



Title:	Vocational Rehabilitation (VR) Eligibility Determination
Procedure #:	80-VR-06-01
Policy Reference:	80-VR-06 Eligibility and Order of Selection
Legal Reference:	34 CFR 361.41, 361.42, 361.43; ORC 3304.11, OAC 3304-2-54; OAC 3301-51 and 3301-51-06.
Effective Date:	September 9, 2019
Approved:	Kevin L. Miller, Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	80-VR-06-01 (May 8, 2017)
History:	VRP-0500 Reviewed 12-31-06; Revised 10-31-08; Revised 07-01-15
Review/ Implementation	Begin Review – 02/01/2021 Implement Revisions By – 08/02/2021

I. PURPOSE

The purpose of this procedure is to provide direction for eligibility determination for vocational rehabilitation (VR) services in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code, Ohio Administrative Code), governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or director expectations.

Refer to the AWARE Manual for more detailed instructions regarding the management of cases in AWARE.

II. APPLICABILITY

This procedure applies VR Staff and VR Contractors.

III. DEFINITIONS

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A).

IV. PROCEDURES

A. General

1. Opportunities for Ohioans with Disabilities shall provide information to individuals and if applicable, their parent or legal guardian, throughout the Vocational Rehabilitation (VR) process as required by law (e.g. rights and duties). This information shall be provided, in writing, and when appropriate, in the individual’s native language or through an appropriate mode of communication.

2. AWARE shall be updated with pertinent conversations, recommendations, justifications, approvals and/or other actions taken in relation to this procedure.
 - a. If supervisory or management approval is required during the VR process, VR Staff or VR Contractor shall, via a "Custom Activity Due" in AWARE, request approval which shall include a written justification.
 - b. The supervisor or manager shall consider the VR Staff or VR Contractors' justification and document his/her approval or denial within the "Activity Due" as detailed below.
 - i. If approval is based on the written justification, the supervisor/manager shall enter "Approved" in the "Comments" and change the activity status to "Completed."
 - ii. If approval is based on the written justification but additional conditions/requirements need to be addressed before VR Staff or VR Contractor can take action on the approval; the supervisor/manager shall enter "Approved with Conditions" and document the conditions/requirements in the "Comments" and change the activity status to "Completed".
 - iii. If denied, the supervisor/- manager does not agree with the justification, he/she shall enter the words "Request Denied," and document the reason(s) for denial in the "Comments" and change the activity status to "Completed."
3. If any VR Staff or VR Contractors are a Certified Rehabilitation Counselor (CRC-certified) and will be directly involved with an individual's case, he/she shall complete the "Professional Disclosure Statement" (80-VR-01.E).
 - a. VR Staff or VR Contractors who are not a Certified Rehabilitation Counselor (CRC) are exempt from this requirement.
 - b. Once completed, the "Professional Disclosure Statement" shall be reviewed and signed by the individual and, if applicable, his/her parent or legal guardian, and the CRC-certified VR Staff or VR Contractor.
 - i. Once signed, the statement shall be scanned into the AWARE Participant Module, as a Case Note, with the category "Professional Disclosure Statement" and summary title "Signed."
4. If an individual wishes someone other than his/her legal guardian to take part in any area of the process for VR services, the individual shall be required to complete and sign a "Consent to Obtain and Release Information" (80-VR-01.G) form.
5. "Transition Services" (80-VR-11-12) shall be followed for additional guidance and direction regarding application and intake for students with a disability enrolled in a secondary educational institution.
6. The decision to determine if an individual is eligible for vocational rehabilitation services from OOD is a non-delegable function that can only be performed by Qualified Rehabilitation Personnel (QRP) and shall be completed in a timely manner.

B. Eligibility Determination

1. Qualified Rehabilitation Personnel (QRP) shall not determine eligibility based on:
 - a. duration of state residency, per “Residency / Immigration” (80-VR-21);
 - b. type of disability;
 - c. race, color, religion, national origin/ancestry, disability, age (40 years or older), sexual orientation, gender or sex, veteran or military status, and/or genetic information or in any manner prohibited by law;
 - d. source of referral;
 - e. type of expected employment outcome;
 - f. particular service needs or anticipated cost of services required by an individual, or income level of the individual or his/her family;
 - g. employment history or current employment status;
 - h. educational status or current educational credential.
2. Once the application and intake process has been completed, a QRP shall make an eligibility determination.
 - a. Per federal requirements, an eligibility determination shall be made within sixty (60) calendar days after completion of the “Participant Information/Application for Vocational Rehabilitation Services” (80-VR-01.A).
 - i. The application shall be considered complete when all data fields are filled out, the application is signed and dated by the individual and, if applicable, his/her parent or legal guardian, and is initialed and dated by appropriate VR Staff or VR Contractor, per the requirements in “Application and Intake” (80-VR-01-01).
 - ii. OOD’s targeted timeline for eligibility determinations is thirty (30) calendar days or less.
 - iii. Extension of the 60-day eligibility determination requirement:
 - a) Provided the individual agrees, the 60-day timeframe may be extended in situations of exceptional and/or unforeseen circumstances beyond OOD’s control and/or for the provision of trial work experiences, if needed.
 - 1) If the individual does not agree to the extension, VR Staff or VR Contractor shall decide how to proceed with the case based upon the available information.
 - b) If a time extension is warranted, VR Staff or VR Contractor shall complete the items below.

- 1) Prior to the end of the 60-day deadline, contact the individual to explain why a determination cannot be made in order to obtain agreement to a specific extension date.
 - 2) Complete the "Eligibility Determination Extension" page in AWARE and send the "Time Extension for Eligibility Determination" letter (80-VR-06-01.A).
 - 3) If the initial extension is not completed prior to the 60-day deadline, VR Staff or VR Contractor shall:
 - 3.1 create an AWARE Case Note documenting the reason the extension was not completed within the required timeframe..
 - 3.2 enter the eligibility extension date to approve the extension in AWARE; and
 - 3.3 send the "Time Extension for Eligibility Determination" (80-VR-06-01.A) letter.
 - 4) If multiple time extensions are needed, VR Staff or VR Contractor shall:
 - 4.1 prior to the originally agreed upon extension date, contact the individual to explain why a determination still cannot be made in order to obtain agreement to a new extension date; and
 - 4.2 complete the "Eligibility Determination Extension" page in AWARE and send the "Revised Time Extension for Eligibility Determination" (80-VR-06-01.B) letter.
- c) All discussions related to time extensions shall be documented in AWARE.
- b. Presumptive Eligibility for VR services applies to individuals who receive benefits under Title II or Title XVI of the Social Security Act, because of their own disability and as long as they express the intent to work.
- i. An individual's completion of the application and intake process for VR services is sufficient evidence of his/her intent to achieve a competitive integrated employment outcome.
 - ii. To determine if an individual is presumptively eligible, VR Staff or VR Contractor shall verify benefits through the Social Security Administration (i.e. SSDI/SSI award letter) or the electronic data sharing (i.e. match) performed in AWARE.
 - iii. If an individual is determined presumptive eligible, he/she is considered, at a minimum, to have a Significant Disability (SD).
 - iv. VR Staff or VR Contractor shall obtain and/or review documentation to determine functional limitations that will be used to finalize the OOS.
 - a) VR Staff or VR Contractor shall follow guidance and direction in "Order of Selection and Statewide Wait List" (80-VR-06-02) notifying an individual of their status.

- c. VR Staff or VR Contractors shall follow direction in “Vocational Rehabilitation (VR) Assessment Services” (80-VR-11-01) when authorizing assessments for eligibility determination.
3. To determine eligibility, a QRP shall review the information obtained through the application and intake process (e.g. existing records, VR Staff or VR Contractor observations, education records).
 - a. VR Staff or VR Contractor may request additional information or documentation from the individual, family members, treating sources, or other relevant resources (e.g. teachers, case managers) to finalize an eligibility determination.
 - b. All sources of documentation should be identified in AWARE, regardless of how the records were obtained (e.g. via consent form, directly from individual/family member).
 4. An individual shall be considered eligible for VR services when all four (4) of the criteria below have been met.
 - a. Criterion 1: A determination by qualified personnel that the individual has a physical, cognitive, and/or mental impairment.
 - i. The existence of impairment shall be determined without regard to any medication or assistive device that the individual may use.
 - ii. The physical, cognitive, or mental impairment is expected to last at least one (1) year.
 - iii. If the individual has a physical, cognitive, and/or mental impairment, the first criterion is met. If not, the individual is ineligible.
 - a) VR Staff or VR Contractor may utilize another agency’s documentation that establishes that a physical, cognitive and/or mental impairment exists if OOD determines that the agency’s criteria are: 1) appropriate; 2) available; and 3) consistent with OOD’s eligibility requirements.
 - b) Accepted documentation of another agency’s determination criteria is listed below.
 - 1) An award letter for disability benefits from the State Teachers Retirement System (STRS) or from the Public Employees Retirement System (PERS).
 - 2) The following forms from a County Board of Developmental Disabilities:
 - 2.1 Ohio Eligibility Determination Instrument (OEDI);
 - 2.2 Children’s Ohio Eligibility Determination Instrument (COEDI);
 - 2.3 Children’s Form of Eligibility Determination” (CFED); or
 - 2.4 Form for Eligibility Determination (FED) sheet.
 - 3) An Evaluation Team Report (ETR) from an educational institution with the requirements below, to substantiate a physical, cognitive, or mental impairment.

- 3.1 When the ETR is current (i.e. completed within the last three [3] years), VR Staff or VR Contractor may use the following ETR categories to document Criterion 1, regardless of the individual's age at the time of testing.
 - 3.1.1 Intellectual Disability (ID) (previously Cognitive Disability [CD])
 - 3.1.2 Visual Impairment (VI)
 - 3.1.3 Deaf
 - 3.1.4 Deaf/blindness (DB)
 - 3.1.5 Orthopedic Impairment (OH)
 - 3.1.6 Multiple Disabilities (MD)
 - 3.1.7 Emotional Disturbance (ED)
 - 3.1.8 Autism (AUT)
 - 3.1.9 Hearing Impairment (HI)
 - 3.1.10 Other health impairment (OHI)
 - 3.1.11 Specific Learning Disability (SLD)
 - 3.1.12 Speech or Language Impairment (S/L)
 - 3.1.13 Traumatic Brain Injury (TBI)
- 3.2 ETR categories shall not be utilized to document Criterion 1 when an individual has exited school.
- 3.3 A summary of information obtained during the evaluation process shall be included in the ETR.
- 3.4 The names, titles, and signatures of each evaluation team member shall also be included in the ETR.
 - 3.4.1 The evaluation team consists of the parent or legal guardian and a group of qualified professionals, including:
 - 3.4.1.1 the child's regular teacher; and
 - 3.4.1.2 at least one (1) person qualified to conduct individual diagnostic examinations of children (e.g. school psychologist, speech-language pathologist).
- c) VR Staff or VR Contractor should use the most up to date records available to determine if the individual meets this criterion however may consider utilizing older records for individuals with conditions that are chronic and/or progressive in nature.
 - 1) If the records are over two (2) years old, VR Staff or VR Contractor judgement should be used to determine if the documentation is sufficient.
- d) VR Staff or VR Contractor shall only utilize documentation that includes a wet or electronic signature from qualified personnel in their field(s) of expertise.
- e) VR Staff or VR Contractor shall not utilize provisional, rule-out, deferred, tentative diagnoses, nor "V" codes, as stand-alone diagnoses to determine Criterion 1.

- b. Criterion 2: A determination, by qualified personnel, that the individual's physical, cognitive, and/or mental impairment constitutes or results in a substantial impediment to employment.
 - i. VR Staff or VR Contractor shall consider the following functional capacity areas when determining whether an impairment results in a substantial impediment to employment.
 - a) Communication
 - b) Interpersonal skills
 - c) Mobility
 - d) Self-care
 - e) Self-direction
 - f) Work skills
 - g) Work tolerance
 - ii. VR Staff or VR Contractor may utilize IQ scores to document Criterion 2 when the individual was 16 or older at the time of testing.
 - iii. For youth with a disability, the IEP may be used to document Criterion 2, but shall not be used as documentation of a disability for eligibility determination.
 - iv. Employed Individuals
 - a) To determine if an employed individual's physical, cognitive, and/or mental impairment constitutes or results in a substantial impediment to employment, VR Staff or VR Contractor should complete the tasks below.
 - 1) Request a copy of the individual's current job/position description.
 - 1.1 If not available from the individual or additional information is needed, VR Staff or VR Contractor shall review labor market data and/or the United States Department of Labor (DOL)'s Occupational Outlook Handbook to determine the requirements of the position and the appropriateness of the individual's continued employment given the nature of their disability and subsequent functional limitations.
 - 2) With the individual's permission, via a signed "Consent to Obtain and Release Information" form, request a copy of the individual's most recent performance evaluation and/or disciplinary documentation, and/or other communication from the individual's current supervisor, if applicable.
 - 3) Determine and document how the individual's impediment(s) impacts specific work tasks associated with their current position by considering the items listed below.
 - 3.1 Issues with speed to complete specific tasks.
 - 3.2 Issues regarding production levels.
 - 3.3 Overall work quality.
 - 3.4 Issues with time management.
 - 3.5 Reassignment of current work assignments and/or tasks.
 - 3.6 Decreasing number of work hours due to the impediment(s).

- 3.6.1 VR Staff or VR Contractor should further explore the reason(s) why work hours have been decreased, if applicable.
 - 3.7 Effectiveness of accommodation(s), if received from the employer.
 - 3.7.1 VR Staff or VR Contractor should work with the employer and the individual to determine if additional accommodations would enhance the individual's ability to maintain their current employment, if appropriate and with the individual's consent.
 - 3.8 The need for additional accommodations (e.g. assistive technology) that can support the individual with work duties.
- v. If a substantial impediment to employment (including advancement in employment) exists, the second eligibility criterion is met. If not, the individual is ineligible.
 - c. Criterion 3: A presumption by a QRP the individual can benefit in terms of an employment outcome from the provision of VR services.
 - i. VR Staff or VR Contractor shall document clear and convincing evidence in cases where it is determined that the individual is incapable of benefiting in terms of an employment outcome due to the severity of the individual's disability.
 - a) To constitute clear and convincing evidence, VR Staff or VR Contractor should utilize the items listed below.
 - 1) OOD closed case records for the previous 12 months, from the application date, to document that an individual is incapable of benefiting from VR services;
 - 2) Records (e.g. IEP/ETR, OEDI, FED) from another agency qualified to make determinations of disability and level of functioning;
 - 3) VR Staff or VR Contractor observation of an immediately visible bodily impairment (e.g. amputation, disfigurement, paralysis); and/or
 - 4) Psychological testing result, a psychological exam report, or a doctor's statement in combination with additional evidence such as:
 - 4.1 Community Based Assessments; or
 - 4.2 Trial Work Experiences.
 - 4.2.1 Prior to determining if an individual is unable to benefit from VR services, VR Staff or VR Contractor shall conduct an exploration of the individual's abilities, capabilities, and capacity to perform in a realistic work situation through a Trial Work Experience.

- 4.2.2 During a Trial Work Experience, VR Staff or VR Contractor shall provide appropriate supports (e.g. assistive technology devices and services, personal assistance) to accommodate the individual's needs.
- 4.2.3 VR Staff or VR Contractor may authorize Trial Work Experiences for an appropriate period.
 - 4.2.3.1 An appropriate period may differ for each individual and should be determined on a case-by-case basis.
 - 4.2.3.2 Trial Work Experiences are only used to determine if an individual can benefit from VR services because of severity of the individual's disability.
- 5) If observations or assessments are conducted in a non-integrated setting due to constraints of an individual's disability, VR Staff or VR Contractor shall document the reasons:
 - 5.1 for conducting the observations or assessment in a non-integrated setting; and
 - 5.2 the individual would be incapable of participating in VR services (e.g. productivity, behaviors, supervisory input).
- d. Criterion 4: A determination by a QRP that the individual requires VR services to prepare for, secure, retain, advance in, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - i. If it is determined that the individual requires VR services to secure, retain, advance in, or regain employment, the fourth criterion is met.
 - ii. If the individual's choice of employment is to remain in an extended employment setting, instead of pursuing competitive integrated employment, this criterion is not met.
- 5. VR Staff and VR Contractors shall document the eligibility determination (e.g. how the individual meets the above four (4) criteria, existence of the SSA Title II or Title XVI award letter) in the "Disability Priority" and "Eligibility Determination" pages in AWARE.
 - a. To finalize eligibility:
 - i. VR Contractors shall create an EOOS "Activity Due" in AWARE and assign it to an OOD QRP.
 - ii. The OOD QRP shall enter the date of the eligibility and OOS determination decision in AWARE.

6. Once the eligibility determination has been made, VR Staff or VR Contractor shall follow direction in the “Order of Selection and Statewide Wait List” procedure (80-VR-06-02), which includes direction for notification to the individual.

C. Ineligibility Determination

1. If an individual is determined ineligible for VR services, refer to “Case Closure” (80-VR-02 and 80-VR-02-01).

D. Violation

An employee who violates this procedure may be subject to discipline up to and including removal.

FORMS AND ATTACHMENTS

- 80-VR-06-01.A – Time Extension for Eligibility Determination
- 80-VR-06-01.B – Revised Time Extension for Eligibility Determination

RESOURCES

- 80-VR-11-12 Transition 80-VR-01.A Participant Information/Application for Vocational Rehabilitation (VR) Services
- 80-VR-11-01 Vocational Rehabilitation (VR) Assessment Services
- 80-VR-06-02 Order of Selection and Statewide Wait List
- 80-VR-02 Case Closure
- 80-VR-02-01 Case Closure
- 80-VR-11-07 Vocational Rehabilitation Information and Referral
- 80-MCU-02-01 Applicant and Eligible Individual Survey
- 80-VR-21 Residency / Immigration

FUNDING

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For purposes of the Vocational Rehabilitation (VR) Program, including Pre-Employment Transition Services (Pre-ETS), OOD received 78.7% of its funding through the DOE VR grant. In Federal fiscal year (FFY) 2018, OOD received \$100,336,097 in federal funds. Funds appropriated by the State covered 21.3 % of the total costs, or \$27,155,767. Of these federal funds, \$15,050,415 is set aside for Pre-ETS.

REVIEW

It is the responsibility of the Deputy Director, or designee, to review this procedure, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director, or designee, shall document the review as required in “Policy and Procedure Development, Review, Dissemination and Acknowledgement” (10-ADM-01).