

VR Basic

1. Vocational Rehab regulations 34 CFR Part 361
The goal of the VR program is to help individuals with disabilities “prepare for, secure, retain, and advance in or regain employment.” §361.42 (a) (1)(iii)}
2. Each State and Territory of the United States has a public VR system
VR is part of a broader workforce investment system
Each VR program operates under a state plan that must be approved by Rehabilitation Service Administration (RSA) which is part of the U.S. Department of Education
State Rehabilitation Council (SRC) must be consulted and provide input
Each state must have a Client Assistance Program that is located in an agency outside of the VR program
3. VR Eligibility
To be eligible for VR an individual must have a physical or mental impairment that is a substantial impediment to employment and needs vr services to prepare for, secure, retain, advance in, or regain employment AND can benefit from VR services
4. VR Eligibility
SSI and SSDI beneficiaries are presumed to have a disability that is a substantial impediment to employment and to presumed to need VR services to prepare for, secure, retain, advance in, or regain employment
5. VR Eligibility
Eligibility determination must be done within 60 days
If VR agency determines that a person cannot benefit from VR due to their disability they must provide a clear and convincing evidence that they cannot benefit. This evidence can only come from Trial Work Experience which evaluates the ability to work and assesses abilities, capabilities, and capacity to work. Must be in realistic work settings that are competitive and integrated.
6. VR Eligibility
Eligibility for VR is made from medical and educational records, determinations made by other government agencies, information from the applicant/family, observations from counselor
If there is insufficient documentation to review or information is outdated, VR agency may have to provide additional assessments. Multiple TWEs may be required to make this determination.
If found not to benefit, VR must review in one year.
7. After eligibility:
Meet Assigned VR Counselor
Learn about the VR process
Learn about consumer rights, and responsibilities, and Client Assistance Program

Sign documents

Discuss employment interests and experience

VR will conduct career assessment to help consumer determine an employment goal

Decide on employment goal and prepare to draft the Individualized Plan for Employment

8. Individualized Plan for Employment (IPE)

Critical document that outlines the individual's employment goal and the specific services the VR agency will provide in support of that goal

Developed as soon as possible, but no later than 90 days from eligibility for services

Details about services to be provided including services provided by a third party

Based on informed choice of the individual

Jointly developed by the individual (with or without support) and the VR counselor and signed by both parties

Determine who will provide the service, where, and how- must be based on informed choice, timelines

Reviewed annually and can be amended at any time to reflect changes in employment goal, services needed, or change in service provider

IPE has employment goal/outcome, services required to achieve goal, agreed by both parties and signed

IPE should be done after 90 days, reviewed annually, amended any time

9. Employment Goal/Outcome

Specific outcome that will be achieved with respect to entering, advancing in, or retaining employment

Employment outcome must be competitive and integrated full or part time work

Dictates what services should be in the Individualized Plan for Employment (IPE)

Must be selected by the individual and consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice

If an individual is unsure of these and what to choose as an employment goal, the VR agency must conduct an assessment.

10. Common examples of VR Services

Vocational training (e.g., funding for post-secondary education)

Occupational licenses, tools, or equipment

Counseling, guidance, job placement

Medical restoration

Transportation to participate in VR services

Maintenance (support over and above normal living expenses)

Consultations to support clients with self-employment as a vocational goal

Other goods and services necessary to reach the employment goal

11. Common Service Issues in VR

Communication issues with vocational rehabilitation counselor

Employment goal is not what the client wants, or the client wants to change it and MRC will not agree
Not satisfied with the employment vendor that's helping with the job search
Job Placement is taking a long time
Disagree with the jobs that fit their interest abilities based on a VR or vendor Career Assessment

12. Financial Policies

34 CFR 361.50(c) - Payment for services.

VR agencies must establish and maintain written policies to govern the rates of payment for all purchased vocational rehabilitation services.

May establish a fee schedule designed to ensure a reasonable cost to the program for each service, if the schedule is -

Not so low as to effectively deny an individual a necessary service; and

Not absolute and permits exceptions so that individual needs can be addressed.

The State unit may not place absolute dollar limits on specific service categories or on the total services provided to an individual.

13. Financial Needs Test

The federal vocational rehabilitation regulations allow agencies to consider whether a client can help pay for their VR services (i.e., conduct a "financial needs test"). Agencies must put financial policies in writing.

The following VR services are exempt from financial needs tests:

Trial work experiences

Assessment for determining vocational rehabilitation needs

Vocational rehabilitation counseling and guidance

Referral and other services

Job-related services

Personal assistance services

Any auxiliary aid or service (e.g., interpreter, reader, or other services needed to participate in VR

14. Exemption for SSI/DI

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) beneficiaries are exempt from financial needs tests.

Such clients are not required to contribute to the cost of their VR services.

VR can consider comparable government and health insurance benefits before paying.

VR can assist these individuals with finding other sources of funding that the individual would not have to pay back, if the search would not delay the VR services.

15. VR Services not subject to Comparable Benefits

Per federal regulation 34 CFR § 361.53(b), all VR consumers may receive the following services without considering *comparable benefits*:

Assessments for determining eligibility and for determining VR needs

Rehabilitation counseling and guidance

Job-related services (e.g., job search and placement assistance, job retention services, etc.)

Rehabilitation technology (devices and aids)

Referral to other workforce development providers

Post-employment services

16. VR Case Closure

The employment outcome has been achieved.

The employment is maintained for at least 90 days, is stable, and the individual no longer needs VR service.

The individual and the VR counselor agree the individual is satisfied and is doing well in the job

17. Responsibilities - Vocational Rehabilitation Counselor

Meet with the client regularly and keep scheduled appointments. Counselors are encouraged to schedule standing meetings with clients.

Explain how VR works. Answer questions about agency's policies and processes.

Inform client of right to appeal if a service is denied.

Review IPE on a yearly basis and amend as needed.

Help identify resources to assist the client in meeting the employment goal.

18. Responsibilities – VR Client

Keep scheduled appointments with VR; client should tell them as soon as possible if they cannot attend an appointment.

Consider scheduling a regular check-in meeting with the counselor to discuss how services are going and address issues as they arise.

Maintain a current copy of and be familiar with the IPE.

Remember the IPE is an agreement which a client should uphold, including any commitments to complete training and treatment.

Keep a record of communications and other important VR-related documents.

Communicate to the counselor changes that will impact VR services as soon as possible. (e.g., change of college major, transfer into a program, change in employment status, and updated contact information.)

*** Be proactive about services always!

19. How CAP Assists

CAP's work may include:

Discussing how vocational rehabilitation can work best for a client
Informing a person of their rights and responsibilities under the vocational rehabilitation regulations; and
Helping a person receive the services for which they are eligible by:

Recognizing red flags to proactively problem solve with clients or the VR agency
Resolving problems for a person through informal advocacy with the VR agency,
Representing a client at VR appeals and hearings, and
Referring a client to other services or resources they may need.