

## Scope of Rehabilitation Services

### Chapter 11

- 11.00 **Vocational Rehabilitation Services.** Vocational rehabilitation (VR) services are any services described in an IPE necessary to assist an individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.
- 11.01 **Choice and Service Providers.** Individuals or their representatives are permitted to choose an individual or an entity to provide services; however,
1. The providers of choice must be qualified and, where applicable, licensed by the state and/or appropriately accredited to perform such service or must meet VR's standards for vendor qualification.
  2. If the individual selects a provider out-of-state and there are qualified service providers in-state, the individual with a disability shall agree to pay the excess travel and service costs.
  3. The counselor must request approval for out-of-state services except when the individual chooses service providers in Southern Georgia or Alabama because of the close proximity to his or her home. [Reference Chapter 15]
  4. In the event the individual chooses a service provider who will not accept VR's highest allowable fee and agrees to pay the excess, the individual should document this in a signed statement, which is placed in the case record before provision of the service.
  5. Providers of professional and paraprofessional services to individuals with disabilities shall meet the minimum standards established in Section 503 and 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Civil Rights Act, and all applicable state and federal licensing requirements and procurement laws.
- 11.02 **Counseling and Guidance.** Counseling and guidance, including information and support services to assist an individual in exercising informed choice [Reference: Chapter 4, Section 4.03], shall be provided and documented from the time of application until the time of case closure and extends through the provision of post-employment services.
1. Examples of counseling and guidance include:
    - a. Informing each individual and eligible individual through appropriate modes of communication about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the rehabilitation process.
    - b. Assisting the individual in making decisions related to the provision of assessment services.
    - c. Assisting the individual in making choices about the procurement of services.
    - d. Providing and assisting eligible individuals in acquiring information related to the employment outcome, vocational rehabilitation services needed to achieve the employment outcome, the service provider, the employment setting, the settings in which the services will be provided, and the methods available for the procurement of services.

- e. Providing counseling regarding disabilities and employment.
2. Not every case entry has to involve counseling. There is a variety of valid and significant case entries other than counseling.
  - a. Counseling entries should state the purpose of the counseling session, summarize what occurs, and document what the expectations of the counselor and the individual are at the conclusion of the session. Although counseling entries are summaries, they should be detailed enough so that a reviewer understands the problem and can appraise the counselor's effectiveness in assisting the individual to achieve resolution.
  - b. Documentation of the provision of other services should confirm the connection of the counseling relationship to those services.

11.03 **Referral and other services** are those services designed to assist individuals with disabilities in securing needed services from other agencies.

11.04 **Assessment** includes those diagnostic and related services, which are necessary to the determination of eligibility and the nature and scope of services to be provided, as appropriate, to the individual.

1. **Work Site Evaluation.** A work site evaluation may be used to obtain an assessment of an individual's skills and abilities to perform specific job tasks. The duration of such an evaluation is generally brief and is determined by the complexity of the job.
2. Documentation of the assessment must be included in the case record.

11.05 **Personal Assistance Services** encompass a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

1. Personal Assistance Services may only be provided in support of other planned service(s); such as an individual who is engaged in a training program, including supported employment, or in an employment situation prior to rehabilitation.
2. An individual shall be paid or reimbursed for personal assistance services when these services are listed in the IPE.
3. The individual shall employ and train the personal assistant. The personal assistant will not be an employee of VR.
4. The individual and the counselor shall jointly determine if the individual requires training in the selection, compensation, and training of a personal assistant.

11.06 **Maintenance.** Maintenance is defined as monetary support provided to customer or eligible individual for those expenses that are in excess of normal expenses and that are necessitated by the services offered by VR. Maintenance does not include support for the discharge of court-ordered obligations or indebtedness of any kind incurred prior to or subsequent to an application for rehabilitation services.

1. The need for maintenance as determined by an expense analysis may be provided at any time from application through post-employment services.

2. The cost of maintenance shall not exceed the amount of increased expenses caused by participation in assessment or vocational rehabilitation services.
3. Consideration of comparable services and benefits is necessary and must be documented in the record of services.
4. Maintenance is provided to support and derive the full benefit of assessment activities or vocational rehabilitation services.
5. Maintenance may not be provided as a single service.
6. Transportation should not be considered maintenance but rather treated as a separate item.
7. Maintenance can cover an individual's basic living expenses, such as food, clothing and shelter if these expenses are in excess of normal expenses and are necessitated by the individual's participation in assessment or the IPE. The costs to be defrayed by the provision of maintenance must be itemized on the Expense Analysis (Reference: Field Services Operating Procedure [FSOP] – Budget Worksheet and Expense Analysis). In instances of one time provision of maintenance (maximum total under \$200), a case entry will suffice.
8. Maintenance is not intended to be a substitute for general assistance payments or to protect an individual's resources. Debts incurred prior to application for rehabilitation services are not a consideration in the determination of maintenance needs.
9. A request for approval must be obtained when maintenance is provided in the following amounts. Listed beside the amount is the entity which grants the approval:
  - a. \$750 or more - area director
10. Maintenance, which extends beyond six months, requires a review by the counselor and individual to ascertain whether the financial situation has changed. This review must be done in each increment of six months and documented in the record of services. If the maintenance amount is \$200 or more and extends beyond six months another request for approval must be submitted.
11. Maintenance warrants may be paid to the individual, an outside party, or a vendor.
12. Maintenance warrants will be distributed by mail unless the consumer requests to be allowed to receive it at the unit office. There must be justifiable reasons for this such as an unsecured mail receptacle or concern that it may be stolen. No maintenance payments will be directly handled by the authorizing counselor. The supervisor/supervisor's designee or counselor analyst should handle distribution of warrants.

#### 11.07 **Occupational Licenses, Tools, Equipment and Initial Stocks and Supplies**

1. Occupational licenses shall include any license, permit, or other written authority required by a state, city or other governmental unit to enter an occupation or enter self-employment.
2. State purchasing regulations must be followed in purchasing tools, equipment, and supplies. [Refer to Chapter 10]
3. A request for approval – Area Level must be obtained when the licenses, tools, equipment and/or initial stocks and supplies are \$1,000 or more.
4. Contracts for many commonly used items are competitively awarded by the Florida Department of Management Services, Division of Purchasing. VR is required to use such contracts.
5. If the aggregate cost of occupational tools is less than or equal to \$1,000, such Occupational Tools shall become the property of the individual immediately upon the purchase thereof.

6. If the aggregate cost of the occupational tools exceeds \$1,000, such occupational tools shall become the property of the individual upon purchase; however, title and ownership to such occupational tools shall revert back to VR upon written demand by VR, provided circumstances exist justifying the closure of the individual's case for reasons other than a successful completion of the IPE. When title to such occupational tools reverts to VR, the individual who received such occupational tools shall make them immediately available to VR.
7. DVR/BCL-1295 Receipt for Equipment Issued for Items Over \$1,000 will be completed on all equipment assigned to or reclaimed from an individual.
8. Occupational tools shall meet the requirements of the employment - the counselor must obtain written verification from the individual's employer of the specific occupational licenses, tools, equipment, initial stocks and supplies necessary for employment prior to initiating the authorization process. Occupational licenses, tools, equipment, initial stocks and supplies provided for self-employment must be contained in the individual's approved business plan. The supervisor may not approve any authorizations for occupational licenses, tools, equipment, initial stocks and supplies for employment without documentation. [Reference Chapter 9, Section 9.01(9) and Chapter 15.]
9. VR retains the right to provide the individual with previously used occupational tools.
10. The Area Office Automation Analyst (OAA) and Contracted Rehabilitation Technology Service Provider (CRTSP) are excellent resources for consultation on the purchase of computers and related equipment. The OAA may consult on technology and hardware issues and compliance with purchasing regulations.
11. Purchase of non-adaptive computer and related equipment of \$3,000 or more shall have approval by the area director. Computers with adaptive equipment prescribed by a CRTSP do not require approval. [Reference Chapter 15.]

**11.08 Technical Assistance** [Also refer to the Self-Employment and Supported Self- Employment Best Practice and Informational Guide]

1. Self-employment and supported self-employment with a viable business plan are considered acceptable employment outcomes. This option must be consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The individual must directly contribute to the operation of a business service, development of a product, or perform a core function of the business. VR provides services to support this outcome. The services are described in an IPE as necessary to assist an individual to prepare for, secure, retain, or regain an employment outcome.
2. Self-employment is defined as working for oneself with direct control over work and with prices for products and/or services set to make a profit. It may be carried out through sole proprietorship, partnerships, or for profit corporations. Self-employment does not include passive investing in businesses operated by others or through not-for-profit or franchise businesses.
3. Prior to the development of an IPE with an employment outcome to be achieved through self-employment, the counselor will assess the individual's skills, abilities, capabilities, and support needs for self-employment. During IPE development, the counselor and the individual shall address together new business establishment considerations and strategies.

4. An IPE will be developed stating VR's responsibility when the business plan has been developed and the proposed business is agreed to be a viable business. If additional services are needed to achieve the proposed business, an IPE amendment is required.
5. VR funds the establishment of a new business where the business can reasonably be seen to have a likelihood of success, as indicated by an appropriate business plan and other information.
  - a. The determination that a self-employment business plan meets this criterion will be made by the counselor in consultation with the individual and others involved in the business planning process.
  - b. VR's funding support normally extends only to start-up costs necessary to establish a new business. Start-up costs are limited to the amount approved and duration specified in the business plan, consistent with request for approval policy/field services operating procedure (FSOP), and subject to approval in an IPE or IPE amendment. (Reference: Chapter 15.) Such costs may include, but are not limited to:
    - i. Initial stock and supplies
    - ii. Rent or lease of business space
    - iii. Necessary occupational tools and business equipment
    - iv. Necessary vendor services to support the business (legal, accounting, etc.
    - v. Initial marketing and advertising costs
    - vi. Necessary assistive technology devices and services specifically applicable to the business
  - c. If an individual chooses self-employment as a type of employment and VR agrees, the IPE will be signed by both the counselor or counselor analyst and the individual. The services may include preparation of a business plan through the assistance of a Certified Business Technical Assistance Consultant (CBTAC). CBTAC's may be authorized to assist with any of the following services:
    - i. Initial self-employment exploration meeting(s)
    - ii. Business concept development
    - iii. Market research and benefit analysis
    - iv. Marketing plans and business financials
    - v. Business Plan
    - vi. Business implementation assistance
      - Business plan implementation activities may include any legitimate support during launch necessary to the individual's getting the business to operational status. These activities and number of hours must be detailed in the approved business plan.
      - Business plan implementation activities are to be approved by the counselor in terms of the activity and of the hours at the authorized hourly rate.
      - Implementation hours shall be approved incrementally such as would appear reasonable in the circumstances, e.g., for a month at a time.
      - CBTACs shall submit a report to the counselor for completed hours, including a justification for additional implementation hours. VR will not pay implementation hours engaged in without the counselor's written prior approval or for activities inconsistent with the implementation activity approved.
      - Implementation hours over the course of a launch lasting several months are expected to decline as operational status is approached.

- vii. CBTACs may be authorized to provide any implementation activities determined to be necessary to the launch of the business as specified in the approved business plan.
- viii. Only in the event of extenuating circumstances, such as, but not limited to, the unavailability of other qualified vendors, the counselor may authorize the CBTAC to provide such support services determined necessary to the launch of the business (e.g., other goods and services, marketing, legal, and accounting assistance), in addition to the projected business implementation activities specified in the approved business plan. The counselor must request approval for these authorizations from the area director. All requests must be in writing and include justification.
  - For the purpose of this provision, the term CBTAC means the CBTAC who has developed the business plan and an entity in which the CBTAC has an ownership, management, operational, or other financial interest.
- d. VR may provide services necessary to stabilize and retain a small business only when an eligible individual has an existing business which for reasons related to the individual's disability requires:
  - i. changes to the product, services, or methods of operation of the business, or
  - ii. resumption of the operation of a business that has been disrupted, suspended, or interrupted.
- 6. Throughout the self-employment process, the counselor must review and evaluate all related information provided by the CBTAC and individual, especially in regards to the viability of the individual's business. If the counselor determines that the business is not viable for the individual, the counselor will assist the individual in establishing another desired employment outcome
- 7. VR will not support an individual's self-employment plan for:
  - a. a business speculative in nature
  - b. a business organized as a hobby
  - c. a business organized as not-for-profit
  - d. refinancing of existing debt
  - e. an existing business expansion
  - f. an unlawful or a socially repugnant business
  - g. a franchise business
- 8. Case Closure Considerations
  - a. The business plan shall include criteria to be considered in determining whether closure of the individual's case as successfully rehabilitated is warranted.
  - b. Criteria to be considered without limitation include the following in respect to achievement and trend:
    - i. sales
    - ii. customer base
    - iii. cash flow
    - iv. profit/loss statement
    - v. equity position
    - vi. need for VR support
    - vii. stability for at least 90 days in self-employment; stability for at least 150 days in supported self-employment
    - viii. counselor or counselor analyst and individual agreement
    - ix. reliance on public benefits

(Refer to Chapter 18 of the Counselor Policy Manual for additional requirements for determining if an individual case is considered Successfully Rehabilitated.)

9. For purchasing requirements, refer to Chapter 10 of the Counselor Policy Manual.
10. **Telecommuting** is defined as a work arrangement whereby employees are allowed to perform the normal duties and responsibilities of their positions through the use of computers or telecommunications at home or another place apart from the usual place of work. Generally, the employee will be required to sign a contract or agreement of understanding reflecting the terms of employment.
  - a. Services that may be required in conjunction with the employment training are time management training, organization skills, adaptation of computer equipment, work site modification, child or elder care.
  - b. In many instances, employers provide the equipment and training for the telecommuter. VR may provide consultation and adaptation of equipment if necessary. In situations where the individual is responsible for providing equipment and cannot do so, VR may purchase the equipment. Equipment requirements must be documented by the employer.

#### 11.09 **Interpreter Services, Telecommunications and Other Technological Aids**

The following services may be provided when the individual requires such services in assessment, to benefit from services, or to achieve an employment outcome.

1. Interpreter services (which may include, but is not limited to, a native language, American Sign Language, or tactile interpretation), note taking services, and communication devices shall be provided, as appropriate, to individuals to enable their full participation in the assessment for, development of, and completion of the rehabilitation program. Wherever possible, the need for such services shall be communicated to VR prior to the first meeting with a counselor. [Reference: Guidelines for Interpreting Services for Individuals with Hearing Loss – Part A.]
2. Telecommunication devices shall be provided where appropriate and when without them the individual would be unable to participate fully in the assessment, services offered by VR, and an employment outcome.
3. Any evaluation of the individual's needs and the appropriate method of meeting those needs shall be provided by duly licensed providers. Evaluation for listening devices shall be conducted by certified audiologists.
4. Any training in the use of technological devices shall be provided by a vendor approved by VR after consultation with the individual with a disability.
5. Individualized prescriptions and fittings for technological aids and devices shall be provided only by individuals licensed in accordance with Florida licensure laws or by appropriate certified professionals.

#### 11.10 **Other Goods and Services.** Other goods and services may be provided which are necessary to determine vocational rehabilitation potential, or which can reasonably be expected to benefit the individual in terms of an employment outcome.

1. Situations may arise in which an individual's participation in VR necessitates a need for monetary support for food, shelter and clothing, but the needed expense(s) is not in excess of the individual's normal living expenses. For example, an individual must work less than

his/her normal working hours to participate in a work evaluation, a training program or recuperate from a medical procedure. This reduction in hours may cause an undue hardship on the individual. In these situations, the expense shortfall deemed to be essential to the individual's rehabilitation may be paid as Other Services Not Elsewhere Classified.

2. Services authorized under this fee code cannot be paid to the individual, but only to the vendor to whom the payment is due.
3. The amount of monetary support provided requires the similar levels of approval and periodic reviews as maintenance. (Reference: VR Counselor Policy Chapter 15, FSOP – Request for Approval)
4. The counselor must obtain written verification from the individual's employer of the specific goods and services necessary for employment prior to initiating the authorization process. Other goods and services provided for self-employment must be contained in the individual's approved business plan. The supervisor may not approve any authorizations for other goods and services for employment without documentation. [Reference: Chapter 9 and Chapter 15.]

**11.11 Services to Family Members.** Services may be provided to family members of the individual when necessary to the vocational rehabilitation of the individual. A family member means any relative by blood or marriage and other person living in the same household with whom the individual has a close interpersonal relationship.

Examples of services that may be provided to family members are; daycare, family therapy, interpreting services, and training in use of medical equipment, transportation, and short-term personal assistance services.

**11.12 Transportation.** Transportation, including adequate training in the use of public transportation vehicles and systems, may be provided in connection with the provision of any other service needed by the individual to achieve an employment outcome. Transportation is not to be provided as a single independent service to the individual. The counselor shall explore, determine and document in the case record the most cost efficient and appropriate transportation option.

1. The counselor shall explore the ability of an individual to utilize existing transportation resources to participate in vocational rehabilitation services. Transportation resources shall include, but are not limited to:
  - a. The individual's current mode of transportation, includes private owned vehicle;
  - b. The reasonableness of using other modes of transportation, such as:
    - i. Taxicabs, carpools, co-workers, volunteers or attendants
    - ii. Paratransit, public transit or other community services. VR shall use the Florida Commission for the Transportation Disadvantaged coordinated transportation system for provision of transportation services to consumers when possible.
2. Reimbursement for transportation in a privately owned vehicle shall be determined by the following formula, taking into account the individual's unique circumstances and any available comparable services and benefits. To compute the amount paid for mileage, multiply the mileage for one trip by the number of trips; then multiply that number by the average cost of gas per gallon; then divide this figure by the average gas mileage of the vehicle in question. (See formula below)

- a. Amount Paid for Mileage =  $\frac{(\text{Mileage per trip} \times \# \text{ trips}) \times \text{Avg. Gas Cost}}{\text{Average Gas Mileage}}$
  - b. An individual who requests mileage reimbursement for transportation in a privately owned vehicle must present a valid driver's license.
  - c. If the individual is not a driver, the individual must provide a plan to the counselor that describes how he/she will utilize family members, personal care attendants or others as drivers in support of the rehabilitation plan. The counselor will document this in the case record.
3. Vehicle Repairs.
- a. "Used vehicle" means a vehicle that has been titled and registered to at least (1) owner or has been used as a demonstration model.
  - b. Repairs or costs for used vehicle operation may be made if they are necessary for the individual to participate in vocational rehabilitation services.
  - c. The individual must meet the conditions referenced in Section 11.12(2) above and present a current vehicle registration document for the vehicle considered for repair. A copy of the vehicle registration must be maintained in the individual's case record. If the individual is not the owner of the vehicle, the individual must also present a written and signed statement from the vehicle owner that this vehicle is provided to the individual for use during his/her rehabilitation program.
  - d. If it is determined that used vehicle repairs are necessary, an estimate on a Used Vehicle Inspection Form completed by a National Institute of Automotive Service Excellence (ASE) Certified Mechanic is required to document the cost of repairs.
  - e. Upon receipt of the completed Used Vehicle Inspection Sheet, the trade-in value of the used vehicle to be repaired shall be determined by reference to generally accepted valuation methods. The maximum amount that VR will expend on repairs for the life of the used vehicle is one and one-half times the trade-in value in the absence of special circumstances.
    - i. The counselor shall utilize the Vehicle Repair Checklist (DOE/VR-BFS0002) to verify that all requirements have been documented prior to vehicle repair services being authorized.
4. Vehicle modifications should be considered only after every other transportation option has been explored and only after it has been determined that vehicle modification is the most cost efficient and appropriate approach for the individual and VR. VR shall not authorize a vehicle modification when the individual can effectively utilize public transportation or other means of transportation. [Reference: 11.12(1).]
- a. Vehicle modification shall be provided only as part of an approved IPE, in conjunction with other services to support the attainment of a specific vocational goal. [Reference: Chapter 14, Section 14.07]
5. Transportation may include relocation and moving expenses necessary to achieve the employment outcome.

11.13 **Job-related Services.** This includes job search and placement assistance, job retention services, follow-up services, and follow-along services. The counselor will provide or assure placement services. Placement services are provided to identify suitable available employment, to assist individuals in preparing for, securing, maintaining, or retaining employment, and to assure

satisfaction of the employer and individual. Examples of placement and follow-up services include:

1. Employer contacts
2. Collaboration with other organizations involved in manpower assistance
3. Job analysis/modification
4. Study and interpretation of employment trends and economic outlook
5. Individual and group counseling in job seeking/retention skills and current potential job openings
6. Consulting and advising on job adjustment for individual and/or employer
7. Assistance with affirmative action programs and ADA
8. Selective placement
9. Follow-up activities until job stabilization, but for no less than 90 days

11.14 **Post-Employment Services (PES)** means one (1) or more of the services identified in § 361.48(b) that are provided subsequent to the achievement of an employment outcome, but prior to case closure. These services are necessary for an individual to maintain the employment placement, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. [Reference: [RSA FAQ 22-03 Post Employment Services](#) (RSA Frequently-Asked Questions – Post-Employment Services); 34 CFR §361.5(c)(41) and 361.48(b).]

1. To receive PES, the following requirements must be met:
  - a. The individual achieved an employment goal.
  - b. The individual's case must be in Employed status.
  - c. The services required are related to the original impairment.
  - d. The services are available to meet rehabilitation needs that do not require comprehensive and complex services.
  - e. The services are limited in scope and duration.
  - f. Services must be provided prior to closure.
2. When PES are necessary, the counselor and the individual must develop an amended IPE identifying the additional services needed. [Reference: Counselor Policy Manual, Chapters 4, 8, and 11.01.]
  - a. Maintenance, transportation, and personal assistance are provided only in support of other services.
  - b. Identify the estimated End Date.
  - c. Document in a case note and on the amended IPE:
    - i. the individual is receiving PES;
    - ii. why the specific PES are necessary; and
    - iii. the criteria for evaluating progress.
  - d. Employment Services may be provided during post-employment when a new referral is made to the provider.
3. The notification of denial of PES shall be made in a manner consistent with the procedures contained in Chapter 3, Section 3.02, Determinations and Review Procedures.
4. If the individual does require more comprehensive services, a new rehabilitation effort should be considered.

- 11.15 **Vocational Rehabilitation Services to Groups.** Services to groups of individuals with disabilities are expected to contribute substantially to the vocational rehabilitation of a group but do not relate directly to the individualized plan for employment (IPE) of any one individual with a disability.
1. VR may authorize or provide vocational rehabilitation services for the benefit of groups of individuals with disabilities.
  2. VR may provide for the following vocational rehabilitation services for the benefit of groups:
    - a. Telecommunications systems that have the potential for substantially improving vocational rehabilitation service delivery methods and developing appropriate programming to meet the particular needs of individuals with disabilities.
    - b. Special services to provide access to information for individuals who are deaf, hard of hearing, or deaf-blind.
    - c. Technical assistance to businesses that are seeking to employ individuals with disabilities.
    - d. Other services that promise to contribute substantially to the rehabilitation of a group of individuals or eligible individuals but that are not related directly to the individualized plan for employment of any one individual.
    - e. Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.
- 11.16 **Pre-Employment Transition Services.** Pre-employment transition services, as defined in 34 C.F.R. §361.5(c)(42) and 34 C.F.R. §361.48(a), may be provided to students with disabilities beginning at age fourteen (14).
- 11.17 **Physical and Mental Restoration services.** [Reference: Chapter 12.]
- 11.18 **Vocational and Other Training services.** [Reference: Chapter 13.]
- 11.19 **Supported and Customized Employment services.** [Reference: Chapter 17.]
- 11.20 **Rehabilitation Technology services.** [Reference: Chapter 14.]