

**NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES
VOCATIONAL REHABILITATION**

Section: F
Title: Financial Responsibilities/Economic Need Requirements
Current Effective Date: 08/10
Revision History: Revised 07/97; 05/99; 07/99; 08/99; 06/01; 04/08; 09/09; 10/09

Combined: Financial Responsibilities (Policy) and Economic Need Requirements (Procedures)

While there is no Federal requirement that the financial need of an individual with disabilities be considered in the provision of Vocational Rehabilitation (VR) Services, the State Agency has the discretion of considering financial need in determining the extent of participation in the cost of services: Financial Responsibilities/Economic Need Requirements (DSB-4040-VR Economic Need Requirements with instructions).

The Division of Services for the Blind (DSB) shall establish economic need for each eligible individual which the Agency requires a needs test in accordance with State Law (S.L.) 1989, c. 500, s. 43.

If an eligible individual has been determined eligible for Social Security benefits under Title II or XVI of the Social Security Act, the Agency shall not apply a financial needs test or require the financial participation of the eligible individual.

DSB shall adhere to North Carolina General Statutes and DSB policies when purchasing goods or services for eligible individuals Assistive Devices/Equipment and Fees for Services and Vendors. An authorization for services must be written in a timely manner and prior to the purchase of services. Verbal authorization may be made in urgent situations; however, there shall be prompt casework documentation, and written authorization shall be forwarded immediately to the provider of services.

1. FEE SCHEDULE

DSB has established fees for rates of payment. Any provider of services shall agree not to make any charge to, or accept any payment from, the individual or his/her representative for services unless the amount of the charge or payment is previously known and approved by DSB.

2. FINANCIAL RESOURCES

The Vocational Rehabilitation Counselor shall determine if financial resources are available under any other program. If financial resources are available, they shall be used to meet, in whole or in part, the cost of VR services. The requirement to identify other resources does not apply if the determination of the availability of other resources would delay the provision of VR services to any individual who is at extreme medical risk, if delay would result in loss of an immediate job placement opportunity, or delay the individual's progress toward achieving an Individual Plan of Employment (IPE) (On-Line DSB-4005b-VR Individual Plan for Employment with instructions) identified employment outcome. The determination of extreme medical risk shall be based upon medical evidence provided by an appropriately licensed professional.

3. COMPARABLE SERVICES AND BENEFITS

VR services are provided after a determination that comparable services and benefits are not available under any other program. If comparable services or benefits exist, but are not available at the time needed to achieve the individual's VR outcome, the VR Program will provide services until those comparable services and benefits become available.

When providing rehabilitation services, the following services do not require a determination of the availability of comparable benefits and services under any other program:

- a. The Assessment for determining Eligibility and VR needs;
- b. Counseling and Guidance (counseling and guidance), including information and support services to assist the applicant or eligible individual in exercising Informed Choice (IC);
- c. Information referral and other services to secure needed services from other agencies if those services are not available under this program;
- d. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- e. Assistive technology, including telecommunications, sensory, and technological aids Assistive Listening Devices; and
- f. Post-Employment Services listed in C (1) through (5).

The Vocational Rehabilitation Counselor is not required to look for a comparable service or benefit if it would delay: (1) the individual's progress toward achieving an employment outcome identified in the IPE; (2) an immediate job placement; or (3) the provision of services to an eligible individual who is at extreme medical risk based on medical evidence provided by a medical professional. Extreme medical risk means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously.

Except as cited, it is the Vocational Rehabilitation Counselor's responsibility to assure and document, in all cases and prior to the authorization of VR funds, that:

- a. A determination has been made regarding the availability of comparable services and benefits under other programs;
- b. Any available comparable services and benefits and any individual financial participation are used to meet, in whole or in part, the costs of VR; and
- c. If the individual fails to apply for, or refuses to accept and utilize, comparable services and benefits for which he/she is eligible, VR funds are not to be utilized to procure the services.

4. FINANCIAL NEED

Financial need must be determined in accordance with Agency policy. The Agency may not apply a financial needs test for furnishing any VR service if the individual in need of the service has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act. The Vocational Rehabilitation Counselor will verify the applicant's eligibility under Title II, Federal Old Age, Survivors, and Disability Insurance Benefits, at or Title XVI, Supplemental Security Income for the Aged, Blind and Disabled at of the Social Security Act by contacting the Social Security Administration (SSA), if the applicant is unable to provide appropriate evidence, such as an award letter, which the applicant can acquire from the SSA. Documentation will be placed in the case record. Vocational Rehabilitation Counselors will place a statement on the IPE the Agency responsibilities section that reads "Services listed are subject to change based on the pending interpretation of the new rehabilitation regulations by the RSA." At the time of the annual case review, Vocational Rehabilitation Counselors may add appropriate services for SSI/SSDI recipients with the same statement in the Agency responsibility section.

The State of North Carolina has an approved schedule for what is an allowable net monthly income (NMI) for individuals in the VR Program. The Vocational Rehabilitation Counselor will use this NMI in computing the amount of an individual's financial need in accordance with S.L. 1989, c. 500, s. 43.

The Vocational Rehabilitation Counselor will use the economic need survey information in determining the extent to which the Agency can pay for any VR services required by this policy, and to determine the amount of financial supplementation to an individual for maintenance costs incurred as additional costs while participating in a VR program.

5. DETERMINATION OF FINANCIAL NEED

- a. The individual will be the primary source of the financial information necessary for the determination of financial need (DSB-4040-VR Economic Need Requirements with instructions). The Vocational Rehabilitation Counselor may obtain information about an individual's financial resources and requirements from other reliable sources. All sources of financial information must be documented.
- b. An individual's consent will be necessary for the Vocational Rehabilitation Counselor to obtain any personal financial information. If an individual is an unemancipated minor, the consent of parents or a guardian will be necessary for the Vocational Rehabilitation Counselor to obtain personal financial information.
- c. Failure of an individual to consent to the release of pertinent financial information necessary for determining financial resources or financial requirements shall be considered a withdrawal of application for financial assistance.
- d. In accordance with departmental policies, any financial or other information obtained with an individual's consent or the consent of his/her parent shall be confidential.

- e. Any financial information used in determining an individual's financial resources or financial requirements shall be made available to the individual upon request.
- f. The Vocational Rehabilitation Counselor, in calculating the financial need of an individual, will identify and consider all available financial resources of the individual's spouse and if the individual is an unemancipated minor, the financial resources of his/her parents.

These available financial resources include:

- (1.) Current income, including any benefit to which an individual may be entitled by way of pension, compensation for injury or other work loss, or insurance, as well as any in-kind service or remuneration in the case of Work Experience/On-the-Job Training (OJT);
- (2.) Assets, including both real and personal property; and
- (3.) Any other resources which the Vocational Rehabilitation Counselor considers to be significant.

In determining the financial resources of the individual, the Vocational Rehabilitation Counselor will not utilize the following resources:

- (1.) Obligations which the individual is required by legal process to pay; or
- (2.) Obligations that would constitute a substantial obstacle to the achievement of the individual's IPE.

6. SERVICES NOT CONDITIONED ON ECONOMIC NEED

DSB shall furnish the following services **not conditioned** on economic need:

- a. An assessment by qualified personnel for determining eligibility and priority for services except those non-assessment services that are provided during an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of Trial Work experiences (TWE) or an extended evaluation (EE) and, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- b. Assessment for determining rehabilitation needs by qualified Vocational Rehabilitation Counselor;
- c. VR counseling and guidance, included information and support services to assist an individual in exercising informed choice consistent with statutory requirements on informed choice;

- d. Referral and other services to secure needed services from other agencies through cooperative agreements developed with other components of the statewide workforce development system, if such services are not available from the Agency;
- e. Tuition and supplies for publicly operated Community Rehabilitation Program (CRP) training;
- f. Tuition and fees for:
 - (1.) Vocational and other training programs (community college/college parallel and vocational programs) up to the NC catalog rate;
 - (2.) Post-Secondary Training/education up to the maximum rate charged for the NC public university system (college/university). The Agency shall require eligible individuals applying for training programs listed in paragraphs 6.a. &b. of this policy to first apply for all eligible grants and financial aid. The Agency may grant an exception to the rate for tuition and required fees for post-secondary education specified in paragraph 6.b. of this policy when necessary to accommodate the special training needs of an individual with a most significant disability who must be enrolled in high-cost, special programs designed for students with severe physical disabilities;
- g. Interpreter or interpreter/translator services provided by qualified personnel for individuals who are Deaf-Blind (deaf-blind) or individuals who are both visually and hearing impaired;
- h. Reader Services (RS) for individuals who are determined to be blind;
- i. Rehabilitation teaching services and orientation and mobility services, including adequate training in the use of public Transportation (transportation) vehicles and systems for individuals who are blind;
- j. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- k. DSB Rehabilitation Center for the Blind (RCB) services including transportation and training supplies, contingent upon an individual's participation in the RCB program;
- l. On-the-job training (OJT);
- m. Training and associated maintenance (Maintenance Issuance and Billing) and transportation costs for Business Enterprises Program (BEP) trainees;
- n. Upward mobility training and associated maintenance and transportation costs for BEP trainees;
- o. Equipment and initial stocks and supplies for State-owned (Randolph-Sheppard) vending stands;

- p. Transition Services (TS) for students with disabilities that facilitate the achievement of the employment outcome identified in the IPE (Exceptions are necessary for those services which are based on economic need.);
- q. Supported Employment (SE) (SES) services;
- r. Diagnostic Transportation;
- s. Personal Assistance Services (PAS) provided while an individual is receiving VR services; and
- t. Technical Assistance Services and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing Self-Employment (SE) or telecommuting or establishing a small business operation or an employment outcome utilizing the Self-Employment Individual Handbook.
- u. Books and other training materials needed for post secondary training. This paragraph expires July 31, 2011.
- v. Rehabilitation technology including telecommunications, sensory aids, and other technological aids and devices for eligible individuals who have an Individualized Plan for Employment (IPE), who are working toward an employment goal that requires specific technology to attain, regain, or maintain employment and who have the capability to use the equipment. This paragraph expires July 31, 2011.

7. SERVICES CONDITIONED ON ECONOMIC NEED

The following services will be provided by the DSB and **conditioned** on economic need:

- a. To the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits) other than the designated State unit, diagnosis and treatment of physical and mental impairments including:
 - (1.) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
 - (2.) Necessary hospitalization in connection with surgery or treatment;
 - (3.) Prosthetic and orthotic devices;

- (4.) Eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;
 - (5.) Special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and
 - (6.) Diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;
- b. Maintenance for additional costs incurred while receiving services under an IPE, except for additional costs incurred while participating in an assessment for determining eligibility and VR needs;
 - c. Transportation that is provided in connection with the provision of any other rehabilitation services needed by the individual to achieve an employment outcome, except for additional transportation costs incurred while participating in an assessment for determining eligibility and VR needs;
 - d. Services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome;
 - e. Specific Post-Employment Services necessary to assist an individual with a disability to retain, regain, or advance in employment (except for those services which are not based on economic need);
 - f. Occupational licenses, tools, equipment, and initial stocks and supplies;
 - g. Other goods and services determined necessary for the eligible individual to achieve an employment outcome.

8. SERVICE VERIFICATION

Prior to processing the authorization/invoice for payment, the Vocational Rehabilitation Counselor is responsible for verifying that:

- the items purchased for the individual have been received by the counselor and/or
- the service has been received by the individual and
- that any applicable report is received from the provider of the service.

Items are to be delivered in a timely manner. The Vocational Rehabilitation Counselor is also responsible for ensuring that the individual completes the DSB 0905 Verification of Items Received form upon delivery of the purchased items and that the completed form is placed in the case record with the authorization.

9. ASSIGNMENT OF REIMBURSEMENT

The purpose of the Subrogation Rights: Assignment of Reimbursement (On-Line DSB-0613-VR Assignment of Reimbursement with instructions) is to allow services to proceed in situations where there are pending liability settlements. At such time as a settlement is reached, DSB must reclaim Agency expenditures. Examples of these third-party settlements include Worker's Compensation claims, liability insurance claims, and medical insurance paid directly to the individual.

The Assignment of Reimbursement must be completed and dispensed prior to the provision of any VR service which is subject to financial eligibility and if there is a likelihood of future litigated or negotiated compensation from another source. Once this form is appropriately completed and dispensed, the VR Program may sponsor services. The individual's signature is required. At such time as a settlement is reached, DSB must reclaim its expenditure.