

## **June 1, 2023 minutes**

### **Rehabilitation Council**

#### **Policy Committee**

11:00 am– 12:30 pm

#### **Attendees:**

- SRC Members: Sarah Wiles (Ex-Officio), Christine Tosti, Inez Canada, Kevin Goodwin (Ex-Officio)
- MRC staff: Amy Karr

Please Note: This meeting was held remotely.

#### **1. Introductions**

Because the Policy Committee chair, Naomi Goldberg, was unavailable, Ms. Wiles led this meeting.

#### **2. Approval of February 2023 minutes:**

Ms. Wiles called for a motion to approve the February 2023 minutes. Mr. Goodwin motioned to approve the minutes. Ms. Canada seconded. Ms. Wiles asked whether there were any corrections to the minutes. The February 2023 minutes were approved with no corrections.

#### **3. Discussion and Review of Draft Fact Sheets**

Ms. Wiles and Ms. Goldberg had worked on these sheets, so they come from the perspective of the Client Assistance Program (CAP). Open to feedback. Each sheet was reviewed separately, and the sections of each sheet were discussed in order.

##### **a. Financial participation sheet (See Draft financial participation.docx.)**

- Overview of Financial Participation in VR  
The goal of this section is to emphasize that VR cannot tell a consumer whether something will be paid for until knows specific of consumer's situation.
- Do I have to pay for my VR services?  
In the discussion of the list of VR services provided without a financial needs test, a suggestion was made to expand the item "job-related services."
- Examples of VR services subject to a financial needs test  
It was suggested that the "maintenance and transportation" bullet be modified to replace "and" with "or" or to separate into two bullets. Maintenance costs that VR can pay for are things exceeding normal living expenses, something someone did not anticipate having to pay for but must pay for to participate in VR services, such as one-time moving costs. For example, a pharmacy student being assigned to a site located hours away from home. If "maintenance" is to be included it should be explained. Ms. Wiles stated that she will clarify maintenance better and separate it from transportation. It was explained that "medical restoration" is included in a consumer's Individual Plan for Employment (IPE) because it does impact VR participation. This is ongoing medical service a consumer is participating in, and is usually paid for by the consumer's insurance.

- What is a financial needs test?

Ms. Wiles stated she thinks the second paragraph is full of verbiage. It was suggested that there be examples of consumers with different financial backgrounds. Most but not all consumers are on benefits. Of those not on benefits, most but not all are low income.

- Do I have to take a financial needs test if I have low income?

It was suggested that this section should include that VR determines eligibility by using the objective measure of 300% or below federal poverty level. It was also suggested that it be clarified that the consumer's Social Security Administration (SSA) benefits must be because of their own disability, not of a parent or guardian. It was noted that people in low-income situations are particularly vulnerable.

- What are comparable benefits?

Ms. Wiles believes this section is confusing, but it is included because it is in the regulations and IPE.

- VR services that are not subject to comparable benefits are

- Can VR put a cap on the money they spend toward my services?

This section is included because it sometimes comes up. It is trying to explain that a VR agency can design a fee schedule, but it must not be so low to deny services. MRC does have "maximum obligation" in the policies but cannot specify an absolute dollar limit.

b. Due Process and Appeal sheet (**See Draft Due Process and Appealing VR Decisions with CAP.docx.**)

There was a general suggestion to bold certain words for emphasis.

- Overview of Due Process in VR:

VR has an obligation under federal law to give a written notice of due process rights even if a denial was verbal. If a service was denied it probably was not in IPE, so it was suggested to change wording from "whether the service is included in their Individual Employment Plan (IPE) to something such as "not consistent with goal." If a service is in the IPE VR cannot deny it.

Ms. Wiles thought they had drafted an IPE fact sheet in which it specifies that if something is not included in IPE there's a right to request an amended IPE.

- How CAP helps

CAP can be an advocate, but a consumer can also appeal on their own. It was suggested to move this section to the very end of the sheet. The consumer should understand that they can appeal with any advocate, such as a family member or someone from an Independent Living Center (ILC). The consumer should know that CAP is an option, but not the only

option, and that the process will not be different with different advocates. Ms. Wiles liked that addition to empower consumers.

- Reviewing VR Case File

It was suggested to include information on how someone can view their case file. There was concern that there may be stigmatizing information and/or opinions in the case file. Sometimes consumers do prefer to have someone else review their file. A consumer can request a note can be added to correct an error or discrepancy.

- Levels of Appeal

The phrase “with or without CAP” in the second sentence will be changed to “with or without an advocate.” It was suggested to add that sometimes a formal appeals process can be avoided by providing additional documentation.

- Administrative Review

There was concern that there may be a DEI-related issue because a consumer may not have documentation about having a specific disorder or needing a service. A consumer may not know how to be accurately accessed for a diagnosis and determination of what services they need. Having an advocate may be helpful in this case. It was suggested that examples of documentation that has led to favorable outcomes may be provided, or an explanation as what serves as documentation in this case.

- Mediation

Ms. Wiles struggled with including this section, she has never used this herself. MRC is not obligated to provide mediation if a consumer requests it. But mediation is included in MRC documentation about appeals and does appear in the regulations. However, it is not used frequently. It may be hurtful to have a request for mediation denied. It was suggested that it should be made clearer that mediation is not used often. It was also suggested to include an explanation of what the mediator’s role is, that a mediator has a specific role and skill set, and that mediation is different than having conversation facilitated by a moderator.

- Fair hearing

It was suggested to add that this a fair hearing is a very formal process. Both sides must present their positions and maybe bring witnesses to support their position. There is a statement that the next option after a fair hearing is to appeal in court, but it was suggested that the consumer be informed that important issues can be decided in court.

There was a discussion of the accessibility of the documents, such as for individuals who cannot see or hear. Perhaps a video format may be considered in the future for individuals who do not get information through reading.

After the discussion at this meeting, Ms. Wiles will read through both sheets with a critical view towards the language and jargon used. Because she works in CAP, she is familiar with these terms in a way consumers may not be. There was a suggestion to create skits with actors in the roles of consumer, VR counselor, mediator, etc. Ms. Wiles stated she will think about that.

Ms. Wiles encouraged members to contact her if they had additional comments/questions not expressed at the meeting.

Ms. Wiles does not think there is a hard deadline for the fact sheets, but will check with Ms. Goldberg. The goal is to present them at a full SRC meeting at the next opportunity. Then may recommend MRC provide these to consumers in a packet, and also post online. CAP is planning to put these or similar documents on its website.

#### **4. Review of Appeal Decision Update**

Ms. Wiles will check with Ms. Goldberg about this, and follow up with the committee over email.

#### **5. Other input**

The next Policy Committee meeting is on August 3 at 11:00 am.

The meeting was adjourned at 12:17 pm.