

# American Indian Vocational Rehabilitation Training and Technical Assistance Center (AIVRTTAC)

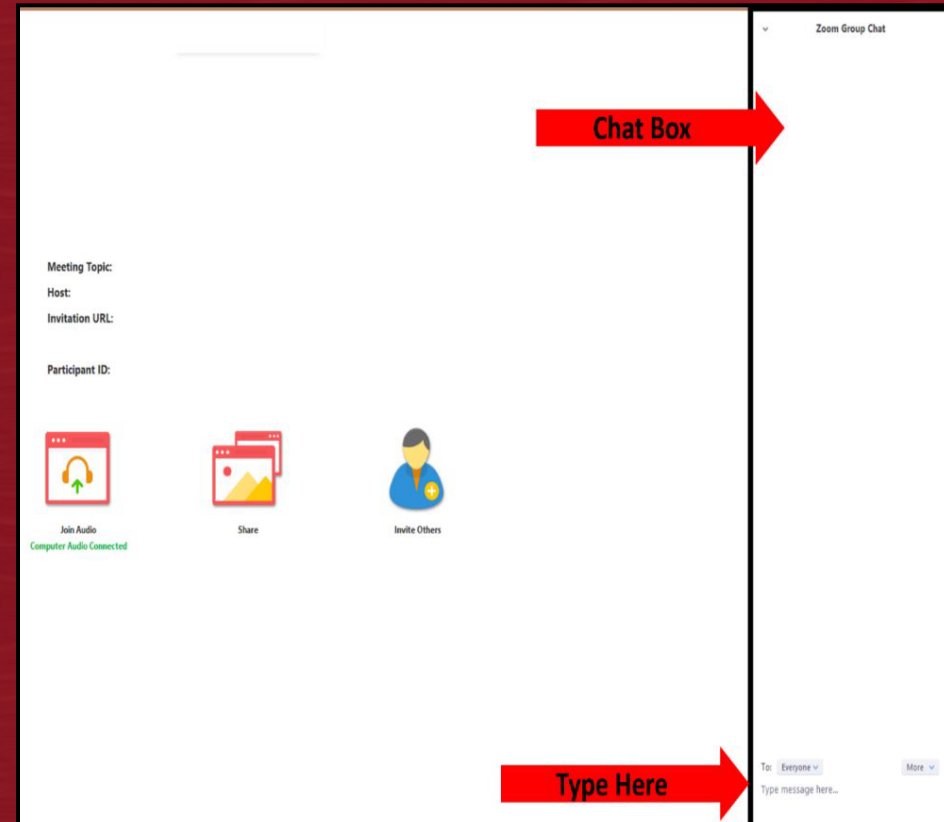


The contents of this PowerPoint were developed under a grant from the Department of Education. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government. (Authority: 20 U.S.C. 1221e - 3 and 3474)

# Instructions

While in Zoom, please use the Chat Box on the bottom right of your screen and enter:

- Your Name and Job Title
- Your Program Name
- Name everyone that is joining you
- Your Tribe's Greeting



# General Guidelines for Participating through Zoom

- When someone is speaking and you want to chime in, enter your comments in the Chat Box.
- The narrator will respond to the Chat Box comments and provide you the opportunity to talk.
- Questions, comments, and recommendations are welcome.
- Everyone's experience is valued, please share, and allow time for others to share as well.

# **Webinar:**

# **VR Process: Application and Eligibility**

July 9, 2020

Jamie Emanuel, MS, CRC

Suzanne Malson, MS

Wayne Dagel, MS, LPC

# Learning Outcomes

**Upon completion of the Webinar participants will be able to:**

<b>LO-1</b>	<b>Complete an appropriate Application for TVR Services</b>
<b>LO-2</b>	<b>Better understand importance of completing an accurate Determination of Eligibility</b>
<b>LO-3</b>	<b>Learn the steps to requesting important supporting documentation of disability, as well as what type of documentation are most effective in the Application and Eligibility process</b>
<b>LO-4</b>	<b>Develop your individual program practices and apply practices that are most effective in creating a streamlined Application and Eligibility process for applicants and the program.</b>

# VR Process

## Step 3: Application (1)

The application is the step of the VR Process that assists in gathering pertinent information used to determine eligibility or ineligibility for VR services.

The pertinent identifying information may include disability, work experience, academic achievements, social involvement, medical history, and legal history.

The VR Counselor must determine eligibility or ineligibility within 60-calendar days after an application is completed and submitted. An individual is considered to have applied for AIVR services when the applicant has completed, signed, and submitted the application.

# VR Process

## Step 3: Application (2)

### **Assessment**

If additional documentation is required to verify disability status, an external assessment process needs to take place after an application is received and prior to eligibility determination.

A diagnostic assessment serves several purposes.

- To determine if the applicant has a physical or mental impairment that constitutes a substantial impediment to employment
- To determine whether anticipated services will have a discernible impact on the ability to obtain, maintain, or retain employment
- To identify and evaluate the essential characteristics of the causes of the barriers in preparing for, obtaining, maintaining, and/or retaining employment

# VR Process

## Step 3: Application (3)

### **Extension of the Eligibility Determination**

An extension of the eligibility decision may be considered if the following circumstances exist:

- A Trial Work Plan is being utilized to explore the applicant's ability, capability, and capacity to perform in work situations.

The Trial Work Plan must be developed no later than the 59th day after the date of application.

- Clear evidence exists which indicates circumstances beyond the control of the AIVRS Program will prevent the decision of eligibility within the 60-day timeframe.

If approved, the extension of eligibility form must be signed and dated by the applicant and staff no later than the 59th day after the date of application.

# VR Process

## Step 3: Application (4)

### **Trial Work Experience**

A Trial Work Experience must be provided when, because of the severity of the applicant's disability, the VR Counselor finds insufficient assessment data to determine whether the applicant can benefit from vocational rehabilitation services in terms of a competitive integrated employment outcome. In such cases, prior to any determination of eligibility/ineligibility, the VR Counselor must conduct an exploration of the applicant's abilities, capabilities, and capacity to perform in a realistic work situation to have available clear and convincing evidence to make an appropriate decision regarding eligibility.

A Trial Work Plan is a written plan to assess an applicant's ability to perform in work situations through the use of a Trial Work Experience or extended evaluation. If a trial work plan is developed, trial work experiences will be conducted in competitive and integrated employment settings over a sufficient period to determine by clear and convincing evidence the ability or inability of the applicant to benefit from VR services in terms of an employment outcome.

# VR Process

## Step 3: Application (5)

### **Trial Work Experience Cont.:**

The trial work experience must also include a rehabilitation technology consultation.

Under limited circumstances, if an applicant cannot take advantage of a trial work experience, or if options for trial work experiences have been exhausted before the VR Counselor is able to obtain sufficient evidence for an eligibility decision, the VR Counselor will discuss with the applicant how or why VR services are not appropriate and will move forward with the case closure.

# VR Process

## Step 3: Application (6)

### **Goals**

The goal of the APPLICATION process for the applicant is to begin the VR Services process. The following steps are a part of this process.

- Verify an application is complete and signed by the applicant and VR Counselor
- Collect necessary information, documents, and/or assessment information to determine eligibility for VR services
- Confirm an applicant has indicated that they are able and willing to complete the assessment process
- Once the case is opened, it is immediately moved into application status to prepare for Eligibility Determination
- Copies of all determining documentation are placed into a newly established applicant case file

# VR Process

## Step 3: Application (7)

### Examples

See examples below of APPLICATION activities, resources, and forms

- Example of APPLICATION activity

If an extension is needed for assessment, collection of medical documents, or other necessary items to determine eligibility, and those items are not going to be processed within the required time frame of 60 days, the VR Counselor must create an agreed upon extension date with the applicant or close case

- **APPLICATION** forms and resources

Presumed Eligibility

Extension of Eligibility

Application form signed by applicant – click on tools section to see example of completed form

# VR Process

## Step 3: Application (8)

### APPLICATION Checklist

- Release of Information(s) signed
- Medical documentation collected by applicant/applicant
- Copies of picture identification, tribal membership, driver's license, social security card (visually verified by VR Counselor, no copies), other documents
- Client Assistance Program documentation completed and provided to applicant, case note
- Application case notes completed

Next step ELIGIBILITY (within 60 days)

# VR Process

## Step 4: Eligibility (1)

The AIVRS Program is the only tribal unit designated to determine whether a person is eligible to receive vocational rehabilitation services. The intent of the eligibility process is to define the nature and scope of vocational rehabilitation services. Eligibility must be determined within 60-calendar days following the submission of the completed application.

*34 CFR 371.21(b)*

# VR Process

## Step 4: Eligibility (2)

Six Criteria used to Determine Eligibility of an AIVRS Program Applicant

1. The applicant has proof of membership in a State or Federally recognized tribe.
2. The applicant must reside "on or near" the reservation and/or within the designated tribal service area.
3. Applicant must have a documented physical or mental impairment(s) that creates a substantial impediment to employment.
4. The applicant can benefit in terms of an employment outcome from VR services provided by an AIVRS Program
5. The applicant requires AIVRS services
6. The applicant requires VR services to prepare for, enter into, engage in, or retain employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

# VR Process

## Step 4: Application Eligibility

Documents that may be used to verify Applicant's Eligibility for AIVRS

- Tribal Certification: Tribal Membership Card, or a Certificate of Degree of Indian Blood (CDIB) Card, if a Tribe uses CDIBs, or any other proof that a Tribal Nation may use to identify Tribal membership
- School records (e.g., an Individualized Education Plan)
- Medical records (most current/within 2-3 years)
- Documentation from outside vocational and psychological evaluations
- SSI and/or SSDI documents, Title II or Title XIV of Social Security Act (see Presumptive Eligibility below)

# VR Process

## Step 4: Eligibility (3)

### **Presumptive Eligibility**

Presumptive eligibility may be considered if the applicant is either an SSI or SSDI recipient. It is presumed that an applicant with a physical or mental impairment that constitutes a substantial impediment to employment will benefit from AIVR services.

If an applicant is receiving SSI and/or SSDI, and has been verified by the AIVRS Program, the applicant is presumed eligible for vocational rehabilitation services.

However, an VR Counselor may find convincing evidence that an applicant is incapable of benefitting from vocational rehabilitation services in terms of an employment outcome due to the severity of an applicant's disability.

# VR Process

## Step 4: Eligibility (4)

### **Presumptive Eligibility Cont.:**

Convincing evidence for an employment outcome can be demonstrated by providing a trial work experience or through an extended evaluation period, as appropriate.

The Trial Work Experience or Extended Evaluation occur while in applicant status in order to explore the applicant's abilities, capabilities, and capacity to perform in a work situation to demonstrate whether the applicant can achieve an employment outcome.

# VR Process

## Step 4: Eligibility (5)

### Extension of Eligibility Determination

An extension is required if the determination of eligibility exceeds 60-calendar days after the signed application is submitted, and is acceptable if:

- (1) A trial work experience needs to be completed or
- (2) More evidence is needed to substantiate that the applicant has a disability.

# VR Process

## Step 4: Eligibility (6)

### Evaluation Options from External Sources for Determining Severity of Disability

1. Psychological evaluation
2. Assistive technology assessment
3. Reasonable accommodations
4. Evaluation to assess the work site environment for those with more severe disabilities

### Ineligibility Determination

In all instances where a VR Counselor determines that an applicant does not meet the requirements for eligibility, the record of services must include a determination of ineligibility, dated and signed by the VR Counselor, documenting the reasons for the ineligibility determination. Ineligibility decisions made because of the severity of a disability must be based on clear and convincing evidence and requires a trial work experience prior to closure. CAP services are to be provided to applicant.

# VR Process

## Step 4: Eligibility (7)

Case Open Application status:

- A case is opened when a applicant completes and signs the Application for VR Services
- The VR Counselor signs the Application for VR Services

Case Open Eligibility status:

- Once the VR Counselor signs off on an eligibility statement and/or creates a case note to support eligibility decisions
- All internal documents and external eligibility documents are placed in applicant's case file

### Forms Associated with Eligibility

The following forms associated with Eligibility should be signed by both the applicant and the VR Counselor.

- Release of information: Indian Health Services, Behavioral Health, and Specialized Physicians, etc.
- Other forms specific to the AIVRS Program (Determination Worksheet, Health Assessment, Psychological Evaluation, etc.)
- Consent to Share Confidential Information
- Functional Limitations (optional)

# VR Process

## Step 4: Eligibility (8)

### Goals

The goals of ELIGIBILITY are as follows.

- To help an applicant to better understand their impediments to employment
- To help the applicant and VR Counselor in determining what VR services could assist in overcoming employment obstacles
- To determine if the applicant will benefit from VR services
- To determine if the applicant is eligible for VR Services

# VR Process

## Step 4: Eligibility (9)

### Examples

See examples below of ELIGIBILITY activities, resource, and forms.

- Examples of ELIGIBILITY activities

If an extension is needed for collection of medical documents, etc.; create extension

If no supporting documentation or assessments for disability exist; close case

Perform assessment, if needed to determine eligibility

- Eligibility forms and resources

Certificate of Eligibility Tool/Webinar

Certificate of Eligibility/Ineligibility Tool

Eligibility Determination Case Note or Closure before Eligibility Case Note

# VR Process

## Step 4: Eligibility (10)

### ELIGIBILITY Checklist

- If presumptive eligibility, SSI/SSDI documentation
- List of functional limitations
- Major life areas affected (i.e.: inter-personal skills, works skills, self-direction, etc.)
- List of service needs
- Eligibility extension if further testing or assessments needed
- Eligibility determination case note
- Medical documentation/assessments to determine eligibility (stated disability with date/doctor name)

Next step IPE Development (within 90 days)

# SAVE THE DATE!

## Upcoming Webinars:

- IPE Development Series: Part 1  
10-11:30 AM (MST)  
July 14, 2020
- IPE Development Series: Part 2  
10-11:30 AM (MST)  
July 21, 2020
- IPE Development Series: Part 3  
10-11:30 AM (MST)  
July 28, 2020

# End-of-Event Survey

Please do not forget to complete the webinar survey!  
We need your feedback for continual improvement in the  
AIVRTTAC training and technical assistance.