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## 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 Deaf Blind 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: TBD]**

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).
4. If the referred individual, applicant, or eligible individual is related to a counselor or supervisor by blood or marriage, the direct supervisor of the DRS staff person must notify DOSS to take the necessary steps to restrict the employee's access to the relative's client case record.

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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: TBD]**

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 an individual age 14 to 21 (individuals turned 22 after September 30<sup>th</sup> continue to meet the age requirements of a student with a disability for the remainder of the school year) in a secondary, post-secondary, or other recognized education program who: a.) is receiving special education or related services under Part B of IDEA; or b.) for purposes of Section 504 of the Rehabilitation Act as amended (per 2016 Federal Regulation 34 CFR § 361.5(c)(5)), is an individual with a disability. 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.

Any identified student who needs additional support and who is not meeting or expected to meet the established goals of the educational program (academic, personal/social, career/vocational) could be considered high risk. At-risk students include but are not limited to students in the following groups: homeless children and youth, dropouts, returning dropouts, and potential dropouts.

**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: TBD]**

Use of the AWARE Referral module is required. Contact information for referred and self-referred individuals who are likely to apply for services in the immediate future must be entered into AWARE. The Referral module is 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: TBD]**

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 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: 9/15/22]**

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, 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 presentence 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 presentence 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.

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# Chapter 4.01. - ELIGIBILITY

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

### A. Eligibility Criteria for Vocational Rehabilitation Program

#### A1. Eligibility Criteria

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

An individual eligible for the Vocational Rehabilitation Program when all six (6) of the following federal criteria (per 2016 [Federal Regulation 34 CFR § 361.42](#)) are met. The eligibility requirements shall be applied without regard to the age, gender, race, color, creed, or national origin of the applicant (per 2016 [Federal Regulation 34 CFR § 361.42](#)). The eligibility requirements shall be applied without regard to the income level of an applicant or applicant's family (per 2016 federal regulation and [Chapter 14.3, FINANCIAL, Policy 1](#)).

1. U.S. citizen, or a non-U.S. citizen who has provided documentation of legal eligibility to work in the U.S. (per federal regulation 8 CFR). For documentation requirements for non-U.S. citizens, including those served by public school without a work permit. See [Chapter 2.1, APPLICATION, Policy 1, Section A2](#).
2. A physical or mental disability (see [Chapter 3, DISABILITY, Policy 1, Section A1](#)) documented by a qualified professional (for qualified professional [see Policy 2](#) of this chapter.) No applicant or group of applicants shall be excluded or found ineligible solely on the basis of the type of disability (e.g., HIV positive) (per 2016 [Federal Regulation 34 CFR § 361.42](#)). The individual is ineligible if no physical or mental impairment exists, such as an acute condition with no residual impairment. Some examples of ineligibility include, but are not limited to when only an acute (i.e., broken bone) rather than a chronic condition is observed; when a chronic condition appears to have no or inconsequential effects in a medical sense, etc..
3. The physical or mental impairment constitutes or results in a substantial impediment to employment. Currently employed individuals may qualify for vocational rehabilitation services for the purposes of retaining or advancing in employment. Documentation of serious functional limitation (For SFLs, see [Chapter 3, DISABILITY, Policy 1, Section C.](#)) that is a substantial impediment to employment may rely solely on information from the applicant and others, and counselor observations. An individual with substantial impediment to employment that is not created by a disability is not eligible for the Vocational Rehabilitation Program. An individual with a disability that does not create a substantial impediment to employment is not eligible for the Vocational Rehabilitation Program. Some examples of ineligibility include, but are not limited to, individual is employed on a regular basis in a position more or less in keeping with his or her capabilities; individual is unemployed but the physical or mental condition is so minor that it is not the reason for the unemployment, etc.

4. Presumption of employability. The VR counselor shall presume an individual can benefit in terms of an employment outcome from the provision of vocational rehabilitation services unless the VR counselor can demonstrate, based on clear and convincing evidence, that the disability is too significant for the individual to achieve any employment outcome with VR services. Some examples of ineligibility include, but are not limited to, disability is so severely limiting that there is little chance the individual can achieve an employment outcome; disability is rapidly progressive or terminal (per federal policy directive RSA-PD-03-07 instructions for RSA-911 Report issued September 25, 2003).

For case closure before Eligible status because the disability is too severe for employment, trial work experiences plan is required (see [Chapter 4.02, TRIAL WORK, Policy 1](#)).

For cases in Eligible status and beyond, trial work experiences are not required to justify closure due to severity of disability (per federal policy directive RSA-PD-03-07 instructions for RSA-911 Report issued September 25, 2003).

5. Individual is present in Virginia. Present in Virginia means living (including living at a Virginia school) or working in Virginia. No duration of residence requirement shall be imposed (per 2016 [Federal Regulation 34 CFR § 361.42\(c\)](#)). The VR agency is not obligated to continue Employment Plan services or written plan for trial work approved by another VR agency. If the Employment Plan approved by the VR agency of another state specifically provides for relocation to Virginia, the individual should continue to be served by the other state rather than by Virginia. If an employment outcome requires VR services from both Virginia and another VR agency, the DRS VR counselor should obtain a signed release to contact the counselor in that agency to discuss mutually serving the individual and to request a copy of pertinent case materials. See [Chapter 11, CLOSURE, Policy 1, Section A1](#) for case closure in multiple states during the same federal fiscal year.
6. The DRS VR counselor determines that VR services are required to prepare for, secure, retain, regain, or advance in employment of client informed choice consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests. The eligibility requirements shall be applied without regard to the particular service needs or anticipated cost of the services required by an applicant. A decision regarding the vocational readiness of a high school student shall be made by the DRS counselor in consultation with the student, the custodial parent/guardian, and any other relevant parties including, as appropriate, school personnel, and shall not be made based solely on age.

**Guidance:** Factors to consider in assessing the individual's vocational readiness include, but are not limited to:

Expressed vocational preferences, interests, and needs or expressed interest in exploring

vocational options;

Positive academic and vocational performance patterns;

Demonstrated age-appropriate social and interpersonal skills or willingness to develop and refine these skills;

Demonstrated understanding and acceptance of disability-related needs, or willingness to develop this understanding, etc.

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#### A2. [Presumption of Eligibility and Severe Disability for all SSI clients and some SSDI cases.](#)

**[REVISED: 10/1/15]**

VR Applicants receiving Supplemental Security Income (SSI), or Social Security Disability Insurance (SSDI) cash benefits as the disabled worker Claimant or SSDI cash benefits as the disabled adult child (age 18 or older) are presumed to be eligible and to have at least one serious functional limitation (per 2016 [Federal Regulation 34 CFR § 361.42](#)). This excludes individuals receiving SSDI family benefits, survivor benefits, or SSA retirement benefits because they have not been determined to have a disability by Social Security Administration. The counselor shall state in a case note that the individual is presumed eligible for the VR Program and presumed to have a significant disability and the counselor is gathering additional information to determine if the disability is most significant. For definition of significant disability and most significant disability, see [Chapter 3, DISABILITY, Policy 1](#). This presumption of eligibility does not create an entitlement to any vocational rehabilitation service (per Rehabilitation Act of 1973 as amended in 1998 Title I Section 102(a)(3) and per 2016 [Federal Regulation 34 CFR § 361.42](#)).

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#### A3. [Individuals Jointly Referred to DARS and the Department for the Blind and Vision Impaired \(DBVI\)](#)

DARS and DBVI will make independent determinations of eligibility for their respective vocational rehabilitation programs based on their agency's determination of eligibility policy. See [Chapter 16. INDIVIDUALS JOINTLY SERVED BY DARS AND THE DEPARTMENT FOR THE BLIND AND VISION IMPAIRED, Policy 4.](#)

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## B. Scope of Services in Eligible Status

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

Before the Employment Plan is finalized, the counselor shall not commit to providing non-diagnostic and non-evaluation services and non-assessment services (e.g., college or other training, vehicle or home modification, tools and equipment, assistive technology devices, etc.). Staff may only provide:

1. Diagnostic, assessment, and evaluation services needed to develop the Employment Plan and any VR support services (e.g., PAS, transportation, child care, etc.) – except maintenance — needed to access the services.
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](#).

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## C. Procedure for Eligibility Determination

### C1. Federal Deadline for Eligibility Determination

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

Once an individual meets all application criteria (see [Chapter 2.1, APPLICATION, Policy 5](#)), the counselor must make an eligibility determination as soon as possible but within 60 days (per 2016 [Federal Regulation 34 CFR § 361.41](#)) unless the case is moved into Application -E, Application-T, or Closed-Other status. Failure to make an eligibility determination within the 60 day deadline does not result in the applicant's automatic eligibility for the Vocational Rehabilitation program since an eligibility determination assessment is a required step in eligibility determination (per 2016 [Federal Regulation 34 CFR § 361.42](#)). To extend the deadline and move the case into Application - E, see [Section C2](#) of this policy.

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### C2. Waiver of Eligibility Determination Deadline

**[REVISED: TBD]**

The deadline may be extended when (per 2016 [Federal Regulation 34 CFR § 361.41](#)) an exceptional and unforeseen circumstance beyond the control of the agency precluded a determination within 60 days. Before day 60, the counselor and applicant must have mutually agreed to a specific extension of time, the counselor documented in a case note or letter (supplemented, if necessary, with appropriate mode of communication per 2016 [Federal Regulation 34 FR § 361.18](#) (e)), the circumstance and extension period, and moved the case into Application - E. If it is not practical to select a specific date, it is acceptable to specify the number of days following receipt of requested records or new information still needed to complete the eligibility determination assessment (and, if DRS is under Order Of Selection, information still needed to assign priority for services). DRS staff shall not use Application - E status if the eligibility issue is whether the disability is too severe for an employment outcome. Do not use Application - E status for anyone receiving Supplemental Security Income (SSI), or Social Security Disability Insurance (SSDI) as the disabled worker claimant or as disabled adult (at least 18 years of age) receiving SSDI cash benefits through the SSA Child Disability Benefits Program. The deadline may be extended for all other VR applicants, including recipients of SSDI Family Benefits and Survivors Benefits.

The counselor must obtain and document pre-approval from the appropriate Unit Supervisor/Manager for the first extension and the District Director for the second and any subsequent extensions, as needed, prior to moving the consumer into extension status. Appropriate casefile documentation maintained by the counselor should include an Actual Service Note with the reason for the extension and from whom approval was obtained.

**Cross-reference:** For presumption of eligibility and 1 serious functional limitation for those receiving SSI or SSDI as disabled worker claimant or SSDI cash benefits through the Child Disability Benefits, see section A of this policy.

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### C3. Eligibility Determination Assessment and Required Documentation

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

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

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### C4. Case Closure From Application-E or Eligible Status

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

See [Chapter 11, CLOSURE, Policy 1, Section A3](#).

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## C5. Counselor Qualifications for Workers Compensation Cases

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

The counselor who determines eligibility must meet qualifications in the Workers Compensation Act (see [Chapter 2.1, APPLICATION, Policy 1, Section A1](#)).

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## D. Use of Forms and AWARE Screens In Application-E and Eligible Statuses

### D1. Use of AWARE screens

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

1. Application-E status.  
For all individuals for whom the deadline to determine eligibility has been waived, DRS staff shall complete the Eligibility Determination Extension screen in AWARE to move the case into Application – E (“E” stands for extra time). From Application – E status, DRS staff will move the case into Eligible status, or Application – T status, or Closed – Other status.
2. Eligible status.  
For all individuals who meet the criteria for Eligible status, DRS staff shall complete the Eligibility Determination screen in AWARE. Only the VR counselor or above has security level to enter the Effective Date which moves the case into Eligible Status. From Eligible status, the case will move into Delayed status or Service status or Closed – Other status. When DRS is under Order Of Selection, the VR counselor shall also assign a priority category and follow the Order Of Selection procedures (see [Chapter 2.2, ORDER, Policy 2](#).)

**Cross reference:** For instructions on completing the significant functional limitations and priority category of disability, see [Chapter 12, FORMS, AWARE-16](#).

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### D2. Use of Consumer Information on Development of the Employment Plan form (RS-4b)

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

Upon certifying an applicant eligible for the Vocational Rehabilitation Program, the VR counselor shall immediately provide the client the Consumer Information on Development of the Employment Plan and document this in the case record (e.g., AWARE Eligible Letter, case note, copy of RS-4b in case record). During Employment Plan development, the VR counselor should explain, using the appropriate mode of communication (per 2016 [Federal Regulation 34 CFR § 361.18](#) (e)), the information on the RS-4b.

**Exception 1:** For students with disabilities whose case is expected to remain in Eligible status longer than 90 days, the counselor may delay providing the RS-4b until plan development begins. However, the counselor must note this decision in the case record at time of eligibility certification.

**Exception 2:** if DRS is operating under Order Of Selection, the counselor provides the RS-4b only to clients who are eligible and assigned to an open category and not to clients who are assigned to a closed category. The latter clients are prohibited from receiving services under an Employment Plan (per 2016 federal regulation [Chapter 2.2, ORDER, Policy 2](#)).

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## 2. Procedure for Eligibility Determination Assessment and Documentation

### A. Requirements for Eligibility Determination Assessment

#### A1. Appropriate Setting for Eligibility Determination Assessment

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

The eligibility determination assessment for the Vocational Rehabilitation Program (and assignment to priority category if DRS is on Order Of Selection) must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice (2016 [Federal Regulation 34 CFR § 361.42](#)).

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#### A2. Other Requirements for Eligibility Determination Assessment

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

The counselor may begin to collect existing information that may be necessary for program planning but is not needed for eligibility determination. However, this shall not delay the eligibility determination.

1. To the maximum extent possible, evidence of disability and resulting functional strengths, abilities, and limitations, and impediment to employment should be gathered from counselor observations, education records when applicable, interviews with the applicant (or applicant's family or guardian or representative, as appropriate), information from the Social Security Administration (SSA) for individuals receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), determinations made by officials of other agencies, and from existing documents and reports (per 2016 [Federal Regulation 34 CFR § 361.42](#)).
2. To the extent that existing information does not describe the current functioning of the applicant or is unavailable, insufficient, or inappropriate, the counselor may conduct or purchase additional assessments needed to determine eligibility (and assign priority for services if DRS is under Order Of Selection) (per 2016 [Federal Regulation 34 CFR § 361.42](#)). For eligibility criteria and consumer's

responsibilities regarding diagnostic, assessment, and evaluation services, see policy in Chapter 6 for the specific service.

**Guidance 1:** For individuals convicted of a felony as an adult, the counselor may wish to immediately request the presentence report, crime, and length of sentence information. While the information is not needed to determine eligibility for the Vocational Rehabilitation program, under state law a felony conviction precludes employment in certain occupations (see [Chapter 5, PLAN, Policy 2, Section B1](#)). Therefore, a felony conviction will become a critical consideration when establishing the employment goal. Obtaining this information as soon as possible will facilitate vocational evaluation and Employment Plan development.

**Guidance 2:** During eligibility determination, the counselor should verify the individual's SSI or SSDI benefit status and eligibility for the Ticket to Work. For more information on procedures pertaining to Ticket to Work recipients, see the Ticket to Work procedures in the DRS Forms Cabinet.

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### A3. Initial Interview with Applicant and Counselor

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

See [Chapter 2.1, APPLICATION, Policy 5, Section C1](#).

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### A4. General Health Assessment

**[REVISED: 5/1/10]**

1. The counselor may wish to conduct an assessment of the applicant's general health. Existing information (e.g., interviews with the applicant and Section I of RS-3 Medical Examination form, counselor observations, existing medical records) usually suffices as the general health assessment. The counselor shall use professional judgment with regard to the validity of medical records older than one year. For example, if the functional limitations of the disability do not change over time (e.g., deafness since childhood), a new medical examination is generally not needed.
2. For applicants having a Workers' Compensation case, the need to authorize a general medical evaluation will be rare. The insurance carrier is not obligated to provide the general medical under the Virginia Workers' Compensation Act. The counselor may authorize necessary diagnostic information from Section 110 funds and should make the insurance carrier aware of this. To request medical records for individuals with a Virginia Workers' Compensation case, send the signed Authorization for Use or Disclosure of Protected Health Information (RS-3i) to the Virginia Workers' Compensation Commission, 1000 DMV Drive Richmond Virginia 23220, Attention Clerk Office (or fax 804-367-9740). The RS-3i form should list DRS and Virginia Workers' Compensation 1000 DMV Drive Richmond Virginia 23220 as agencies.

3. For other applicants, the counselor may authorize a general medical examination (using RS-3 Agency Medical Examination Form) if the counselor believes additional medical evidence is needed to make an eligibility determination (and assign priority for services if DRS is on an order of selection). The medical examination and report must be completed by a licensed medical practitioner of the customer's informed choice. However, DRS financial sponsorship is subject to the DRS policies and procedures regarding comparable benefits and purchasing.

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#### A5. Employment History

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

The counselor shall assess the impact of the disability on the applicant's work history (or unstable work history or limited or no work/marketable job skills/job seeking skills). The counselor may use the applicant's resume, interviews with the applicant, and counselor observations.

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#### A6. Education Records and History

**[REVISED: 3/7/12]**

1. The counselor shall obtain a copy of secondary school records for: i) all applicants who are currently enrolled in secondary school, and ii) all youth with disabilities who left secondary school before the age of 22. Where necessary for establishing eligibility, school records should include, but is not limited to the following: courses taken, grades obtained, attendance records, test scores, evaluations by teachers, programs in which the individual made significant progress, and other relevant information. See [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A6](#) for regulations concerning release of special education records.

**Note:** The DRS/Local Education Agency cooperative agreements specify mechanisms for obtaining records in a timely manner. In addition, the Virginia Department of Education maintains a list (available through the DRS Central Office Education Services Coordinator) of regional resources for assistance in obtaining records.

2. For other applicants, counselors should consider the applicant's age and amount of time that has lapsed since secondary school enrollment when deciding whether to request education records and other information from the secondary school. Information obtained through interviews with the applicant may be sufficient.
3. To the extent appropriate, special education records (including the IEP and educational, psychological, medical, or other assessments) may be used to establish that a customer has a specific type of disability for eligibility determination purposes. If there is a question as to whether the educational classification label accurately reflects the individual's primary disability, the

counselor may use existing school information to document the presence of a disability. This label combined with an assessment of impediment to employment (e.g., existing school assessment, counselor observations, interview with applicant and family) is usually sufficient for the limited purpose of determining whether the student is eligible for VR services.

4. Neither an educational classification label nor placement in a specific special education program (e.g., a class for students with intellectual disability) shall by itself be considered sufficient evidence of a specific disability for Employment Plan purposes. Note: The reason for this is that, depending on resources and numbers served, school systems vary in the completeness of the assessment and may serve students with a variety of disabilities in one placement (e.g., student with traumatic brain injury may be classified as "other health impaired," a classroom for individuals with moderate mental disabilities may include individuals with intellectual disability and autism and behavior disorders). After eligibility is certified, the counselor may need to gather additional information about the individual's disability for Employment Plan purposes and may need to amend the disability code.

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#### A7. Assistive Technology Assessment

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

The counselor shall consider referring the individual, if appropriate, for rehabilitation technology assessment or work site assessment (per 2016 [Federal Regulation 34 CFR § 361.48\(b\)](#), and 2016 [Federal Regulation 34 CFR § 361.42](#), and 2016 [Federal Regulation 34 CFR § 361.45](#)).

For eligibility criteria and procedures for rehabilitation technology assessment, see [Chapter 6.07, AT ASSESSMENT, Policy 1.](#)

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#### A8. Personal Assistance Services Assessment

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

The counselor shall consider referring the individual, if appropriate, for personal assistance services assessment (per 2016 [Federal Regulation 34 CFR § 361.48\(b\)](#)).

For eligibility criteria and procedures for personal assistance services assessment, see [Chapter 6.02, PAS ASSESSMENT, Policy 1.](#)

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#### A9. Psychological and Psychiatric Assessment Information

**[Revised: 4/1/13]**

Presence of a psychological, mental, or emotional disorder shall be documented by qualified personnel (per 2016 [Federal Regulation 34 CFR § 361.42](#)). The diagnosis alone is insufficient because an impediment to employment caused by the disorder, or caused by diagnosis of the disability itself, may not be clear. Therefore, when eligibility is based on a psychological, mental, or emotional disorder, or learning disability, DRS shall require a psychological report from a physician, psychologist (clinical or school), licensed clinical social worker (LCSW), or licensed professional counselor (LPC) or clinical nurse specialist (CNS) who is licensed or certified to treat such disorders as documentation of the disability and impediment to employment.

**Guidance:** Existing psychological reports can be obtained from schools, private psychologists, hospitals, mental health clinics, etc. Existing information older than one year may be used when the counselor believes it is still valid. Otherwise, the counselor may purchase a new assessment and report.

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## A10. Alcohol and Substance Abuse Assessment Information

**[REVISED: 3/16/23]**

### 1. Documentation.

Presence of alcohol or other substance abuse (legal or illegal) disabilities shall be documented by qualified personnel (per 2016 [Federal Regulation 34 CFR § 361.42](#)). Under state law ([§ 38.2-3412.1 of the Code of Virginia](#), [§ 54.1-2900 of the Code of Virginia](#), [§ 54.1-3506 of the Code of Virginia](#), [§ 54.1-3507 of the Code of Virginia](#), [§ 54.1-3508 of the Code of Virginia](#), [§ 54.1-3600 of the Code of Virginia](#), [§ 54.1-3601 of the Code of Virginia](#), and [§ 54.1-3700 of the Code of Virginia](#), and [State Regulation 18 VAC 90-19-220](#), and [State Regulation 18 VAC 90-30-120](#), and [State Regulation 18 VAC 115-20-130](#) qualified personnel are: a licensed physician (M.D.), psychiatrist; doctor of Osteopathy (D.O.); psychologist (clinical or school); certified substance abuse counselor (CSAC); marriage and family therapist (MFT); substance abuse treatment practitioner (SATP); clinical nurse specialist (CNS); psychiatric nurse practitioner; nurse practitioner licensed in a specialty to treat alcoholism, drug abuse, or substance abuse; a non-master's degree level but certified addiction counselor (CAC) employed by a facility or program licensed to provide treatment for alcoholism, drug abuse, or substance abuse; licensed professional counselor (LPC); or licensed clinical social worker (LCSW).

**Guidance 1:** If necessary to establish eligibility (and priority category if DRS is on Order Of Selection), consider requesting additional existing information, with the individual's informed written consent, from the courts, probation and parole officers, treatment programs, the applicant, and other appropriate sources. Documentation that will assist the counselor in making an eligibility determination includes the individual's history of alcohol or substance abuse, reactions to treatment efforts, and the consequences of the documented abuse as it affects the individual's ability to obtain or maintain employment.

**Guidance 2:** Alcohol or drug dependency is rarely the sole issue in the individual's vocational rehabilitation. There are often concomitant medical (e.g., liver, stomach, heart) and psychological factors (e.g., depression, personality disorder) which should also be assessed to determine the impediment to employment.



**Guidance 3:** Even if the person is unemployed at the time of application, the counselor must determine if the unemployment is due to the disability (including any secondary disabilities) rather than other reasons.

**Guidance 4:** Trial work experiences. If the individual has undergone repeated treatment efforts and has been unsuccessful in maintaining abstinence from alcohol or substances, the counselor may consider whether the individual's disability is too severe benefit in terms of an employment outcome. In these instances, it may be appropriate to conduct a trial work experiences for the sole purpose of determining whether the disability is too severe. In keeping with the presumption of benefit provision, the counselor shall examine treatment records and discuss with the consumer why previous efforts at abstinence have failed. The counselor must judge whether these efforts failed due to lack of motivation or inadequate treatment (e.g., previous "treatment" consisted of attending a support group whereas more formal counseling or medical treatment is needed) rather than due to severity of disability. Positive indications of ability to benefit may include, but are not limited to, the following:

- a. Demonstration of abstinence for a period to be determined by the counselor on a case-by-case basis and specified in the Trial Work Experiences Plan. More than one relapse is usually sufficient reason to determine that the individual cannot benefit from VR services in terms of an employment outcome.
- b. Voluntary participation in support group (e.g., Alcoholics Anonymous or Narcotics Anonymous, group sponsored by church, SMART Recovery program, Life Ring Recovery program, voluntary after-care program, etc.).
- c. Participation in a community mental health or other treatment program (including any mandatory after-care program).

**Guidance 5:** If the individual has remained clean and sober for an extended period and has no other disabling conditions, a review of the intake questions and the subsequent vocational implications of this disability may assist the counselor in determining whether an individual has a substantial impediment to employment and requires vocational rehabilitation services. Consider how long the individual had remained clean and sober, current functional limitations, employment history, if the individual is currently employed or underemployed and for how long, does the previous alcohol or substance abuse history continue to impact the individual's ability to obtain and retain suitable employment, and other factors. If the counselor determines that a substantial impediment to employment does exist, document how and why the client has not been able to make a satisfactory adjustment or obtain/retain employment due to the substance use disorder.

**Guidance 6:** Functional Limitations may include:

- a. Psychological: memory loss, impaired judgment, decision-making, dexterity, handling of stress/criticism, concentration, impulse control, motor coordination, unrealistic goals/expectations, etc.,
- b. Interpersonal: dependency, anxiety, isolation, denial, inaccurate self-appraisal, etc.,
- c. Physical: dexterity, motor coordination, alertness, safety awareness, etc.

## 2. Treatment.

Due to limited DRS resources, DRS shall not pay for treatment (per [Chapter 2.1, APPLICATION, Policy 1, Section A11](#)). Therefore, if the service needed is a payment source for treatment rather than to eliminate or substantially reduce the impairment's effect on employment, then the individual does not require

vocational rehabilitation services and would not meet the VR eligibility criteria. Such individuals should be referred to other community resources for treatment.

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#### A11. Intellectual Disability Assessment Information

**[REVISED: 3/7/12]**

1. A psychological report including a standardized intelligence test and a standardized adaptive skills test is required when eligibility is based on intellectual disability (per agency mandate). This information may come from school records and available independent evaluations.
2. A measured intelligence quotient, in and of itself, or school placement in a special education program is insufficient diagnostic evidence of the existence of intellectual disability. However, an IQ score can be helpful in evaluating the readiness for academic training.
3. The behavioral component is more meaningful in determining need for services and whether the consumer can benefit in terms of an employment outcome. Functional limitations including emotional, etiological, and environmental factors must be documented (e.g., formal testing, counselor observation, interviews, and case history review).

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#### A12. HIV/AIDS Assessment Information

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

1. Applicants who have HIV or AIDS shall not be determined eligible or ineligible solely on the basis of an HIV or AIDS diagnosis.
2. An individual in Phase I or Phase II HIV infection who has no other disability may not have functional limitations and therefore, may be ineligible due to the absence of an impediment to employment.
3. Even if the HIV/AIDS diagnosis does not result in functional limitations, potential employers may regard the individual as having impairment to employment. Documentation of inability to obtain employment due to HIV/AIDS is required to support an eligibility determination (per 2016 [Federal Regulation 34 CFR § 361.47](#)).
4. Some individuals in Phase II or Phase III may be so limited by the frequency, duration, severity of their infections or symptoms that they are unable to function in employment or services leading to employment. The case must be placed in trial work experiences before being determined too severe.

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### A13. Brain Injury Assessment Information

**[REVISED: 10/1/01]**

1. For the most appropriate time to assess a person with a brain injury, see [Chapter 2.1, APPLICATION, Policy 1, Section A13](#).
2. If existing information is inadequate to determine eligibility, the counselor may consult the Director of Brain Injury and Spinal Cord Injury Service in the DRS Central Office, or WWRC Brain Injury Services program staff.
3. If existing information is inadequate to determine eligibility, a short-term evaluation may be conducted by the WWRC Brain Injury Services Program staff or purchased from service providers. For cognitive rehabilitation services, see [Chapter 8.14, PHYSRES, Policy 1, Section A5](#).

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### A14. Learning Disability Assessment Information

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

A psychological report is required when eligibility is based on learning disability.

**Guidance 1:** Learning Disability manifestations may be subtle or may present as other types of problems, such as lack of motivation or emotional disorders. Therefore, functional limitations may not be obvious.

**Guidance 2:** Non-academic characteristics (e.g., attention, reasoning, processing, memory, communication, coordination, social competency, emotional maturity) may have greater adverse impact on employability.

**Guidance 3:** The counselor should describe the functional limitations in a manner that clearly identifies the behaviors; frequency, intensity, and duration; precipitating factors; and explains the serious employment related consequences and cites the sources (per federal program assistance circular RSA-PAC-90-7 issued September 28, 1990).

**Guidance 4:** In determining whether or not the disability is significant (versus non-significant) the counselor should consider educational achievement, perception, language, cognition, and behavioral functioning.

**Guidance 5:** In obtaining more focused assessments, the VR counselor should consider a variety of approaches (e.g., work evaluations, work trials, standardized tests, situational assessments, role play, client self-reports, counselor observations, interviews with the individual, family, and employers, and a review of the individual's history). For a student or recent graduate, school personnel and school records may be a good source of specific information on inappropriate behaviors; interpersonal relationships with peers and teachers; problems with attention, memory, and organization; self-care, etc.

**Guidance 6:** Obtaining accurate knowledge about the level of intervention or accommodation an individual requires to function adequately provides insight into the severity of the functional limitations.

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#### A15. Visual Disability Assessment Information

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

1. Applicants with visual acuity in the better eye after correction of 20/60 to 20/100 may be eligible.
2. Applicants may be eligible if the combined loss of acuity in both eyes is 25 percent or more with best correction.
3. Applicants with no vision in one eye may be eligible if the applicant:
  - a. Has never held a job and there is clear and convincing evidence that depth perception is an impediment to employment, or
  - b. Is unable to drive a car or truck due to blindness, or
  - c. Has been consistently refused employment because of lack of binocular vision, or
  - d. Cannot return to previous job because of vision loss.
4. Applicants with vision between 20/70 and 20/200 in the better eye with best correction or those having a visual field limitation between 20 and 30 degrees may be eligible if such individuals have adjusted to their loss of vision and can be considered feasible for placement as seeing persons.

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#### A16. Medical Specialist Information

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

1. To the extent that existing information is unavailable, insufficient, or inappropriate, the counselor may purchase a medical specialist examination that is appropriate to the disability. Medical specialist examination may be appropriate when recommended by the DRS medical consultant, when recommended by the practitioner who completed the general medical examination (unless the DRS medical consultant deems a specialist examination unnecessary), or when the counselor deems it essential to determine eligibility (and priority for services if DRS is on Order Of Selection). For medical specialist policy, see [Chapter 6.01, MEDICAL DIAGNOSTICS, Policy 2](#).

2. Consult the supervisor when there is doubt, or when there is disagreement between the medical consultant and the counselor. The counselor must explain in the case notes why a recommended specialist examination was not obtained.
3. For cardiovascular disease, the counselor should obtain a medical report that includes the therapeutic classification and gives guidelines as to physical work limitations.
4. The specialist's report may be in narrative form when preferred by the specialist.
5. Any licensed medical practitioner receiving payment under the vendor number of the specialist may provide the exam and report.

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#### A17. Laboratory Information

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

The counselor may purchase additional laboratory information (e.g., blood test) to the extent needed to determine eligibility (and priority for services if DRS is under Order Of Selection). See [Chapter 6.01, MEDICAL DIAGNOSTICS, Policy 1](#).

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#### A18. Social History and Mental Illness

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

Social history information which can assist in determining eligibility may include, but is not limited to, a summary of the individual's relationship with family members, relationship with supervisors and co-workers in the workplace, and relationships within the community.

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### B. Using Diagnostic, Assessment, and Evaluation Reports

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

See the policy for the specific service.

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## C. Maximum Allowance for Diagnostic, Assessment, and Evaluation Services

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

For medically- and mentally- recognized diagnostic, assessment evaluation, and tests, see Maximum Allowance section of [Chapter 8.14, PHYSRES, Policy 1, Section C](#).

For other diagnostic services, refer to [DRS Services Reference Manual](#).

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## 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: TBD]**

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.

The counselor must obtain and document pre-approval from the appropriate Unit Supervisor/Manager for the first extension and the District Director for the second and any subsequent extensions, as needed, prior to moving the consumer into extension status. Appropriate casefile documentation maintained by the counselor should include an Actual Service Note with the reason for the extension and from whom approval was obtained.

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: 3/16/23]

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.
- iii. **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.
- iv. **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.
- v. **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.

- vi. 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](#).
- vii. 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](#)).
- viii. 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.
- ix. 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.).
- x. 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.).
- xi. Planned services include services provided at no charge by DRS staff, such as counseling and guidance and job placement services.
- xii. 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.
- xiii. The IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) include statements concerning the expected need (yes, no/unknown) for Post-Employment Services (PES) after 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, see [Chapter 8.22, POST EMPLOYMENT, Policy 1](#).

- xiv. 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).
  - xv. 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](#).

i. **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. Participation in an Individualized Placement and Support (IPS) program satisfies this requirement. Due to limited DRS resources, DRS shall not (per [Chapter 2.1, APPLICATION, Policy 1, Section A11](#)) pay for treatment.

**Guidance 1:** All issues pertaining to the individual's other responsibilities (e.g., transportation, VR counseling sessions, etc.) should be listed in the IPE.

**Guidance 2:** Vocational rehabilitation and other employment services provided pursuant to an Individualized Placement and Support (IPS) program are not considered DRS payment for alcohol or substance abuse treatment as prohibited by this section.

- 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). If the individual is participating in an Individualized Placement and Supports (IPS) program, incremental abstinence progress measures may be established as an alternative.
- iii. If the individual has a relapse, the counselor shall initiate an evaluation at DRS expense. Continuation of services on the IPE may 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). For clients participating in and Individualized Placement and Support (IPS) program, complete abstinence may not be required. Alternative progress measures may be established.

**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.

**Guidance 4:** In coordination with the individual's recovery plan and support activities, a period of vocational rehabilitation guidance and counseling under an IPE may be initiated to resolve disability adjustment issues, plan or refine services and strategies that will support recovery and will lead to employment. The following guidance should be considered:

- Services connected to an IPE can be initiated when the individual is actively engaged in his or her recovery. Due to limited DRS resources, DRS shall not (per Chapter 2.1, APPLICATION, Policy 1, Section A11) pay for treatment.
- When considering the recovery needs of the individual, the counselor should remain flexible regarding abstinence prior to the initiation of vocational rehabilitation services.
- Schedule regular contacts with the individual early and throughout his/her VR case to provide guidance and counseling, to include ongoing recovery, aftercare activities and strategies to prepare for engaging in employment.
- Assist the individual to develop strengths-based strategies to help him or her succeed with their current IPE.

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

Progress Measure (Participating in an Individual Placement and Support Program): Work is an important part of my recovery. In order to make meaningful progress towards recovery, I will participate in an IPS Supported Employment Program connected with my treatment team. I will meet with my treatment team, IPS Employment Specialist and VR Counselor at least monthly, utilize agreed upon supports and follow through with responsibilities listed in my Job Support

Plan in order to successfully obtain and maintain employment. This will be evidenced by self-report, confirmation during treatment team meetings/case staffing and continued employment.

Progress Measure (Participating in an Individual Placement and Support Program): Through participation in IPS Supported Employment and working with my treatment team, I will work towards recovery. I will review with my treatment team, IPS Employment Specialist and VR Counselor when substance use is interfering with my job. This will be measured through self-report, treatment team report, supervisor report IPS Employment Specialist report.

- m. **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."
- n. **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.
  - a. 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).

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## 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: TBD]**

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 (IEP). SE services shall not be provided before Service status.
3. Following movement to extended services, VR services unavailable from an extended services provider, may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (54) (iv)) be provided as a Post-Employment Service (PES) 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, unless the services provided are otherwise exempt. 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 14.3. - FINANCIAL PARTICIPATION

### 1. Consumer Financial Participation

**[REVISED: TBD]**

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 Regn 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 (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, if applicable) 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 and placement assistance, job retention services, follow-up services, and follow along services (per 2016 [Federal Regulation 34 CFR § 361.54](#)). (Note that the exemption of job-related services may include some supported employment services.)
- 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 Program Enrollment; Internships; and Placement and Training Supports. (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.

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