise control, radio, MP3 or compact disk player, clock, air conditioning, anti-lock brake system, air bags).
10. Service and warranty contracts.  
The counselor may authorize a service contract and extended warranty on the modification.
11. Change order.  
The counselor may authorize a change order only when needed to correct a DARS error.
12. Retrofitting.  
The counselor may authorize retrofitting of the DRS modification only when i) the vendor followed DRS work specifications that were incorrect, or ii) DRS accepts the modifications at inspection and later requests adjustments. Retrofitting is subject to additional inspection by the WWRC driver evaluator or DRS rehabilitation engineer in consultation with the driver evaluator.
13. Repair.  
For modification repair, see [Chapter 8.08, REPAIRS, Policy 1](#). For vehicle repair, [See Policy 3](#) of this chapter.
14. Driving instruction.  
The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(8)) authorize driving instruction recommended for the client and prospective driver. The counselor, driver evaluator, and trainees shall coordinate authorized driving instruction.



15. Ownership.  
DARS shall not retain title or ownership of the vehicle modification, even if DRS is paying part or all of the cost.
16. Restoration to original state.  
DRS staff shall not authorize services to restore the modified vehicle to the previous decor, state, or condition, even if the client no longer needs the modifications or the owner wishes to sell the vehicle. The client, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results, is (per Federal Register, Vol. 66, No. 11, Issued January 17, 2001, Page 4421) financially responsible for restoring the vehicle back to its original state if necessary.
17. Comparable benefits.  
Although vehicle modification is exempt (per 2016 [Federal Regulation 34 CFR § 361.53](#)) from a search for comparable benefits, the counselor must use comparable benefits that are readily available ([per § 51.5-173](#) of the Code of Virginia; [34 CFR 361.53\(c\)](#)) Veteran Disability Benefits are a comparable benefit for vehicle hand controls.
18. Fee-based.  
Vehicle modification, service maintenance contract and extended warranty contract shall (per [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see [Chapter 14.3, FINANCIAL, Policy 1](#)), including when provided under Trial Work Experiences Plan. Change order or retrofitting costs due to DRS error is exempt from the RS-13 results.
19. Encumbering funds.  
Services shall be subject to DRS established purchasing policies and procedures. For encumbering funds, see [Chapter 14.1, PURCHASING, Policy 1](#). Prescription and quotation/contract for modification shall not financially obligate DRS to pay part or all of the modification cost.
20. Driver License.  
See [Chapter 8.21, VEHICLE, Policy 1](#).
21. Vehicle purchase.  
See [Chapter 8.21, VEHICLE, Policy 4](#).
22. Lowest cost.  
For policies on lowest cost alternatives to modification, and modification add-ons and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).
23. Client debts.  
For policy on consumer debts, mechanics liens on modifications, etc. see [Chapter 14.1, PURCHASING, Policy 8](#).

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## B. Vehicle Modification Procedure

**[REVISED: 2/4/21]**

1. The counselor shall obtain both their supervisors' and district director's approval for inclusion of the vehicle modification on the client's IPE. Approval must be documented in the form of an actual service note in the case record.
2. If the final prescription for vehicle modification is older than 12 months, the counselor may wish to consult the WWRC driver evaluator concerning factors which may affect the appropriateness of the prescription, such as when client medical condition has changed, client has a different wheelchair, client now owns a different type of vehicle, whether equipment safety standards have changed, whether specifications are still accurate for that particular vehicle, whether prescribed equipment is still being marketed, etc.
3. Some Class II modifications require a mandatory pre-bid conference ([See Policy 5: Section D](#) of this chapter) because of the complex modifications involved to ensure the prescribed systems are compatible with each other, the vehicle, and the wheelchair. Defer to the WWRC driver evaluator decision if the Driving Evaluation Report does not specify whether a pre-bid conference is required.
4. The client shall give the counselor a copy of the vehicle modification quotation/contract signed and dated by the seller and all vehicle owners.
5. If the contract falls through, the client must immediately notify the counselor, who will immediately cancel the Authorization.
6. When the modification passes DRS final inspection by the WWRC driver evaluator (or DRS rehabilitation engineer in consultation with the driver evaluator), the driver evaluator shall notify the counselor in writing.
7. Counselor shall notify the client.
8. Vendor transfers title of the equipment to the vehicle owner. The counselor may remind the vehicle owner to ensure the vendor transfers title of the equipment to the vehicle owner.
9. Counselor shall request vendor payment upon receipt of: i) written notice the work passed DRS final inspection, and ii) accurate vendor invoice.
10. The client shall provide a written proof the Class II modified vehicle and high cost Class I equipment is insured and the counselor shall keep a copy in the case record.
11. Services shall be subject to DRS established purchasing policies and procedures. See [Chapter 14.1, PURCHASING, Policy 1](#).

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### C. Qualified Vendor for Vehicle Modification

**[REVISED: 5/1/14]**

Vendors shall meet requirements in [Chapter 14.4, VENDORS, Policy 2](#). Additionally, all vehicle modifications shall be performed by a vendor registered with the National Highway Traffic Safety Administration (per [Federal Regulation 49 CFR § 595.6](#)). Furthermore, Class II modifications as defined in [Policy 5: Section A](#) of this chapter shall be performed by a vendor who is also certified as a Quality Assurance Provider (QAP) by the National Mobility Equipment Dealer Association (NMEDA) for the particular modification that is being installed.

#### D. Pre-bid Conference for Vehicle Modification

**[REVISED: 5/1/14]**

1. A pre-bid conference is held for some Class II modifications when complex modifications are involved to ensure the prescribed systems are compatible with each other, the vehicle, and the wheelchair; and to ensure that all bidders have a clear understanding of the exact services needed. If the Driving Evaluation Report does not specify whether a pre-bid conference is required, defer the decision to the WWRC driver evaluator. The counselor, in consultation with the WWRC driver evaluator and client, shall schedule the date and location for the pre-bid conference, usually at the driver evaluation facility, and invite all qualified vendors to participate in the pre-bid conference. The notice shall advise that only vendors attending the pre-bid conference shall be allowed to bid.
2. If the client already has purchased the vehicle to be modified, the client shall bring this vehicle to the pre-bid conference.
3. Client shall be required to attend the pre-bid conference.
4. The WWRC or vendor driver evaluator shall be required to attend the pre-bid conference. For professional qualifications, see [Chapter 6.05, DRIVER EVALUATION, Policy 2](#)
5. Vehicle owners may attend the pre-bid conference.
6. DRS regional rehabilitation engineer may attend the pre-bid conference.
7. The final modification prescription will be reviewed during the pre-bid conference.
8. Any prescription changes suggested during the pre-bid conference require documentation by the WWRC driver evaluator in an addendum to the original report, in consultation with the client and counselor, to ensure the recommended changes will effectively meet client needs as well as quality and safety standards.

## Chapter 8.22 Contents:

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- **Chapter 8.22. - [POST-EMPLOYMENT SERVICES \(PES\)](#)**
  - 1. [Post-Employment Services](#)

# Chapter 8.22. - POST-EMPLOYMENT SERVICES (PES)

## 1. Post-Employment Services

**[REVISED: ~~11/22/169/15/22~~]**

### 1. Definition.

Post-employment services (PES) means (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(41)) one or more vocational rehabilitation services identified in 2016 [Federal Regulation 34 CFR § 361.48](#) that are provided ~~after Closed – Rehabilitated under the amended Individualized Plan for Employment (IPE), called a Post-Employment Services (PES) Plan, during Employed status that are subsequent to the achievement of an employment outcome but before case closure~~ to maintain, regain, or advance in employment (~~per RSA-FAQ-22-03 issued March 11, 2022~~). PES are:

- a. Provided under an amended individualized plan for employment (IPE);
- b. Limited in scope and duration; and
- ~~c. Available to meet rehabilitation needs that do not require a complex or comprehensive provision of services.~~

### 2. Needs assessment at PES on the IPE.

When developing the Individualized Plan for Employment (IPE), the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) evaluate the need for PES and include a statement on the IPE concerning the expected need (yes, no/unknown), and if PES needs are known, the anticipated services and providers and terms and conditions and comparable benefits.

~~If PES needs are not known at the time of IPE development, but the need for PES occurs after Employed status but before case closure, the IPE shall be amended accordingly. See Chapter 5, PLAN, Policy 6.~~

### 3. Criteria for Providing PES. Needs assessment at Closed – Rehabilitated.

~~The counselor may authorize PES only when all the following criteria are met:~~

- a. The case is in Employed status, subsequent to the achievement of an employment outcome but before case closure or with supervisor approval, the most recent case was closed in Closed - Rehabilitated status and the reporting quarter in which the closure occurred has not ended (see Notes) (per 2016

Federal Regulation 34 CFR § 361.5 (c)(41) and RSA-FAQ-22-03 issued March 11, 2022). ; and

- b. The physical or mental condition is stable or slowly progressive, and there is no new and distinct disabling condition; and
- c. PES (per 2016 Federal Regulation 34 CFR § 361.5 (c)(41)) is necessary to reduce or remove an impediment to employment and is needed for the individual to maintain (such as conflicts with supervisor or co-workers jeopardize employment and mental health counseling is needed), regain (such as a job is eliminated through reorganization and new placement services are needed), or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests; and
- d. The provision of PES is directly related to the primary disability; and
- e. The rehabilitation needs do not (per 2016 Federal Regulation 34 CFR § 361.5 (c)(41)) require a complex or comprehensive provision of services and service needs should be limited in scope and duration. Home modification, vehicle modification, etc. are not PES.

**Note 1:** A new application, case, eligibility assessment, and IPE are needed for former clients with cases closed outside of the current reporting quarter as Closed-Rehabilitated who seek vocational rehabilitation services from DRS. Supervisor approval is required to reinstate Closed-Rehabilitated cases to Service Status within the same reporting quarter. (Per RSA-FAQ-22-03 issued March 11, 2022)

**Note 2:** Federal program reporting quarters are as follows:

- July 1 – September 30
- October 1 – December 31
- January 1 – March 31
- April 1 – June 30

~~When closing the case in Closed – Rehabilitated, the counselor shall re-evaluate the need for PES and shall (per 2016 Federal Regulation 34 CFR § 361.56 (d)) inform the client through appropriate modes of communication of the availability of PES.~~

~~3. Counselors shall not code a PES case as significant disability (SD) or most significant disability (MSD) unless the case was so coded before closure in Closed – Rehabilitated.~~

~~4. Signatures.~~

~~The same signature requirements for minor and substantial amendments for an IPE also apply to the PES Plan (see Chapter 5, PLAN, Policy 1, Section C4). The signature page must be saved; however, PES Plans that do not require a signature are saved in AWARE.–~~

~~OOS.~~

~~When DARS is operating under Order of Selection, see Chapter 2.2, ORDER OF SELECTION, Policy 2 for supervisor pre-approval requirements for PES.~~

~~6. Draft PES Plan.~~

~~The counselor may draft the PES Plan on the paper form while the VR case is still open because the AWARE PES screen is not accessible for open cases.~~

7.4. Consumer Financial Participation

Non-assessment services provided under ~~a PES Plan~~ are subject to consumer financial participation policies (per [2016 Federal Regulation 34 CFR § 361.54](#)), see [Chapter 14.3. FINANCIAL PARTICIPATION](#).

~~8. PES Plan screen.~~

~~To move the case into PES status, the counselor shall complete the Post-Employment Plan screen in AWARE.~~

9.5. SE clients.

For individuals in Supported Employment (SE), the counselor may authorize ancillary vocational rehabilitation services, but not long-term follow along, under ~~a PES Plan~~. To authorize ancillary vocational rehabilitation services, the counselor shall use the appropriate agency fund code (see Virginia DRS Supported Employment Guide).

10.6. Training as PES.

The counselor may authorize training ~~under as a PES Plan~~ only when the employment outcome ~~at case closure~~ was appropriate at the time but nevertheless is below the individual's potential, and the more suitable employment A) is to maintain the individual in employment (such as training restaurant cashier to be a store cashier), and B) is closely related to the existing job so that it does not entail an extended training period and change of occupation (such as training clerk typist to be a clerk stenographer), and C) will improve the individual's level of independence ~~resulting in either a substantial reduction or termination of post employment services.~~

11.7. For provision of services, see the policy for the specific service.

12.8. Encumbering funds.

Purchased services shall be subject to DRS established purchasing policies and procedures. For encumbering funds, see [Chapter 14.1, PURCHASING, Policy 1](#).

~~13. PES versus opening a new case.~~

~~The counselor may authorize PES only when all the following criteria are met, otherwise a new application, case, eligibility assessment, and IPE are needed:~~

~~13. The most recent case has been closed in Closed – Rehabilitated status (per 2016 Federal Regulation 34 CFR § 361.5 (c)(41)). There is no deadline to request PES; and~~

~~13. The physical or mental condition is stable or slowly progressive, and there is no new and distinct disabling condition; and~~

~~13. PES (per 2016 Federal Regulation 34 CFR § 361.5 (c)(41)) is necessary to reduce or remove an impediment to employment and is needed for the individual to maintain (such as conflicts with supervisor or co-workers jeopardize employment and mental health counseling is needed), regain (such as a job is eliminated through reorganization and new placement services are needed), or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests; and~~

~~13. The provision of PES is directly related to the primary disability; and~~

~~The rehabilitation needs do not (per 2016 (c)(41)) require a complex or comprehensive provision of services and service needs should be limited in scope and duration. Supported employment (SE), home modification, vehicle modification, etc. are not PES.~~

# Chapter 10 Contents:

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- **Chapter 10. - [EMPLOYMENT](#)**
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    - **A. [Employment Status Criteria](#)**
    - **B. [Scope of Services in Employed Status](#)**
    - **C. [Procedures for Employed status](#)**
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## Chapter 10. - EMPLOYMENT

### 1. Employment Status Criteria and Procedures and Scope of Services

#### A. Employment Status Criteria

**[REVISED: 4/23/18]**

1. Definition.

Direct placement means the case record indicates DRS staff provided job placement services and the counselor communicated with the employer before the client entered employment.

2. Timing.

When the client becomes employed consistent with the established employment goal, DRS staff enters the Employed start date in AWARE. However, the 90 day time period for employment begins when stability is entered in AWARE

a. For non- SE cases, except JCTS and OJT, stability and start dates should be entered at the same time. This will move the case to "employed status" and the clock for closure starts ticking.

i. For Job Coach Training Services (JCTS) cases, the employment start date is entered when the individual starts employment. This does not move the case to Employed. The case will be in Service E. When the individual is no longer receiving JCTS and is stable in employment, enter the stability date -then the case moves to Employed and the clock for closure begins ticking.

ii. For on-the-job training (OJT), see the Additional Eligibility Criteria for On-the-Job Training Services in Chapter 8.19, TRAINING, Policy 1 for when to move the case into Employed status.



b. For supported employment (SE) the employment start date is entered when the consumer starts employment. This does not move the case to employed. The case will be in Service E. When the consumer has reached stability - enter the stability date - then the case moves to Employed and the 90 day closure clock will start ticking. Do not enter a stable date until the consumer is stable in employment.

This includes the case of a student with a disability who is enrolled in secondary (junior and senior high) school.

c. Clients in correctional institutions, including those in Work Release, are not considered employed until released from the supervision of the institution.

### 3. Informed Choice.

If the client wishes to accept or remain in an employment outcome that the counselor does not agree is satisfactory, the counselor shall document the concerns discussed with the client in order for the client to make an informed decision.

**Guidance 1:** Factors to consider when determining if the placement is satisfactory are (per 2001 [Federal Regulation 34 CFR § 361.46](#)): client strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. For example, employment and working conditions will not aggravate client disability or jeopardize the health or safety of the client or others.

**Guidance 2:** Factors to consider when assessing employment performance may include, but are not limited to: occupational skills, work attitudes, work habits, work tolerance, social and behavior patterns in the job environment, quality and quantity of work products suitable for successful job performance.

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## B. Scope of Services in Employed Status

**[REVISED: 7/1/2022]**

1. Job placement does not mean the counselor's contact with the VR client ceases. The counselor shall maintain contact with the VR client and provide necessary services until case closure (per 2001 [Federal Regulation 34 CFR § 361.56](#)). The purpose of the contact is to determine if the VR client and counselor agree that the placement is satisfactory and that the individual is performing well on the job.
- ~~2.~~ For VR clients in supported employment, a primary counselor responsibility upon job stabilization is to ensure that the ongoing support funding agency is aware of the pending discontinuation of VR time-limited services.
- ~~2.~~ Post-employment services (PES) may be provided during Employed status, subsequent to the achievement of an employment outcome but before case closure, to maintain, regain, or advance in employment. (Per RSA FAQ-22-03 issued March 11, 2022) See additional criteria for PES in Chapter 8.22 Post-Employment Services.

**Guidance 1:** If the VR client entered employment without the counselor having prior contact with the employer, the counselor and consumer should consider what contact, if any, the counselor should make with the employer.

**Guidance 2:** Consumer locator assistance. Consumer locator assistance is available from the Virginia Employment Commission (VEC). (The Unemployment Compensation Act requires Virginia employers to provide the VEC with wage information on each employee.) Under an agreement between DRS and VEC the DRS counselor sends the VEC Coordinator a memo with the statement "Information regarding name and address of employer and the employee's earnings is requested from VEC to assist me in locating (consumer's name and social security number)." The VEC response will reflect work activity three to six months before the date of the request.

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## C. Procedures for Employed status

### C1. Procedures for Employed status

**[REVISED: 7/1/12]**

For minimum time period the VR case must remain in Employed status, see [Chapter 11, CLOSURE, Policy 1](#).

### C2. Case File Documentation Requirements for Employed Status

**[REVISED: 7/1/12]**

The counselor shall document all contacts with the client and all services provided in Employed status. If the counselor is not able to maintain contact with the VR client following job placement, the counselor must document in the case record the reason(s) and attempts.

### C3. Case Closure from Employed Status

**[REVISED: 1/21/99]**

See [Chapter 11, CLOSURE, Policy 1](#).

## D. Use of Forms and Screens in Employed Status

### D1. Form for Employer Exemption from Minimum Wage Requirements

**[REVISED: 1/21/99]**

The counselor may be responsible for determining whether an exemption from the minimum wage requirement for competitive employment should be secured. Contact the Richmond Office of the United States Department of Labor to request required forms and exemption criteria.

## [D2. Use of AWARE Screens](#)

**[REVISED: 4/9/18]**

Once the VR client is employed consistent with the employment goal in the Employment Plan, DRS staff will enter the employed start date and the case will move into Service Employed status (Service E). From Service Employed status, the counselor will move the case to Employed status by entering the stable date (for instructions on completing the screen, see AWARE manual). From Employed status, the counselor will move the case into Closed – Rehab status or Closed – Other status.

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# Chapter 11. - CLOSURE

## 1. Case Closure Status Criteria and Procedures and Scope of Services

### A. Case Closure Status Criteria

#### A1. Multiple Case Closures for One Individual

**[REVISED: ~~12/3/189/15/22~~]**

1. An individual may have multiple VR cases with Virginia DRS over his or her lifetime, but only one case open at a time.
- ~~2. During the federal fiscal year, an individual may have multiple cases closed in Closed – Other status, but no more than one in Closed – Rehab status.~~
- ~~3.~~2. During the federal fiscal year, Virginia DRS and another state VR agency (including Virginia DBVI, VR agency in another state, etc.) may both close the case in Closed-Rehab status when (per [RSA-TAC-12-04](#) issued June 11, 2012):
  - a. The individual requires multiple services, and
  - b. Each agency provides a service that the other agency does not normally provide to its consumers, and that service is a substantial contribution to removing limitations to employment. This may include training services, physical restoration services, or direct job placement. Counseling and guidance services alone is not sufficient to close a dually served case in Closed-Rehab status.
  - c. For closing jointly served cases with DBVI, see [Chapter 16. INDIVIDUALS JOINTLY SERVED BY DARS AND DBVI, Policy 9.](#)

**Note:** Federal fiscal year is October 1 through September 30.

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#### A2. Closed in Rehab Status

**[REVISED: ~~9/16/219/15/22~~]**

1. Employment outcome (per 2016 Federal Regulation 34 CFR 361.5(c)(15)) means entering, advancing, or retaining full-time or, if appropriate, part-time:
  - a. competitive integrated employment in the integrated labor market (which may include customized employment, self-employment, telecommuting, or business ownership), or
  - b. supported employment.

The employment outcome should be consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Employment outcome occupations are listed in the Occupational Information Network-Standard Occupational Classification (O\*NET-SOC) Titles published by the U.S. Department of Labor (including self-employment in an occupation).

2. Competitive integrated employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting (see definition below), and for which the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities and with similar training, experience, and skills (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(9)). For self-employed individuals, their income should be comparable to the income of individuals without disabilities who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills. Homemaker and unpaid family worker are not competitive integrated employment outcomes.
3. Integrated employment setting means:
  - a. a setting typically found in the community;
  - b. where the individual interacts in the performance of his or her job with other employees in the work unit and entire work site who are not individuals with disabilities (this does not include supervisory personnel or individuals who are providing services to such employees) and if appropriate to the job, other individuals without disabilities, such as customers and vendors, to the same extent that employees without disabilities who are in comparable positions interact with these individuals; and
  - c. presents opportunities, as appropriate, for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. (per 2016 [Federal Regulation 34 CFR § 361.5](#))
4. Customized employment means competitive integrated employment for an individual with a significant disability that is (per 2016 Federal Regulation 34 §361.5 (c)(11)):
  - a. Based on the strengths, needs, and interests of the individual;
  - b. Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
  - c. Executed through flexible strategies; examples include job exploration; working with the employer to customize the job description, job duties, work schedule, specifics of supervision, etc.; using a professional representative chosen by the individual or self-representation, to work with an employer to facilitate placement; or providing services and supports at the job location.
5. Supported employment means (per 2016 Federal Regulation 34 § 361.5(c)(53) competitive integrated employment (including customized employment) that is individualized and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities when:
  - a. competitive integrated employment has not historically occurred or for whom competitive integrated employment has been interrupted or intermittent as a result of significant disability; and
  - b. due to the nature and severity of an individual's disabilities, they need intensive supported employment services and extended services after the transition from support provided by DRS in order to perform the job.
6. Closed – Rehab status shall be used only when the individual's case record documents all of the following:
  - a. Achievement of the employment outcome described in the employment plan (IPE). The individual achieved the employment outcome described in the IPE, and it is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(15\)](#) and [34 CFR § 361.56](#)). An individual may receive employment supports from the ESO and be considered employed in an integrated setting provided:

- i. The individual is employed under the same working conditions as non-disabled employees in similar positions and has access to restroom facilities, lunch or break room arrangements, entrance and exits that employees without disabilities have, and
    - ii. The individual's employment meets the requirements under the definition of competitive integrated employment listed above.
  - b. Employment Maintained with Satisfactory Outcome. The employment outcome is maintained at least 90 days to ensure the stability of the employment outcome and the individual no longer needs VR services, and the individual and counselor consider the employment outcome to be satisfactory and agree the individual is performing well (per 2016 [Federal Regulation 34 CFR § 361.56](#)). A new 90 day period is not necessary if the individual changes employers or jobs provided the jobs are consistent with the current employment goal and no other services are needed. Any gap in employment shall require documented consultation with the supervisor to determine if the individual can maintain stable employment or a new 90-day period is needed (per agency mandate). For self-employment enterprise cases, see the DRS Self-Employment Enterprise Handbook for guidance on factors that indicate stable employment.
  - c. IPE Services Provided Contributed to Employment Outcome. Services (fee-based or no cost) provided after the IPE was initiated that contributed to the achievement of the employment outcome (per 2016 [Federal Regulation 34 CFR § 361.47](#)).
  - d. Informed of Post-Employment Services (PES). The individual is informed through appropriate modes of communication prior to closure (per 2016 Federal Regulation 34 CFR § 361.56 the Closed—Rehab letter, and other appropriate modes of communication as necessary, of the availability of post-employment services (per 2016 [Federal Regulation 34 CFR § 361.46](#)). This communication is confirmed in the Closed-Rehab letter.
- 7. Changing employment goal.
  - a. An amendment is required if closing the individual's case in rehab status and their employment at case closure is not consistent with the Individualized Plan for Employment (IPE) employment goal.
  - b. Signatures of the client, or as appropriate, the individual's representative, and the VR counselor are required when changing the Employment goal. See [Chapter 5, PLAN, Policy 6](#)
  - ~~c. From Post Employment Services (PES) status.~~

See Policy 1: Section A3 of this Chapter.

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### A3. Closed in Other Status

**[REVISED: ~~9/16/21~~9/15/22]**

The counselor shall be responsible for initiating and completing case closure in Closed – Other status when the case is closed for any of the following reasons. AWARE only accepts one closure reason; however, the individual may be notified of multiple reasons provided the case record supports each reason. Closure reasons are:

1. No impairment exists or the disability is acute or transitory. This reason cannot be used after eligibility is certified.
2. Impairment is not a substantial impediment to employment. This reason cannot be used after eligibility is certified.
3. Employment cannot be achieved due to the significance of the disability.

- a. Before certification of eligibility, the case shall be placed into Application–T status, and the closure reason must be supported by clear and convincing evidence obtained through trial work experience (per 2016 federal regulation per 2016 [Federal Regulation 34 CFR § 361.42\(e\)](#) see [Chapter 4.02, TRIAL WORK, Policy 1](#).
  - b. After certification of eligibility, the case record must include information obtained after the date of eligibility certification that supports closure due to the significance of the disability. Trial work experience is not necessary (per 2016 [Federal Regulation 34 CFR § 361.42](#) and 2016 [Federal Regulation 34 CFR § 361.43](#)). Application - T is not available after the case Eligible Date.
4. Extended Employment.
  5. Does not require VR services to achieve employment outcome.
  6. Unable to locate or contact the individual.
  7. Left the state showing no intentions of continuing in the VR Program. The counselor shall document the source (per 2016 [Federal Regulation 34 CFR § 361.47\(a\)\(3\)](#)).
  8. Refused services, or requests case closure, or does not wish to be on - or stay on - Order of Selection waiting list, as documented in the case record.
  9. Death.
  10. Institutionalized and unable to participate in VR Program for indefinite or considerable period of time.
  11. Case transfer to another agency or individual needs services that more appropriately obtained elsewhere. DRS staff cannot actually transfer a case to another agency or to a VR agency in another state, but may provide information about other services and programs, and with a signed Release may forward appropriate referral information and records to another agency.
  12. Failure to cooperate or did not meet responsibilities as agreed upon by the individual and counselor.
  13. Transportation needed to accept or maintain employment was either not feasible or not available.
  14. Extended services source was unavailable.
  - ~~15. From Post Employment Services (PES) status (successful or unsuccessful).~~
  - ~~16.~~15. Other. The actual reason must be supported in the case record and specified to the individual in writing using the appropriate version of the 30-day Closure Notice letter in AWARE.

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## B. Scope of Services If Consumer Appeals Closure

**[REVISED: 9/16/21]**

If an Informal Administrative Review, mediation, or hearing is requested within the appeal deadline, even after the case is closed, it may be necessary to continue to provide vocational counseling and guidance and other services pending the outcome of the appeal (per [2016 Federal Regulation 34 CFR § 361.57](#) and [Chapter 15, APPEALS, Policy 3](#)).

## C. Procedure to Close Case

[REVISED: 9/16/219/15/22]

1. Client written notification is required to close a client's case in either Closed - Rehab or Closed Other Status. Written notification must include the client's appeal rights. See Policy 1: Section D of this chapter.
2. Supported Employment (SE) cases before Closed – Rehab status.
  - a. For Supported Employment SE cases, the employment start date is entered when the individual begins employment. However, this does not move the case into Employed Status. When the individual reaches stability, enter the stability date and the case moved to Employed Status.
  - b. Once the client has been employed and stable for at least 90 days and meets all other successful closure (Closed-Rehab) criteria, including the criteria for stability in [Chapter 8.16, SUPPORTED EMPLOYMENT, Policy 2](#), and employment matches their identified employment goal on their Individualized Plan for Employment (IPE), (see [Chapter 5, PLAN, Policy 6](#) and #11 of this Section) their case may be closed in Closed-Rehab status.
  - c. Ensure that the SE check box on Plan screen and Needs Ongoing Support Services check box on Closure screen are in agreement.
3. For Job Coach Training Services (JCTS) cases the employment start date is entered when the consumer starts employment. Once they have achieved stability, that date is entered into AWARE. The case then moves into Employed status and the 90 day closure clock begins. They may be closed in Closed-Rehab status once all the successful closure (Closed-Rehab) criteria are met, including 90 days or more of stable employment.
4. Client follow-up before Closed – Rehab status.

Within ten days before closing the case in Closed - Rehab status, the counselor must initiate personal contact using appropriate modes of communication (in-person, telephone, e-mail, etc.) with the client. The counselor and the client must (per 2016 [Federal Regulation 34 CFR § 361.56](#)) agree that the employment outcome is satisfactory and the client is performing well and has maintained an employment outcome for an appropriate period of time but not less than 90 days to ensure the stability of the employment outcome. If direct client contact in an appropriate mode of communication has been attempted and the client has not responded after the 90-day period and it has been documented that the client has achieved employment consistent with their IPE employment goal, the counselor shall verify this information and document this source in the case record. The Closed – Rehab Letter may not substitute for this personal contact requirement. Non-response to contact attempts is not an acceptable substitute for personal contact.
5. Post Employment Services (PES) re-assessment before Closed – Rehab status.

Reassessment for PES is required at-before closure (see [Chapter 8.22, POST EMPLOYMENT SERVICES, Policy 1](#)). If PES are necessary, ~~the IPE must be amended, the client and counselor may begin drafting the PES Plan while the case is still open; draft the PES Plan on the paper from because the AWARE PES Plan screen is not available while the case is still open.~~ For definition of post-employment services- and procedure , see [Chapter 8.22, POST, Policy 1](#).
6. Compensation verification before Closed – Rehab status.

If the employment outcome will be coded as "competitive employment," the counselor shall verify that the client is compensated at or above the minimum wage and that the wage and level of benefits are not less than that customarily paid by that employer for the same or similar work performed by non-disabled employees (per 2016 [Federal Regulation 34 CFR § 361.47](#)). For wage requirements at transition from DRS VR Program Supported Employment (SE) services to an extended services funding source, see [Chapter 8.16, SUPPORTED EMPLOYMENT, Policy 1](#).



7. SSI/SSDI cases before Closed – Rehab status.

The counselor shall update AWARE to verify SSI/SSDI status and Ticket to Work. If the client has a Ticket to Work, the counselor shall not close the case as Closed – Rehab until the Ticket Assignment Form (SSA-1365) is processed and the Ticket assigned to or placed in use with DARS (for details, see the Grants and Special Programs intranet site and the Ticket to Work procedures on the DSA intranet). DARS may qualify under federal regulation 20 CFR Parts 404 and 416 for reimbursement from the Social Security Administration for the cost of certain vocational rehabilitation services for cases closed in Closed-Rehab status. Verification is also required to report accurate closed case data to the Rehabilitation Services Administration (per 2016 [Federal Regulation 34 CFR § 361.40](#)).
8. Services pending closure in Closed – Other status.

Between the time the closure notice letter is provided and the case is closed, services are usually limited to consultation with the client regarding the closure decision and information about other programs and agencies as appropriate. Generic job-related services such as job club, interview skills training, and Employment Resource Center may be provided, however services for a specific employment goal may not be appropriate if an Individualized Plan for Employment (IPE) was not signed.
9. Information and referral.
  - a. The counselor shall provide information about appropriate federal and state programs (per 2016 [Federal Regulation 34 CFR § 361.37](#) and 2016 [Federal Regulation 34 CFR § 361.43](#) and 2016 [Federal Regulation 34 CFR § 361.57](#)).
  - b. For Closed - Rehab status, the counselor shall provide information about other agencies and programs as appropriate, through appropriate modes of communication, including the availability of PES (per 2016 [Federal Regulation 34 CFR § 361.56](#)).
  - c. When closure is due to no impairment or impairment is not an impediment to employment, the counselor shall provide information about other appropriate programs such as the One Stop Centers.
  - d. When closure is due to extended employment or disability is too severe for employment, the counselor shall provide information about other federal, state, or local programs that may be better suit to meet their rehabilitation needs (per 2016 [Federal Regulation 34 CFR § 361.37](#), and 2016 [Federal Regulation 34 CFR § 361.43](#), and 2016 [Federal Regulation 34 CFR § 361.57](#)). To prepare for a closed case review, the client may find it helpful for the counselor to offer milestones to becoming ready for VR and information about programs and services available to assist the client to reach the milestones. See #12 of this Section for additional information.
10. Case note.
  - a. The counselor shall update case notes and save them in AWARE.
  - b. For Closed – Rehab status, the counselor shall write a brief case note demonstrating how the services provided after the Individualized Plan for Employment (IPE) was initiated have contributed to achievement of the employment outcome (per 2016 [Federal Regulation 34 CFR § 361.47](#)). For client notification, see [Policy 1: Section D](#) of this chapter.
  - c. For Closed – Other status, the counselor shall write a brief case note referencing the documentation (such as medical or psychological report, pattern of observed behavior, etc.) that supports the closure reason(s) noted on AWARE Closure screen and in the written closure notice to the client. For client notification, see [Policy 1: Section D](#) of this chapter.
11. Plan amendment.
  - a. For Closed – Rehab status, if the Individualized Plan for Employment (IPE) includes services not started but no longer needed, the counselor shall initiate an amendment to terminate the services. For a substantial amendment, the counselor shall request client signature; however the counselor shall continue steps to close the case if the client does not respond within the counselor deadline. If the employment outcome differs from the IPE employment goal see

Chapter 11 Closure Policy 1.A2 for guidance on changing the employment goal. For substantial amendment definition, see [Chapter 5, PLAN, Policy 6](#).

- b. For Closed – Other status, plan amendment is not necessary because the AWARE closure notice letter serves to terminate all services on the Trial Work Experiences Plan; or Individualized Plan for Employment (IPE) effective on the case closure date in AWARE.
12. Semi-annual or annual review.
    - a. For Closed – Other status (for a case closed in extended employment) the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.55](#)) schedule semi-annual reviews for two years after closure and annually thereafter.
    - b. For Closed – Rehab status (for compensation less than minimum wage) the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.55](#)) schedule a closed case review semi-annually for two years after closure and annually thereafter.
    - c. For Closed – Other status (determined ineligible due to finding the individual is incapable of achieving an employment outcome – disability too significant) the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.43](#)) review within 12 months and, if requested by the individual or if appropriate, by the individual's representative, annually thereafter, any ineligibility determination that is based on a determination that the individual is incapable of achieving an employment outcome. This review does not need to be conducted in situations in which the individual has refused it, the individual is no longer present in the Commonwealth, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.
    - d. For exceptions and review procedure, [See Policy 3: Section A1](#) of this chapter.
  13. Feedback to referral source.

Do not release the case closure information to non-DRS staff if the signed release of confidential information has expired. The counselor shall send a copy of the notice of case closure to notify the referral source of case disposition for:

    - a. Workers' Compensation cases only when the Virginia Workers' Compensation Commission paid any of the vocational rehabilitation cost.
    - b. Workforce Investment Act One-Stop Center referrals only when the Memorandum of Understanding requires notification of case closure.
  14. Documentation.

The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.47](#)) ensure the case record contains all relevant information required in [Chapter 1.3, CASEFILE, Policy 1](#).
  15. Service cancellation.

The counselor shall cancel outstanding authorizations, unless continuation is required under the established appeals policy ([see Chapter 15, APPEALS, Policy 3](#)).
  16. Audit of tools and equipment.

When RS-14 was used, save annual Occupational Tools and Equipment audit results in a case note. See [Chapter 8.18, TOOLS, Policy 1](#).
  17. File storage.

[See Policy 2: Section A1](#) of this chapter.

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D. Use of Forms/AWARE Screens

## D1. Closed in Rehab Status Letter in AWARE

**[REVISED: 9/16/219/15/22]**

The Closed- Rehab Letter in AWARE (~~with PES, without PES, or~~ Partnership Plus version as appropriate to the case) shall be used for cases closed in Closed - Rehab status after the VR client agrees to close the case, the need for PES has been assessed, and the client has been informed through appropriate modes of communication of the availability of post-employment services. No earlier than day 90 in Employed status, the counselor shall provide the Letter to the individual, supplemented by appropriate modes of communication as necessary (per 2016 [Federal Regulation 34 CFR § 361.56](#)).

## D2. Cannot Locate/Contact Letter in AWARE

**[REVISED: 9/16/21]**

1. The 30-day Closure Notice - Cannot Locate/Contact letter in AWARE may be used at any time during the life of the case.
2. To close the case as "cannot locate or contact," the counselor shall document multiple attempts to contact or locate the client, in an appropriate mode of communication, and then send the letter with a 30-day response deadline. For returned mail without a forwarding address, see Section D3. The case may be closed in AWARE the day after the deadline.

## D3. Case Closure Notice Letter in AWARE

**[REVISED: 9/16/219/15/22]**

The 30-day Closure Notice letter in AWARE with 30-day deadline to request a consultation regarding the closure decision, supplemented by other appropriate modes of communication as necessary, shall be provided to the individual before Closed – Other status, to ensure the client receives notice of their rights per 2016 [Federal Regulation 34 CFR § 361.57](#). The 30-day Closure Notice letter in AWARE shall be used except when closure reason is:

- a. Death – client notice is not required.
- b. Returned mail without forwarding address — the envelope is sufficient documentation to close the case without sending a written notice provided at least one other attempt, using appropriate modes of communication, and not by mail is documented.
- c. Institutionalized — the response deadline may be less than 30 days.
- d. Requests closure or does not wish to be on, or stay on, Order of Selection waiting list — the response deadline may be less than 30 days because the individual has already participated in the closure decision. The Closure Notice - Requests Closure Letter will be used.
- e. Cannot locate or contact – use the Closure Notice - Cannot Locate/Contact letter in AWARE.
- ~~f. Successful closure from PES status – use Closure as Successful PES letter in AWARE.~~
- ~~g. Unsuccessful closure from PES status – use 30-day Closure Notice PES Unsuccessful letter in AWARE with 30-day response deadline.~~

**Guidance:** If the case is in Application status, the waiting period for the individual's response to the closure notification letter could result in the case being kept in Application status past the deadline to make an eligibility determination. However, this is acceptable and should be taken into consideration when reviewing the AWARE report of cases past the deadline.

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#### ~~D4. Successful PES Closure Letter in AWARE~~

~~[REVISED: 10/16/09]~~

~~The counselor shall obtain the individual's agreement to close the case and then shall provide the Successful PES Closure letter and close the case in Closed – Other status. Non-response to the letter is not sufficient documentation of client agreement.~~

#### D45. AWARE Closure Screen

[REVISED: 3/1/08]

At case closure, the counselor shall update the AWARE Closure screen so DRS can report accurate closed case data to the Rehabilitation Services Administration (RSA) (per 2016 [Federal Regulation 34 CFR § 361.40](#)).

#### D56. AWARE Ticket to Work Screen and Partnership Plus letter

[REVISED: 10/1/11]

At case closure for SSI/SSDI clients, the Ticket to Work screen must be completed and the Closed - Rehab Partnership Plus letter must be sent.

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#### D67. Lien Worksheet RS-457 form

[REVISED: 1/21/99]

If personal injury legal action has been taken or is pending, the counselor shall, if not already done, complete and send the RS-457 to Fiscal, give a copy to the VR client, and keep a copy in the case record (it should be saved electronically).

## ~~D8. AWARE Post-Employment Closure Follow-Up Screen~~

~~[REVISED: 3/1/08]~~

~~When closing a case from PES status, update the Closure Follow-Up Layout screen (for instructions see AWARE Manual).~~

## D79. Semi-annual and Annual Review of Cases Closed in Extended Employment (RS-455 form)

[REVISED: 9/16/21]

The Counselor shall conduct a review and re-evaluation with the individual semi-annually for the first two years and annually thereafter when the client's employment at case closure does not meet the criteria of competitive integrated employment, for the duration of the individual's employment. The counselor shall use the RS-455 form to record the results of the semi-annual and annual reviews (per agency mandate) and shall maintain a signed copy in the case record. The review results includes individuals not available for the review (refuses the review, does not want further involvement, no longer resides in Virginia, dies, retires from sheltered workshop, cannot be located, etc.) A copy of the form may be sent to the Employment Services Organization (ESO) if the ESO wants a copy for their file and the client or if appropriate; their legal representative has signed a release allowing for the sharing of client information. [See Policy 3: Section B2](#) of this chapter.

## D810. Mandatory Review of Cases Closed as Too Significant - Annual Review Screen and Letter in AWARE

[REVISED: 9/16/21]

The Counselor shall review the ineligibility decision within 12 months of closure, and annually thereafter if requested by the individual or his or her authorized representative (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The individual will be notified of their right to this review by the Annual Review letter. The results of all annual reviews shall be documented in the client record and completed in AWARE. The review does not need to be conducted in situations when the individual has refused it, the individual is no longer present in the Commonwealth, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal. These reasons should be documented in the individual's case record.

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## 2. Closed Case Filing and Disposal

### A. Filing System at Case Closure

#### A1. Filing Closed Cases

[REVISED: 12/1/12]

1. The local office shall maintain the case file in the office's closed case storage area until time for the case file to be destroyed (per agency mandate).
2. The local office may designate a storage area for closed cases that are to be retained longer than the minimum retention period.

## A2. Minimum Retention Period for Closed Cases

**[REVISED: 9/16/21]**

1. Closed case files shall be maintained in the DRS local office at least five (5) years after the closure date (per [§ 42.1-82 of the Code of Virginia](#), Virginia Public Records Act, Library of Virginia scheduled retention and disposition for client records).
2. The case file shall be retained longer than the five (5) year minimum period when the customer still possesses a tool or equipment for which DRS still retains residual title (per agency mandate).
3. The case file shall be retained longer than the five (5) year minimum period when litigation (e.g., Workers' Compensation legal action, personal injury legal action) or investigation is pending (per exception to Library of Virginia schedule).
4. The case file shall be retained longer than the five (5) year minimum period for clients with a Ticket to Work. For additional information, contact the Ticket to Work Coordinator in the DARS Central Office.
5. Case files closed in extended employment require semi-annual and annual reviews (See Policy 1, D.9.) and, therefore, should not be destroyed as long as the individual remains in extended employment.
6. Counselors who wish to maintain closed case files longer than five (5) years may do so in the local office in a location specifically designated for this purpose.

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## B. Closed Case File Disposal

**[REVISED: 12/17/01]**

1. The Library of Virginia has delegated authority to pre-approve case file disposals to the designated records officer for each state agency. For DRS, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of Hearing, and Board for People with Disabilities, the designated records officer is in Logistical Services in the DRS Central Office. Send the pre-approved RM-3 form to the Central Office, attention: Records Retention Officer.
  - a. To request pre-approval to dispose of cases, the custodian of records (called the approving officer on the RM-3 form) or designee shall complete and sign the Certificate of Records Disposal (RM-3 form) and forward three (3) copies to the DRS designated records officer for pre-approval. If approved, two copies signed by the designated records officer will be returned to

the custodian of records. For information about custodian of records, see [Chapter 1.3, CASEFILE, Policy 3](#).

- b. Upon approval, the custodian of records shall ensure that the case files are destroyed (e.g., shredded, burned) properly and completely as to obliterate all personal identification. Contact Logistical Support for disposal services vendors in your area.
2. After disposal, the custodian of records shall sign the RM-3 in the appropriate place and shall send one copy to the designated records officer (who forwards it to the Library of Virginia for its records) and shall maintain the second copy in the local office.

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### 3. Closed Case Review

#### A. Mandatory Review of Cases Closed as Too Significant

##### A1. Required Documentation for Review of Closed Cases

**[REVISED: 9/16/21]**

If 1) the case was closed in Closed-Other status, and 2) the reason was due to disability too significant for the individual to benefit from vocational rehabilitation services in terms of an employment outcome or unfavorable medical prognosis, the counselor shall review the case within 12 months of the closure (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The purpose of the review is to assess whether the individual's circumstances have changed to the point that the individual can benefit from services in terms of achieving an employment outcome and to decide whether to reopen the case. The individual will be notified of their right to this review when their case is closed and by the Annual Review Letter (see Policy 1: Section D10 of this Chapter). After the case has been reviewed, the counselor shall review the case annually thereafter if requested by the individual or by the individual's representative (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The counselor should consider whether a rehabilitation technology assessment is appropriate (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.43](#)) document the results of the review in AWARE.

**Exception:** The review need not be conducted when the individual:

- a. Refuses the review (per 2016 [Federal Regulation 34 CFR § 361.43](#)),
- b. Is no longer present in the state or the individual's whereabouts are unknown (per 2016 [Federal Regulation 34 CFR § 361.43](#)),
- c. Has a medical condition that is rapidly progressive or terminal (per 2016 [Federal Regulation 34 CFR § 361.43](#)),
- d. Refused services or is otherwise not interested in further involvement in the Vocational Rehabilitation program,
- e. Dies.

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## A2. Outcome of Closed Case Review

**[REVISED: 9/16/21]**

1. The counselor shall reopen the case when the documented change in circumstance justifies it.
2. Cases requiring no further consideration means cases that the federal policy exempts from the review or that the counselor decides not to open a new case. If the latter, the counselor shall document in the case record (i.e., case note, letter or e-mail to consumer) the reason(s) for not reopening the case.
3. Accepted for vocational rehabilitation services means cases placed in Application status and subsequently placed into Order of Selection Delayed status or into Eligible status by the end of the federal fiscal year. For explanation of Order of Selection Delayed status, see [Chapter 2.2, ORDER, Policy 2.](#)
4. Not accepted for vocational rehabilitation services means cases placed in Application status and subsequently closed before Eligible status by the end of the federal fiscal year.
5. Remaining in Application status or Application — E status or Trial Work Application — T status means cases opened and still remaining in one of these statuses at the end of the federal fiscal year

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## B. Mandatory Semi-Annual and Annual Review of Cases Closed in Extended Employment or Compensated Less than Minimum Wage (RS-455 form)

### B1. Cases that Require Review

**[REVISED: 12/1/16]**

It is required that the counselor review the following cases after case closure (per 2016 [Federal Regulation 34 CFR § 361.55](#)):

1. Cases that were closed in status 26 (Closed - Rehab) prior to October 1, 2001 as having achieved an employment outcome in extended employment. After that date, extended employment no longer meets the criteria for Closed-Rehab "status 26."
2. Cases closed in a position in which the client is compensated less than minimum wage in accordance with section 14(c) of the Fair Labor Standards Act.



3. Cases in Closed - Other status because the individual is in extended employment and unable to achieve an employment outcome or because the individual made an informed choice to remain in extended employment.

## B2. Method for Case Review and Use of RS-455 Form

### [REVISED: 9/16/2021]

1. The review shall occur semi-annually after the date of closure for the first two years and annually thereafter (2016 [Federal Regulation 34 CFR § 361.55](#)).
2. The purpose of the review is to determine the continued suitability of the current employment and the individual's readiness for and interest in competitive integrated employment (2016 [Federal Regulation 34 CFR § 361.55](#)).
3. This review shall include input from the individual (or in an appropriate case, the individual's representative) to determine the individual's interests, priorities, and needs for competitive employment or training for competitive employment (2016 [Federal Regulation 34 CFR § 361.55](#)).
4. The review shall include maximum efforts to identify vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individual in engaging in competitive integrated employment (per 2016 [Federal Regulation 34 CFR § 361.55](#)). Maximum use of rehabilitation technology should be made in identifying the individual's capabilities for competitive employment. The counselor should consider whether a rehabilitation technology assessment is appropriate.
5. The counselor shall use the RS-455 form to record the results of the semi-annual and annual reviews (per agency mandate) and shall maintain a signed copy in the case record. The review results includes individuals not available for the review (refuses the review, does not want further involvement, no longer resides in Virginia, dies, retires from sheltered workshop, cannot be located, etc.) A copy of the form may be sent to the Employment Services Organization (ESO) if the ESO wants a copy for their file. See Policy 1: Section D9 of this Chapter.
6. If the review shows that the individual has died or has moved out of state, no future reviews are required. This shall be documented on the RS-455.
7. The individual cannot opt out of future reviews after any review has taken place (per Federal Register dated August 19, 2016. page 55681). If an individual declines a review, the counselor shall document on the RS-455 that a review was attempted and obtain individual's signature if possible. However, the counselor shall continue to make attempts to review the case again on the next review date.

# Chapter 14.1. - PURCHASING

## 1. Procedures to Authorize VR Services for Consumers

**[REVISED: 3/30/22]**

1. This policy does not apply to purchases for VR clients at WWRC. See [Chapter 13, WWRC, Policy 2](#).
2. Timeliness.  
The VR counselor shall make every effort to ensure timely authorization of services (per 2016 [Federal Regulation 34 CFR § 361.50](#)).
3. Case status.  
The case must be in AWARE in Application status or beyond.
4. Methods.
  - a. Authorizations must be in writing. For purchase under emergency situation that requires verbal instead of written authorization, [see Policy 4 of this chapter](#).
  - b. The Authorization Form, or Small Purchase Charge Card (SPCC) for clients, or store gift card/fuel card is used by DRS staff to authorize the vendor to provide the services (including goods). For Authorization form and screen, [see Policy 2](#) of this chapter. For Small Purchase Charge Card, [see Policy 2: Section C](#) of this chapter. For store gift card and fuel card, [see Policy 2: Section E](#) of this chapter.
  - c. The information must always also be entered into the AWARE Authorization Page screen.
5. Single purchase.  
The counselor may split a single purchase among different vendors (e.g., authorizing personal computer hardware from one vendor and the required adaptive device from another vendor) or may split the purchase into a series of authorizations to the same vendor (e.g., authorizing additional therapy sessions with the same service provider). However, based on the total amount of the authorizations for a single purchase, the counselor must, when required by DRS written policy and procedure, obtain documentation of supervisory pre-approval, medical or dental consultant pre-approval, insurance carrier pre-approval, and quotes from multiple vendors.

**Note 1:** A single purchase for a hearing aid includes the hearing aid(s), required ear molds, necessary batteries, initial fitting and orientation, one to twoup to two hearing aid checks during the trial period, programming changes during the first six months, in-house repairs during the first year, and processing manufacturer repairs during the two to three year manufacturer warranty period.

**Note 2:** A single purchase for a personal computer includes the hardware (i.e., CPU, monitor, printer, etc.), input device (i.e., mouse, keyboard, etc.), software (i.e., operating, applications, etc.),

accessories (i.e. mouse pad, surge protector, etc.), and assistive technology. The computer furniture and training are separate purchases from the computer system.

6. Sole source.

Purchases from a sole source private vendor require the DARS commissioner pre-approval and must be processed through the Logistical Support and Supplies unit in the DARS Central Office (per agency mandate). Sole source means a determination has been made that there is only one vendor practicably available for a particular service or goods (e.g., the community is served by only one physician, "used" equipment, only one brand name is recommended in the needs assessment and there is only one dealer/distributor that sells that brand). A purchase in which only one brand name meets client needs is not a sole source if there are at least two dealers/distributors that sell that brand.

7. Fee schedule.

DRS established, as is our option under federal regulation (per 2016 [Federal Regulation 34 CFR § 361.50](#)), a fee schedule designed to ensure reasonable costs to the Vocational Rehabilitation program for each purchased service or goods. The fees are published in the [DARS Services Reference Manual](#) and the DRS Training and Facilities Manual and updated as needed. If the service has a Service/Item (S/I) code and a fee amount, the counselor can authorize for that amount, subject to policies for consumer financial participation, comparable benefit, school training funding, and self-employment enterprise funding. Contact Robert J. Johnson in DARS DDS if a client is effectually being denied a necessary service because the fee is so low that no vendor will accept it.

8. Price quotes.

- a. If the service is a medical service not listed in the [DRS Services Reference Manual](#), the DARS medical consultant establishes the fee (see [Chapter 8.14, PHYSRES, Policy 1](#)).
- b. If the service has a Service/Item (S/I) code but no fee amount, the counselor shall obtain quote(s) from qualified vendor(s). The number of quotes varies by the purchase amount:
  - i. Less than \$5,000 requires one price quote (oral or written) documented in the case file (per agency mandate). Counselors are expected to rotate the use of vendors and to ensure the price reasonableness of the quote. If the quote does not meet the consumer's VR needs, or if this is the first time the counselor has purchased the service (including goods), the counselor may wish to obtain an additional quote or to consult another counselor or the supervisor about the reasonableness of the price quote.
  - ii. \$5,000 to \$50,000. Obtain a minimum of four (4) quotes in writing or electronically. If the counselor is unable to obtain four quotes, the justification must be documented (i.e., sole source, there are only two vendors, etc.).
  - iii. Over \$50,000. Obtain a minimum of six (6) written quotes. If the counselor is unable to obtain six quotes, the justification must be documented.
- c. Proper documentation of a price quote means description of services to be provided, name and address of vendor, first and last name of vendor contact who provides the quote, date

quote is given and length of time for which quote is valid, anticipated date service will begin (or goods will be delivered), total cost, and payment terms.

- d. DRS staff shall make every effort to secure quotes from minority- or women-owned businesses when these vendors can meet quality and performance specifications (per [§ 2.2-4310 of the Code of Virginia](#)). A directory of minority-owned businesses is available in every DRS local office.
  - e. When multiple quotes are required, award to other than the lowest bidder must be pre-approved in writing by management in accordance with the pre-approval dollar level policy. The counselor must attach written justification and pre-approval to the bid document. Justification may include location of vendor to consumer, DARS or DRS or counselor past experience with the vendor, delivery date or service start date, maintenance and repair services, product warranty on goods, etc.
  - f. Quotes are not required for purchases from a government entity (i.e., city transit authority, Consumer Services Board, community college, state licensing agency) or for purchases under state contract (i.e., supported employment services, interpreter services) since a fee schedule is established in the contract.
9. Exemption from state sales tax.  
When the purchase is exempt from state sales tax, the counselor shall make sure the purchase price does not include state sales tax. For information on exemption from state sales tax, see [Policy 2: Section D](#) of this policy.
  10. Leases.  
When authorizing room and board under a housing rental agreement, the client name, not DARS or DRS, must be used on the rental agreement.
  11. Consumer cannot obligate DARS.  
If the client incurs an expense before the counselor authorizes the vendor in writing to provide the goods or services, DRS shall not be obligated to pay for it or to reimburse the client (per 2016 [Federal Regulation 34 CFR § 361.50](#) (e)). Contractual negotiations undertaken by a client (or family) with a vendor are not binding upon DARS or DRS staff. DARS must comply with state purchasing requirements and cannot be obligated to contract for services through a particular vendor (per [§ 2.2-4303 of the Code of Virginia](#)).
  12. Consumer loans.  
DRS shall not make monetary loans to clients.
  13. Additional requirements.  
For additional procedures for authorizing a specific service (i.e., needs assessment, supervisory pre-approval, prescriptions, insurance carrier pre-approval, agency fund code) see the policy for the service.

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## 2. Use of Forms and AWARE Screens

### A. Use of Authorization Page Screen and Authorization Form

**[REVISED 5/1/16]**

1. The Authorization Page in AWARE must be completed.

Do not keep a paper copy; your AWARE logon and password is your "signature" for internal purposes.

**Note:** DRS has designed the Authorization Form to meet the federal requirement for written authorization of services (per 2016 [Federal Regulation 34 CFR § 361.50](#)). The Form serves as the purchase order, therefore Purchase Order Form DGS 41-056 is not required for any purchases for VR clients (per Department of General Services).

2. Vendor copy.

The counselor shall:

- a. Send a signed Authorization Form to the vendor, except do not send it when using the Small Purchase Charge Card (to avoid double billing).
- b. Ensure the printed Authorization Form clearly indicates the vendor's obligation (e.g., surgery and post-op report, personal computer system and warranty and delivery and installation, bill insurance first, etc.).
- c. Attach the appropriate Release form when required by confidentiality policy (see [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section D](#)).
- d. Attach the Administrative Voucher when purchasing services from another agency of the Commonwealth of Virginia that accepts them.
- e. Ensure the authorization amount does not include state sales tax when the purchase is exempt from state sales tax.
- f. Prepare a separate Authorization Form for each vendor when multiple vendors are involved (e.g., when authorizing surgery, prepare a separate form for the hospital, physician, and anesthesiologist).

3. On-site authorization.

It is not necessary for DRS staff to accompany the client on every type of purchase. At counselor discretion, the client may take the Authorization Form to the vendor.

4. Consumer copy.

Send a copy to the client upon request.

5. Expiration.  
AWARE automatically puts 180-day expiration date on the Authorization to notify the vendor. AWARE automatically cancels any amount on an Authorization left unpaid 180 days after the Authorization Date (not the effective date of the service). If the service is still required, the counselor must generate a new Authorization. This applies to all service items. No exceptions or waivers shall be granted.

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## [B. Use of Cancellation Order](#)

**[REVISED: 3/1/08]**

Cancel the authorization in AWARE and send written notice to the vendor.

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## [C. Use of Small Purchase Charge Card \(SPCC\) for Clients](#)

**[REVISED: 7/9/2020]**

1. Definition.  
Cardholder means the person named on the account and the card itself.
2. Application for SPCC.  
Supervisory pre-approval and supervisor and cardholder training are required before DRS staff may apply for a SPCC.
3. For purchases for VR clients. Only the cardholder is authorized to use the Small Purchase Charge Card (SPCC) for clients.
  - a. Only the cardholder is authorized to use the Small Purchase Charge Card (SPCC) for clients.
  - b. SPCC may be used to purchase services and "expendable" (e.g., medications, gasoline, etc.) and "non-expendable" (e.g. tools, textbooks, etc.) tangible goods for VR clients.
  - c. Purchases made with the SPCC are subject to all existing purchasing policies within this Policy and Procedure Manual, including but not limited to: consumer financial participation, use of comparable benefits, exemption from state sales tax, etc.

- d. There is a monthly limit. See Small Purchase Charge Card Program (SPCC) and Program Administrator (PA) Policies and Procedures – Client Services.
- e. There is a transaction limit. See Small Purchase Charge Card Program (SPCC) and Program Administrator (PA) Policies and Procedures – Client Services.
- f. All purchases shall comply with DARS' Fiscal Policies and Procedures located on the DARS' Intranet page.

- 4. Misuse.  
See Small Purchase Charge Card Program (SPCC) and Program Administrator (PA) Policies and Procedures – Client Services.
- 5. Cardholder responsibilities.  
See Small Purchase Charge Card Program (SPCC) and Program Administrator (PA) Policies and Procedures – Client Services.
- 6. Supervisor responsibilities.  
See Small Purchase Charge Card Program (SPCC) and Program Administrator (PA) Policies and Procedures – Client Services.

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#### [D. Use of ST-12 Virginia Sales and Use Tax Exemption Certificate](#)

**[REVISED: 7/1/12]**

- 1. The Virginia Use and Tax Exemption Certificate (Department of Taxation ST-12 form) notifies the vendor that DARS is exempt from state sales tax. The vendor keeps this on file for audit purposes. A vendor that is being used by DARS for the first time will usually not have this form on file. If the state sales tax exemption applies to the purchase, the counselor shall attach an Exemption Certificate (ST-12 form) to the Authorization form. If field staff need assistance with the form, call the DARS designated vendor services personnel.
- 2. DARS is exempt from paying Virginia sales tax on goods purchased for consumers when:
  - a. The counselor provides a voucher or certification from DARS (i.e., Authorization Form) and the vendor bills the agency directly (or DARS uses an official purchase order to be paid out of public funds), or
  - b. DARS retains title to the item (see [Chapter 8.18, TOOLS, Policy 1](#)), or
  - c. The good is specifically exempt from state sales tax.

3. Goods specifically exempt from state sales tax under [§ 58.1-609.10 of the Code of Virginia](#) are:
  - a. Medicines, drugs, hypodermic syringes, artificial eyes, contact lenses, eyeglasses and hearing aids dispensed by or sold by prescriptions or work orders of licensed physicians, dentists, optometrists, ophthalmologists, opticians, audiologists, and hearing aid dealers and fitters.
  - b. Wheelchairs and parts therefore, braces, crutches, prosthetic devices, orthopedic appliances, catheters, urinary accessories, and other durable medical equipment and devices, and related parts and supplies specifically designed for those products when such items or parts are purchased by or on behalf of an individual for use by such individual.
  - c. Special equipment installed on a motor vehicle when purchased by a person with a disability to enable such person to operate the motor vehicle.
  - d. Special typewriters and computers and related parts and supplies designed for those products used by individuals with disabilities to communicate when a licensed physician prescribes such equipment.
4. Except for goods specifically exempt by law in subsection B4(b), purchases by the consumer typically will not be exempt from the state sales tax, even when DARS will reimburse the individual.

**Example 1:** The VR counselor approves a clothing allowance for a VR client. The client purchases the clothes. The counselor issues the Authorization form to the consumer to reimburse the consumer. The purchase is not exempt.

**Example 2:** The VR counselor approves a clothing allowance for a VR client. The counselor issues the Authorization for clothes to the retail store. The purchase is exempt.

**Example 3:** A licensed physician prescribes a computer for a VR client. The purchase is exempt from state sales tax regardless of whether the client purchases it, insurance pays for it, or the counselor issues an Authorization to the vendor or issues a Direct Authorization to reimburse the client.

5. Lodging, meals, and food expenses are taxable under state law.

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## [E. Use of Gift Cards for Client Purchases](#)

**[REVISED: 7/9/2020]**

1. Gift cards.

The counselor and/or support staff may purchase store gift cards for the VR client use as needed for vocational rehabilitation.



2. All gift card purchases shall comply with DARS' Small Purchase Charge Card Program (SPCC) and Program Administrator (PA) Policies and Procedures located on the DARS' Intranet page.
3. The purchase of VISA, MasterCard, or other generalized monetary gift cards is not allowed.
4. Log.  
DRS staff shall maintain a log of each card issued and to whom.
5. Client Receipt of Gift Card Letter.  
The counselor shall provide the Client Receipt of Gift Card Letter to the client for signature. It is mandatory that the client acknowledge receipt of the gift card by signing the Client Receipt of Gift Card Letter or acknowledged receipt by email and the staff shall keep the signed letter in the client case record. Client usage of the card shall signify receipt and agreement to use the card only for the VR purpose stated.

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### 3. Pre-Approval Dollar Levels

**[REVISED: 3/30/22]**

1. This policy applies to new and amended Employment Plans.
2. Before committing to sponsorship, the counselor shall obtain pre-approval for any single item that exceeds \$5,000 and any combination of items being authorized simultaneously as a package that exceeds \$5,000. These dollar limits are intended for use under normal operating circumstances. However, circumstances can vary greatly and management may sometimes require staff to follow other dollar limits.  
  
Under \$5,000:  
No pre-approval is required based on dollar amount.  
  
\$5,000 to \$19,999:  
Supervisor pre-approval is required first, followed by DARS district director pre-approval, followed by DRS Director pre-approval.  
  
\$20,000 and up:  
Supervisor pre-approval is required first, followed by district director pre-approval, followed by DRS Director pre-approval, followed by DARS Commissioner pre-approval.
3. Examples of combinations of items authorized as a package include, but are not limited to, physical restoration service involving surgery, anesthesia, hospitalization etc. when the total cost

is \$5,000 or more; a semester of school training costing \$5,000 or more; etc.

4. Obtain DARS' Commissioner pre-approval via DRS Support Team General Administration Supervisor in DARS Central Office.
5. Pre-approval from supervisory, chief medical consultant, deaf services program manager, audiologist consultant, etc. may be required based on the type of service regardless of the dollar amount. For more information, see Section A. Eligibility, of the policy for the specific service.

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## 4. Emergency Procurement of Service for Consumer

**[REVISED: ~~7/1/129/15/22~~]**

1. Definition.  
Emergency means an occurrence of a serious and urgent nature that demands immediate action. For example, authorizing an immediate psychiatric evaluation for a suicidal VR client. It may be an acute or chronic medical complication or medical emergency that the practitioner indicates is either inherent in the condition being treated by the VR service (i.e., treating a respiratory infection for a client with AIDS or Sickle-Cell Anemia), or resulted from provision of a VR service (i.e., treating an infection the VR client contracted during the hospital stay for VR surgery) (per [State Regulation 22 VAC 30-20-120\(b\)](#)). Emergency room (ER) cost is not considered to be an emergency, unless it meets one of the criterion (i.e., ER treatment of a seizure for a client with cerebral palsy or epilepsy). The potential loss of funds at the end of a fiscal year is not considered to be an emergency.
2. Under IPE ~~or PES~~.  
The client must have an Employment Plan ~~or Post-Employment Services Plan~~.
3. Price quotes.  
The counselor is not required to obtain multiple price quotes.
4. Documentation.  
The counselor shall immediately send a written confirmation of the details and oral authorization to the vendor, and keep a copy in the client file (per agency mandate).
5. Insurer notification.  
When services are provided to deal with a medical emergency, the counselor shall follow the client insurance provider's established notification procedures for emergencies.
6. Comparable benefits.  
If comparable benefit exists but is not readily available at the time needed, the counselor shall

provide the service until the comparable benefit becomes available (per 2016 Federal Regulation [34 CFR § 361.53\(c\)\(2\)](#)), see [Chapter 14.2, COMPARABLE, Policy 1](#).

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## [5. Administrative Purchases](#)

**[REVISED: 7/1/12]**

The DRS Policy and Procedure Manual does not apply to procurement (i.e., state contract, purchase order, administrative charge card, e-va, etc.) of administrative goods and services (office leases, interpreter services contract, DRS office equipment, staff travel, staff working lunches, etc.). They are subject to DGS Procurement Policy and Procedure Manual, DARS administrative procedures, and Virginia Public Procurement Act ([per § 2.2-4300 of the Code of Virginia](#)).

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## [6. Lowest Cost Goods and Services](#)

**[Revised: 3/30/22]**

1. The counselor shall authorize the product, service, or accommodation alternative that meets client VR need, is available at the time needed for VR, and is the most cost efficient for DRS. If the lower cost options are not selected, the case record must justify why they do not meet client VR needs.
2. For policy on when multiple price quotes/bids are required, [see Policy 1](#) of this chapter.
3. If the client chooses an out-of-state service at a higher cost than an in-state Virginia service that meets client VR needs, DARS shall not (per 2016 [Federal Regulation 34 CFR § 361.50](#) (b)) be responsible for costs in excess of the in-state service cost, including clients exempt from consumer financial participation and regardless of Client Financial Statement RS-13 form results.
4. For use of out-of-state vendors, see [Chapter 14.4, VENDORS, Policy 1](#).
5. For goods, the counselor should consider industry- or government- issued safety and quality standards, whether replacement parts and technical support will be available during the life of the case, whether the goods will be adaptable to client anticipated needs during the life of the VR case, etc.
6. For goods, all upgrades, add-ons, increased quantity, and additional products or services unnecessary for client VR must be compatible with the authorized items (or item components), and shall be at client expense, including clients exempt from consumer financial participation and regardless of the Client Financial Statement RS-13 form results. The client, not the counselor, is

responsible for negotiating the price with the vendor. The vendor must bill the VR client, not DRS, and the counselor shall add a statement to the Authorization instructing the vendor to bill the client for the additional cost.

7. For home modification, the case record must document (such as Home Modification Assessment Tool RS-33 form) that there is no other more cost-effective and reasonable way (such as renting an accessible apartment during training period or extended evaluation), or alternative accommodation (such as moving to a downstairs bedroom, stair chair rather than elevator, etc.), or low-cost low-technology solution to enable the client to access necessary vocational rehabilitation services. DRS staff shall not (see [Chapter 8.06, HOME MOD, Policy 1](#)) authorize home additions (new permanent structures, rooms, or units) unless approved by the DRS rehabilitation engineer as the most cost-effective solution to removing an impediment to employment.
8. For vehicle modification, the case record must (per [State Regulation 22 VAC 30-20-120](#)) document that less costly transportation options do not meet client transportation needs for VR. The Transportation Assessment RS-32 form may be required by the vehicle modification assessment policy. Modification of an automobile shall (see [Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 2, Section B](#)) be ruled out before considering van modification.
9. For comprehensive vocational and medical rehabilitation with on-site access to vocational training, rehabilitation counselor, education support services, and medical rehabilitation services, see [Chapter 13, WWRC, Policy 1 for referral to, and funding policy for, Wilson Workforce and Rehabilitation Center](#).
10. For school training, DRS will consider the lowest-cost option that meets client VR needs, such as public institution of higher education versus private/proprietary school, in-state school versus out-of-state school, community college for the first two years of a bachelor degree, etc. See [Chapter 7, SCHOOL](#), for DRS maximum allowances and funding the Cost of Attendance at vo-tech and career schools, colleges, universities, and other institutions of higher education.
11. For physical restoration, the fee schedule in the [DARS Services Reference Manual](#) shall apply. For an unforeseen medically-necessary service related to an authorized diagnostic service see [Chapter 6.01, MEDICAL DIAGNOSTICS, Policy 1](#), or if related to a treatment service see [Chapter 8.14, PHYS RES](#). For incidental procedures performed in conjunction with a surgical procedure, see [Chapter 8.14, PHYS RES](#).
12. For transportation services, the counselor shall (per [State Regulation 22 VAC 30-20-120](#)) pay the most economical rate for travel and travel-related expenses. The case record must document that public transportation (such as city bus, Metro, etc.) is not available at the time needed for VR, or the client cannot travel by public transportation because of disability, before the counselor authorizes the most economical type of private transportation that meets client VR needs.
13. For Job Coach Training Services (JCTS), the maximum allowances listed in the DARS Training and Facilities Manual shall apply.

14. For Supported Employment (SE) services, the negotiated rates listed in DARS Training and Facilities Manual, ESO Rate Sheets, shall apply.
15. For interpreters for the Deaf, the counselor must (per [Chapter 8.07, INTERPRETERS, Policy 1](#)) make every effort to use interpreters on the VDDHH state contract so the payment rate will not be in question.
16. For hearing aids, consult with the Deaf Services Program Manager regarding approved vendors before purchase. Approval is also required by the Audiologist Consultant before purchasing hearing aids, see [Chapter 8.14, PHYS RES](#).

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## [7. Retaining Title, Taking Inventory, and Repossessing Goods](#)

### [A. Retaining Title to Goods](#)

**[Revised: 3/3/14]**

1. For audit and management purposes, information about purchases for clients shall be maintained in AWARE authorization screens. The AWARE system shall maintain data for at least three years (per Department of Accounts) after the monetary value of the goods reaches \$0. MIS staff shall print a report of any data purged from AWARE after three years (per Department of Accounts).
2. Goods purchased through a bulk contract, and goods purchased for agency or agency employee/contractor, use shall be treated as state property (per [§ 2.2-1124 of the Code of Virginia](#)) and shall not be donated to a client or group of clients at time of purchase. When the depreciated value reaches \$0, it shall be treated as agency surplus.
3. DARS does not own or retain title to home modifications installed equipment (see [Chapter 8.06, HOME MOD, Policy 1](#)).
4. DARS does not own or retain title to vehicle modifications installed equipment (see [Chapter 8.21, VEHICLE, Policy 5](#)).
5. DARS retains title to some assistive technology devices (see [Chapter 8.02, REHABILITATIVE TECHNOLOGY, Policy 1](#)), some occupational tools and equipment (see [Chapter 8.18, TOOLS, Policy 1](#)) and some initial inventory for self-employed clients (see [Chapter 8.17, SELF EMPLOYMENT, Policy 1, Section C](#)).
6. When policy requires DARS to retain title/ownership:
  - a. Client and counselor shall complete the Title of Agreement RS-14 form.
  - b. Counselor shall tag the item with a tracking number in a manner that does not damage the item.

- c. Client may take possession of the item once the Title of Agreement RS-14 form is completed and the goods are tagged.
- d. DRS staff shall use the To Do feature in AWARE to set up a reminder for taking annual inventory of the goods listed on the RS-14 form, even if the case is closed, until the depreciated value is \$0.
- e. Client shall fully cooperate with DARS staff assigned to take inventory of goods listed on the Title of Agreement RS-14 form. For procedure, [See Policy 7: Section B](#) of this chapter.
- f. Client becomes the owner when the item is fully depreciated using a straight-line method of depreciation and accounting principles established by DARS and the Virginia Department of Accounts in accordance with generally accepted accounting principles (per [§ 2.2-1124 of the Code of Virginia](#) and [§ 51.5-67 of the Code of Virginia](#) ).
- g. On the Amortization Date listed on the Title of Agreement RS-14 form, the item is automatically donated to the client and no counselor paperwork is required.

## [B. Taking Annual Inventory When DARS Retains Title to Goods](#)

**[REVISED: 3/3/14]**

1. While DARS retains title to goods purchased for a client, taking inventory shall (per DARS internal auditor) be done by local office staff other than the counselor who authorized the purchase, to ascertain if the item is still in client possession and being used as intended for VR. Take inventory:
  - a. annually during the life of the case,
  - b. when case closure is pending, and
  - c. annually after VR case closure until the item is fully depreciated.
2. Taking inventory may be as simple as contacting the client by telephone, letter, etc. The supervisor shall determine the criteria under which a physical inspection must be done.
3. The client shall fully cooperate with DARS staff assigned to take inventory of goods listed on the Title of Agreement RS-14 form.
4. Staff shall record the inventory results in a case note in AWARE.
5. For policy on when to retain title, see Policy 7: Section A of this chapter.

## [C. Repossessing Goods from Clients](#)

[REVISED: 3/3/149/15/22]

1. If policy does not require DARS to retain title, the client owns the item upon receipt. However, in consultation with the DARS internal auditor, DRS may repossess any goods the client obtained by collusion, fraud, or illegal means. DRS may accept any goods the client voluntarily returns to DRS due to non-use, provided the goods are in good working order and are re-assignable to the loaner pool or another client.
2. Although DARS retains title to some assistive technology devices, DRS does not repossess them unless the client obtained it by collusion, fraud, or illegal means, or the client is no longer using it and voluntarily returns it in good working order and it can be re-assigned to the loaner pool or another client.
3. Unless the DARS internal auditor justifies a policy exception, the counselor shall repossess all occupational tools and equipment, and initial inventory to which DARS retains title when:
  - a. Client is no longer using the item for the purposes intended, regardless of whether the client wishes to keep the item (per [State Regulation 22 VAC 30-20-120](#)).
  - b. Pending case closure for all cases closed in Closed - Other status, ~~including closure after Post-Employment Services (PES)~~, unless the client needs the item to maintain current employment.
  - c. Client has misused the item, is using the goods for illegal purposes, obtained the goods by collusion, fraud, or illegal means, or has violated the terms of the Title of Agreement RS-14 form.
  - d. Client voluntarily returns the item to DRS because client is no longer using it.
4. If the client does not voluntarily comply with the repossession notice, DARS staff is not required to personally retrieve the goods. Because the goods are state property, state or local law enforcement officers may be available to retrieve the goods.
5. Until reassignment, the counselor must store the item in an appropriate and secure place.
6. The counselor shall not treat the item as state surplus property, or reassign it to DARS staff or non-VR clients. There are several options for reassigning the items:
  - a. Immediately reassign the repossessed item to a different client.
  - b. Notify the DRS regional office of any repossessed computer equipment available for reassignment (to be reassigned to VR client who needs a computer for short-term or evaluation services uses).
  - c. If the item is an assistive technology device, the counselor may notify the DRS regional rehabilitation engineers, or WWRC staff who may know of a VR client who needs it.

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## 8. Client Debts and Loans to Clients

**[Revised: 11/22/16]**

1. DRS shall not (per federal OMB Circular A-87 revised May 10, 2004) pay client bad debts, liens, or judgments; interest payments; client fines, court costs, and similar expenses (such as collection costs, suspended driver license reinstatement fee, etc.).
2. DRS shall not (per 2016 [Federal Regulation 34 CFR § 361.48](#) (g) and 2016 [Federal Regulation 34 CFR § 361.5](#) (b) (35)) authorize home purchases, including down payment, monthly mortgage, or monthly rent. The counselor may authorize monetary support for food, shelter and clothing that are in excess of normal living expenses needed to participate in a VR assessment or Individual Plan for Employment service (see policies on Maintenance, School, Training, and Emergency Shelter).
3. For vehicle, watercraft, or aircraft purchase, see [Chapter 8.21, VEHICLE, Policy 4](#).
4. Monetary loans to individuals are strictly prohibited by DARS VR policy. The counselor may assist the client to apply for a loan from Virginia Assistive Technology Loan Fund Authority to finance the purchase of assistive technology devices.

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## 9. Client Entertainment/Social Activities

[Revised: 4/1/14]

DRS shall not (per OMB Circular A-87 revised May 10, 2004) pay client entertainment expenses, including costs of amusements and social activities.



# Chapter 14.2. - COMPARABLE BENEFIT

## 1. Comparable Benefits

[REVISED: 12/3/189/15/22]

1. Comparable benefits means services and benefits that are provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits; available to the individual at the time needed under the Employment Plan; and commensurate to the services that the individual would otherwise receive from DRS (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(10)).
2. Use of comparable benefits and exceptions  
The counselor shall use comparable benefits before using VR funds, unless it:

**Exception 1:** would interrupt or delay progress towards the employment outcome on the Employment Plan—~~or PES Plan.~~

**Exception 2:** would interrupt or delay or an immediate job placement

**Exception 3:** is a medical, including mental health, service needed to address an extreme medical risk based on medical evidence provided by an appropriate licensed medical professional (per 2016 [Federal Regulation 34 CFR § 361.53](#)). “Extreme medical risk” means a probability of substantially increasing client functional impairment or death if medical services, including mental health services, are not provided expeditiously (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(21)). Emergency procurement procedure may be used in lieu of written authorization; see [Chapter 14.1, PURCHASING, Policy 4](#).

**Exception 4:** is diagnostic, evaluation, and assessment services needed to determine eligibility or VR needs (and assign priority category if DRS is on Order Of Selection). However, if it is a physical restoration service, see [Chapter 8.14, PHYSRES, Policy 1, Section A1](#) and Section D. For Workers Compensation case, see subsection c of this policy. For comparable benefit resources for assistive technology that is durable medical equipment, see [Chapter 8.2, AT, Policy 1](#).

**Exception 5:** is VR counseling, guidance, and referral services, including information and support services to assist the individual in exercising informed choice.

**Exception 6:** is vocational and other training services including personal and work adjustment training, books (including alternative book formats accessible by computer and taped books), tools, and other training materials. However, for training that participates in the financial aid program, see [Chapter 7, SCHOOL, Policy 1, Section A1](#). For Workers’ Compensation cases, for comparable benefits for training services, see [Chapter 5, PLAN, Policy 2](#), Section D6. Additional requirements for Training Employment Plan.

**Exception 7:** is work-related placement services (including job search, job placement, 90-day follow-up services, and follow-along services) provided by DRS staff, not a vendor.

**Exception 8:** is rehabilitation technology (including rehabilitation engineering, assistive technology devices, and assistive technology services). However, if a comparable benefit exists and is readily available, the counselor shall use it first.

**Exception 9:** is information and referral services for clients not assigned to an open priority category if DRS is on Order Of Selection (Rehabilitation Act of 1973 as amended in 1998 Title I Section 101(a)(5)).

**Exception 10:** is not available at the time needed. If a comparable benefit exists but is not available at the time needed, DRS shall provide the VR service until the comparable benefit becomes available. Once the comparable benefit becomes available, the counselor shall use it before using VR funds, and shall obtain reimbursement from the third party for costs DRS incurred that were the third party's obligation, and should advise the client of consumer rights under any applicable law (e.g., Americans with Disabilities Act of 1990, Individuals with Disabilities Education Act).

### 3. Workers' Compensation cases

- a. Workers' Compensation benefits shall be used before other medical insurance (e.g., Medicaid, Medicare, Veteran's Benefits, private insurance) (per [Chapter 5, PLAN, Policy 2, Section D6](#). Additional requirements for Training Employment Plan.
- b. Workers Compensation is not a comparable benefit if the required VR service is not associated with the injury which generated the Workers' Compensation claim (i.e., a secondary disability which a medical report indicates is unrelated to the work-related injury).
- c. The counselor may use VR funds to authorize a VR service when there is documentation that the insurance carrier or self-insured employer refuses to provide a comparable benefit. If the refusal is for a training service, the counselor provides the VR service and should advise the client to request a hearing from the Workers' Compensation Commission. Under no circumstances shall DARS staff personally initiate the Workers' Compensation Commission hearing request.

### 4. Personal injury lien

If the disability is the result of a personal injury and the client has taken, or is planning to take, personal injury legal action, the counselor shall follow policy and procedures in [Chapter 2.1, APPLICATION, Policy 7](#) to establish a lien so DARS can be reimbursed for the cost of the VR services provided.

### 5. Employers and training vendors

Employers and training vendors are only responsible for providing VR clients with goods, paying certification fees, etc. that are provided to all employees in the same job position or to all individuals in the same training program. For example, health insurance or supervisor training is a

comparable benefit if it is an employee benefit and work tools and uniforms are not a comparable benefit if the employer does not provide it to all employees in the same job position. Otherwise, employers and vendors are not considered to be a comparable benefit (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(10)). For employer responsibility under ADA for reasonable job and workplace accommodation, see [Chapter 8.2, AT, Policy 1](#).

6. Consumer responsibilities

The VR client shall be responsible for applying for appropriate comparable benefits identified by the counselor.

7. For comparable benefits resources, see the policy for the specific service.

8. Counselor Role

The counselor shall be responsible for:

1. identifying providers of comparable benefits,
2. assisting the individual in obtaining those resources,
3. documenting efforts undertaken to identify comparable benefits, and
4. documenting available comparable benefits on the Employment Plan, Trial Work Experiences Plan, and Extended Evaluation Plan, ~~and Post-Employment Services Plan~~. For more information on comparable benefit documentation on the Employment Plan, see [Chapter 5, PLAN, Policy](#)

9. Individuals Jointly Served by DARS and the Department for the Blind and Vision Impaired (DBVI)

Comparable benefits, including services to be provided/funded by DBVI, should be included in the individual's IPE. See Chapter 16, [INDIVIDUALS JOINTLY SERVED BY DARS AND THE DEPARTMENT FOR THE BLIND AND VISION IMPAIRED \(DBVI\), Policy 7](#).

# Chapter 14.3. - FINANCIAL PARTICIPATION

## 1. Consumer Financial Participation

[REVISED: ~~4/10/2017~~9/15/22]

1. Definition.

For purposes of consumer financial participation policy, "family" means everyone listed on the same federal income tax return as the VR client for the most recent tax period (January 1 through December 31 of each year), regardless of whether the VR client resides with the family, or is temporarily absent from the home due to extended illness, school, vacation, or military leave (per [State Regulation 22 VAC 30-20-160](#)). For method to determine family size when the VR client or family is not legally required to file a federal income tax return, see [Chapter 12, FORMS, RS-13](#).

**Note:** The DRS definition of family size is different from the definition in the Higher Education Act used by institutions of higher education to determine the student financial aid award package. For school training services that participate in federal financial aid, DRS is bound by the school's determination of family size as defined in the Higher Education Act. The VR client may appeal the school's determination to the school's financial aid office (for procedure, see [Chapter 12, FORMS, RS-25](#)).

2. State option.

DARS Division of Rehabilitative Services (DRS) has elected, as is our option, to consider the financial need of VR clients receiving services under a Trial Work Experiences Plan, ~~or Employment Plan, or Post-Employment Services Plan~~ (per 2016 [Federal Regulation 34 CFR § 361.54](#) and [State Regulation 22 VAC 30-20-160](#)).

3. Applied uniformly.

Consumer financial participation policies and procedures shall be applied uniformly so that equitable treatment is accorded all individuals in similar circumstances (per 2016 [Federal Regulation 34 CFR § 361.54](#)).

4. Public comment.

DRS will hold public meetings whenever there are significant and relevant changes in the consumer financial participation policy, including public meetings to develop or amend the relevant portion of the State Plan for Vocational Rehabilitation Services Program and Supported Employment Services Program.

5. Consumer financial participation and exceptions.

The VR client and family shall share in the annual cost of all VR services provided - unless the service or client is exempt. The consumer financial participation amount is subject to the Client Financial Statement (RS-13) (see subsection B1 of this policy) as well as the other DRS funding policies (i.e., comparable benefits, fee schedule and maximum allowances, lowest cost alternative that meets the client VR needs, self-employment enterprise, Expected Family Contribution for school training that participates in federal financial aid program, etc.). For documentation requirements to support the RS-13, see [Chapter 12, FORMS, RS-13](#).

**Exception 1:** VR clients who are a dependent of a family receiving Temporary Assistance to Needy Families (TANF) are exempt from consumer financial participation (per agency mandate). At application enter TANF cash amount in AWARE and keep proof of amount in client file. Each year before providing fee-based services update RS-13 page 1 and verify continued TANF status (but not amount).

**Exception 2:** VR clients who are a dependent of a family receiving General Relief (GR) cash benefits are exempt from consumer financial participation (per agency mandate). At application enter GR cash amount in AWARE and keep proof of amount in client file. Each year before providing fee-based services update RS-13 page 1 and verify continued GR status (but not amount).

**Exception 3:** VR clients who receive Supplemental Security Income (SSI) are exempt from consumer financial participation (per 2016 [Federal Regulation 34 CFR § 361.54](#)). At application enter SSI cash amount in AWARE and keep proof of amount in client file. Each year before providing fee-based services update RS-13 page 1 and verify continued SSI status (but not amount) (per 2016 [Federal Regulation 34 CFR § 361.46](#) and 2016 [Federal Regulation 34 CFR § 361.47](#) and RSA Manual Chapter 2510.04 issued November 12, 1991).

**Exception 4:** VR clients who receive cash benefits from Social Security Disability Insurance (SSDI) as the disabled worker Claimant or as a disabled adult (at least 18 years of age) receiving SSDI cash benefits through the SSA Child Disability Benefits Program are exempt (per 2016 [Federal Regulation 34 CFR § 361.54](#)) from consumer financial participation. At application enter SSDI cash amount in AWARE and keep proof of amount in client file. Each year before providing fee-based services update RS-13 page 1 and verify continued SSDI status (but not amount) (per 2016 [Federal Regulation 34 CFR § 361.46](#) and 2016 [Federal Regulation 34 CFR § 361.47](#) and RSA Manual Chapter 2510.04 issued November 12, 1991). Clients who no longer receive cash benefits from SSDI but are in the extended period of eligibility for Medicare benefits are not exempt (per guidance in e-mail correspondence from RSA dated June 15, 2006) from consumer financial participation. Clients who receive SSDI Survivor Benefits or Family Benefits are not exempt from consumer financial participation.

**Exception 5:** Family member income from TANF, GR, SSI, and SSDI disabled worker Claimant and SSDI Adult Child Disability Benefits cash amounts is exempt (per 2016 [Federal Regulation 34 CFR § 361.54](#)) from consumer financial participation, but other family member income is subject to consumer financial participation.

**Exception 6:** The following VR services are exempt from consumer financial participation (per 2016 [Federal Regulation 34 CFR § 361.54](#) and [State Regulation 22 VAC 30-20-160](#)).

- a. Eligibility determination assessment to determine eligibility and VR needs assessment (and assign priority category if DRS is on Order Of Selection). However non-assessment services provided under a Trial Work Experiences Plan, Employment Plan, or Post Employment Services Plan are subject to consumer financial participation (per 2016 [Federal Regulation 34 CFR § 361.54](#)).

**Cross-reference:** For consumer financial participation requirements during trial work, see [Chapter 4.02, TRIAL WORK, Policy 1, Section B.](#)

**Cross-reference:** For diagnostic, assessment, and evaluation services, see [Chapter 6, DIAGNOSTIC, Policy 1.](#)

- b. Vocational rehabilitation counseling, guidance, and referral provided by DRS staff (per 2016 [Federal Regulation 34 CFR § 361.54](#)).
  - c. Personal assistance services (PAS) necessary for the VR client to participate in the VR program (per 2016 [Federal Regulation 34 CFR § 361.54](#)). This includes the PAS needs assessment.
  - d. Job-related services, including job search, job placement, 90-day follow-up services, and follow along services (per 2016 [Federal Regulation 34 CFR § 361.54](#)).
  - e. On-the-job training (per [State Regulation 22 VAC 30-20-160](#)).
  - f. Auxiliary aids, interpreter for the deaf services or other reasonable communication accommodations that is required under Section 504 of the Rehabilitation Act of 1973, as amended and Americans with Disabilities Act of 1990 (P.L. 101-336) for the consumer to participate in the vocational rehabilitation program (per 2016 [Federal Regulation 34 CFR § 361.54](#)). However, hearing aids, telecommunication systems, assistive listening devices, alerting devices, and other goods are subject to consumer financial participation. "Auxiliary aid" means taped texts, Braille or large print materials, etc. that make visually delivered materials accessible to the consumer; qualified interpreters for the deaf, note takers, readers, written materials, assistive listening systems (e.g., room loop, individual loop), etc. that make aurally delivered materials accessible to the consumer (per Americans with Disabilities Act of 1990).
  - g. Support services such as transportation, dependent day care, and maintenance, necessary for the VR client to access diagnostic and evaluation services (per 2016 [Federal Regulation 34 CFR § 361.54](#)).
  - h. Project SEARCH services which include only the cost of Milestone 1-Program Enrollment, Milestone 2- Internship, Milestone 3-Placement, and Milestone 4-Closure (see [Chapter 8.24, TRANSITION SERVICES, Policy 1](#)). Other cost services that Project SEARCH students may require are subject to financial participation.
  - i. Pre-employment Transition Services (see Chapter 8.24, Transition Services, Policy 2) Other cost services under an IPE for students with a disability are subject to financial participation policy and Client Financial Statement (RS-13).
6. Required on Plan.  
On the Trial Work Experiences Plan, Employment Plan, or Post Employment Services Plan, the

counselor shall record the amount of consumer financial participation required, if any, for each planned service (per 2016 [Federal Regulation 34 CFR § 361.46](#)).

7. Record in case note.

The counselor shall enter the consumer financial participation percentage and maximum dollar amount in a case note in AWARE.

8. Refusal to submit information.

If the VR client or family does not wish to submit the Client Financial Statement RS-13 form, or does not wish to contribute as required by policy, the VR client shall only receive VR services that are exempt from consumer financial participation.

9. WWRC.

For details concerning the financial participation pilot for services provided through Wilson Workforce and Rehabilitation Center (WWRC) staff, see [Chapter 13, WWRC, Policy 3](#).

10. [Individuals Jointly Served by DARS and the Department for the Blind and Vision Impaired \(DBVI\)](#).

For individuals jointly served by DARS and DBVI, each agency shall apply its own financial participation policies where financial sponsorship of services is involved. See [Chapter 16, INDIVIDUALS JOINTLY SERVED BY DARS AND DBVI, Policy 8](#).

11. Annual update.

The VR client and counselor shall update the Client Financial Statement (RS-13) and required documentation for all VR clients at least annually, usually on the anniversary date. The RS-13 uses previous year financial situation to determine the client contribution to the current year VR costs. The counselor should update the RS-13 sooner if a documented change in the VR client or family financial situation (i.e., family size, annual income, cash assets, disability-related expenses) will significantly reduce or increase the calculated consumer financial contribution. If no VR funds will be spent on the case during the year, the counselor may delay the RS-13 update until planning a service subject to the RS-13. For school training that participates in federal financial aid program, the RS-13 update is required before initiating the RS-25 each year, even if the RS-25 was completed for the previous year.