




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:	May 8, 2017
Approved:	Kevin L. Miller, Executive Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	80-VR-06-01 (07-01-15)
History:	VRP-0500 Reviewed 12-31-06; Revised 10-31-08
Review/ Implementation	Begin Review – 11/08/18 Implement Revisions By – 05/08/19

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 executive director expectations.

Refer to the AWARE Manual for specific step-by-step instructions relating to this procedure.

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 (OOD) 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. If supervisory or management approval is required during the VR process, the supervisor or manager shall document their approval in AWARE. If written approval is received from a supervisor or manager, it shall be added to AWARE.
3. "Transition Services" (80-VR-11-12 to be converted to 80-VR-20 and 80-VR-20-01) shall be followed for additional guidance and direction regarding the determination of eligibility for students with a disability enrolled in a secondary educational institution at the time of application.

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. type of expected employment outcome;
 - e. source of referral;
 - 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 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.
 - ii. OOD's targeted timeline for eligibility determinations is 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 may move towards case closure.

- 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 notify his/her supervisor and request their approval to proceed with the extension.
 - 3.1 The supervisor shall review extension request and, if extension is approved, supervisor shall:
 - 3.1.1 check the “Approved for Extension” box; and
 - 3.1.2 notify VR Staff or VR Contractor of decision.
 - 3.2 Once extension is approved, VR Staff or VR Contractor shall:
 - 3.2.1 enter the eligibility extension date to approve the extension in AWARE; and
 - 3.2.2 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 can still not 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.
- 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 which 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.
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 (e.g. psychologist) 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 which 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) Examples of accepted documentation of another agency’s determination criteria are 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); or
 - 2.3 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 past three [3] years), but testing information on the ETR was completed prior to age 16, the categories on the ETR may still be utilized as documentation of the disability only when the student is still enrolled in a secondary educational institution.
 - 3.2 If the ETR is not current (i.e. more than three [3] years old) and the individual was 16 or older at the time of testing, only the intelligence/IQ tests may be utilized to document the disability whether or not the individual is still in a secondary educational institution.
 - 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, counselor judgement should be used to determine if the documentation is sufficient.
- d) VR Staff or VR Contractor shall only utilize documentation which includes signatures 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. 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, 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.

iii. If a substantial impediment to 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 may 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.

4) An intelligence test 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 of time.
 - 4.2.3.1 An appropriate period of time 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 from 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 (to be converted to 80-VR-20 and 80-VF-20-01)
- 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
- AWARE Manual

REVIEW

It is the responsibility of the Deputy Director, or designee, to annually 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 annual review as required in OOD Policy 10-ADM-01 Policy and Procedure Development, Review, Dissemination and Acknowledgement”.