



# Vocational Rehabilitation



## **PROGRAM POLICY**

*August of 2014*

<http://dwd.wisconsin.gov/dvr>

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# **FOREWORD**

## **Introduction**

The purpose of this manual is to provide program policy for the provision of Vocational Rehabilitation services by the Wisconsin Division of Vocational Rehabilitation (DVR). The intent of the policy is to outline what is expected based upon federal law and regulation and other applicable federal and state regulations. As such, there can be no exceptions to policies outlined in federal law and regulation and other applicable federal and state regulations. The foreword to this policy provides the purpose of Title I of the Rehabilitation Act of 1973, as amended. This provides the basis for a common understanding of the program intent.

While the policy dictates what must be done, there will be few detailed procedures on how these policies must be implemented. Due to the individualized nature of the program, there is no one best way to accomplish the intent of these policies. It is trusted all staff in the agency will understand and implement these policies in the manner most appropriate to meet the individual's vocational rehabilitation needs.

## **Purpose of the Vocational Rehabilitation (VR) Program**

The purpose of Title I of the Rehabilitation Act of 1973, as amended, is to provide "comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation that are designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, interests and informed choice, so that such individuals may prepare for and engage in gainful employment." [P.L. 105-220 s. 100 (a)(2)]. The Wisconsin Division of Vocational Rehabilitation is committed to providing equal access to minorities and other underserved populations.

# **I. GENERAL POLICIES**

## **Accommodations**

Accommodations, including language and sign language interpreting, shall be provided, as needed, during the VR process to enable consumers to participate to the fullest extent possible in their plans for employment development and implementation. The DVR shall not provide accommodations that are the legal responsibility of another party.

## **Agreements with Other Agencies**

The DVR staff must comply with the provisions of all contracts or memorandums of understanding (MOUs) between the DVR and other agencies, organizations, community rehabilitation programs and other providers.

## **Appropriate Modes of Communication**

Communication with the consumer or, as appropriate, the consumer's representative shall be supplemented, as necessary, by other appropriate modes of communication. The appropriate mode of communication shall be consistent with the informed choice of the consumer and enable the consumer to comprehend and respond to information that is being communicated.

## **Case Record**

A case record shall be maintained for each consumer served by the DVR. The Integrated Rehabilitation Information System (IRIS) computer record is the official DVR case record.

The following must be documented in the IRIS case record:

- Information supporting the decision made regarding eligibility, order of selection and significance of disability.
- Information supporting the development of the long-term vocational goal, services and measures.
- Plan for employment and any amendments.
- Periodic reviews and evaluations of the plan for employment.
- Periodic assessments carried out during the provision of planned trial temporary work.
- Information supporting the provision of supported employment services.
- Consumer's request for an appeal and any decision or action resulting from that request.
- Information supporting the decision to close a consumer's case record, including verification of competitive employment, when applicable.
- Information to support the decisions and actions of the DVR in providing, denying or altering services and, as necessary, to comply with case management needs including direct payment receipts and documentation.

If a consumer believes information in the case record is inaccurate or misleading, the consumer may request the information be amended. The request, content, and decision regarding an amendment shall be documented in the case record.

### **Citizenship and Residency**

No duration of residence requirement shall be imposed on any consumer present in the state. Aliens with visas allowing them to work while in this country may be eligible for services. Please refer to [Legal Residency/Citizenship guidance](#) and [Provision of Services to Non-Wisconsin Residents guidance](#).

### **Client Assistance Program (CAP)**

Each consumer shall be informed of the availability of CAP services throughout the vocational rehabilitation process.

### **Community Resources**

The DVR shall, as appropriate, make maximum use of public or other vocational or technical training programs and other community resources, including community rehabilitation programs, in the provision of VR services.

### **Confidentiality and Release of Information**

All personal information shall be kept confidential. Verbal and written information shall be released only with the informed, written consent of the consumer or, if appropriate, the consumer's representative. Please refer to the [Confidentiality guidance](#) for policy guidance on releasing information.

#### **Exceptions**

- In the administration of the VR program.
  - Administration of the VR program is sharing of consumer case information that is necessary for the purpose of the VR program or facilitation of a consumer's DVR case including: purchasing services as part of an IPE, coordinating services, obtaining comparable benefits, sharing information with auditors as part of a State audit, and sharing information with the Client Assistance Program (CAP) when a consumer has requested their assistance. For specific information on releasing information to CAP please refer to the [Confidentiality guidance](#).
  - Information shared must be limited to what is necessary to meet the purpose at hand.
  - Information shared must be for the purpose of the VR program, **not** to meet the purpose of another program or a consumer's purpose outside of the VR program.
- As needed to protect the consumer from physical harm to self or others.
- In response to law enforcement, fraud or abuse investigations.
- In response to a judicial order.

- When required by federal statute or regulation for an approved audit, research or evaluation purposes.
- In suspected cases of abuse, neglect, exploitation or endangerment, unless expressly prohibited by federal or state laws or regulations.
- Information obtained from another agency shall be released only by or under the conditions established by the other agency.

Consumers, through appropriate means of communication, and providers of information shall be advised of the confidentiality and release restrictions. Medical, psychological and other information determined to be potentially harmful to the consumer shall not be directly released to the consumer, but shall be released to another party chosen by the consumer. Information may be released to parents of minors or legal guardians under the same conditions as released directly to consumers.

### **Consumer Rights and Responsibilities**

Consumers shall be advised, in writing, of their rights, including the availability of the CAP, at the following times:

- At the time they apply for services.
- When assigned to an OOS category.
- At the time of the decision that the consumer is not eligible for VR services.
- When his/her plan for employment is prepared or amended.
- When services are denied, reduced, suspended, or terminated.
- When a decision to close the case is made.
- Upon request at any time during the VR process by the consumer or, as appropriate, the consumer's representative.

For further information see [Due Process Tip Sheet](#).

Each consumer shall have his/her responsibilities clearly defined as they relate to the VR process. Responsibilities will vary according to the abilities of each consumer and are defined within the counseling and guidance relationship.

### **Data Collection**

The DVR staff shall be responsible for the timely provision of accurate data necessary for the operation of the DVR's management information and fiscal data system.

## **Due Process**

A consumer or, if appropriate, a consumer's representative who is dissatisfied with any DVR decisions concerning the furnishing or denial of services may request a timely review within 12 months of the determination. This process may include the following:

### **Informal Resolution**

When the consumer agrees, the DVR shall use informal resolution procedures, including mediation. A consumer may choose to go directly to a formal hearing without participating in an informal resolution process.

### **Mediation**

A qualified and impartial mediator who is trained in effective mediation techniques conducts mediation. This process is confidential, voluntary and must be agreed to by both parties and is not to be used to deny or delay the right of a consumer to a hearing. Discussions that occur during the mediation process will not be used as evidence in any subsequent due process hearing or civil proceeding.

### **Impartial Hearing**

The impartial hearing is performed by an impartial hearing officer selected from a pool of qualified individuals identified by the DVR and the Wisconsin Rehabilitation Council (WRC).

The consumer or, if appropriate, the consumer's representative must have an opportunity to be represented by counsel or other appropriate advocates selected by the individual and shall have the opportunity to submit additional evidence, information and witnesses to the impartial hearing officer. Also, the consumer or, if appropriate, the consumer's representative must have the opportunity to examine all witnesses and other relevant sources of information and evidence. Services that have been initiated shall not be suspended, reduced or terminated pending the final hearing decision unless the consumer or consumer's representative so requests or there is evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the consumer.

The hearing must be held within 60 days of a consumer's initial request for review unless informal resolution is achieved prior to the 60th day or the parties agree to a specific extension of time. The impartial hearing officer shall make a decision based on the provisions of the approved Wisconsin State Plan for Vocational Rehabilitation, the Rehabilitation Act, federal Vocational Rehabilitation Regulations, and state regulations and policies that are consistent with federal requirements. The impartial hearing officer shall provide to the consumer or, if appropriate, the consumer's representative and to the DVR Administrator a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing.

The decision of the hearing officer is final and must be implemented pending a review by the court if either party chooses to file with the court. A request for review must be filed within 30 days of the decision of the hearing officer to the Circuit Court of Appeals.

## **DVR Staff Responsibility**

The DVR staff respect consumers as individuals who have the right and responsibility to participate in and make decisions regarding their vocational futures.

DVR staff have the following responsibilities:

- To provide equal access to minorities and other underserved populations.
- To work in partnership with consumers to individually pursue, obtain and maintain employment suited to their abilities and interests and leading to independence, increased self-sufficiency and full inclusion in society.
- To provide individualized services to the consumer in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility.
- To provide technical assistance and guidance to individuals who require it to exercise informed choice, select an appropriate employment outcome, develop a plan of services, or develop requests for exceptions to the fee schedules.
- When unable to work through a conflict with a consumer, to involve management and to inform the consumer of his/her rights and the availability of assistance from the CAP.

## **Informed Choice**

Consumers must be provided with opportunities to participate actively and make meaningful and informed choices throughout the VR process including: evaluation and assessment services and providers, their vocational goals and responsibilities, the services needed to complete their plans for employment, and the service providers and methods used to procure such services.

Consumers shall be informed about their right to make informed choices. Consumers who require or request assistance in exercising informed choice shall be offered support services to assist them in this process. Consumers may choose to involve family members, advocates and other authorized representatives throughout the VR process.

## **Referrals to Other Programs**

Consumers will be provided accurate VR information and guidance, using appropriate modes of communication, to assist such consumers in preparing for, securing, retaining or regaining employment, and will be appropriately referred to other programs. The referrals shall be to federal or state programs, including programs carried out by other components of the statewide workforce investment system in the state, best suited to address the specific employment needs of a consumer. For each of these programs, consumers referred to other programs shall be provided with:

- Notice of the referral by the DVR to the agency carrying out the program.
- Information identifying a specific point of contact within the agency carrying out the program.
- Information and advice regarding the most suitable services to assist the consumer to prepare for, secure, retain or regain employment.

## **Timeliness**

The DVR staff must assure that all individuals with disabilities, who are referred, apply or receive VR services are treated in an equitable and timely manner. Timeliness will be defined individually, based on consumer needs and readiness for services. In general, however, the following guidelines will be met when appropriate.

DVR will encourage other agencies to refer individuals as soon as they become aware that the individual may need DVR services to allow for planning time. In the case of high school students, DVR staff will comply with the language in the agreement between the DVR and the Department of Public Instruction (DPI). IPEs for high school students, who are eligible to have a plan, will be developed before they leave school.

On the date a referral is received it will be entered into the IRIS system. DVR will respond to referrals within five (5) business days. An orientation meeting or individual interview should take place within 30 days from the date of referral, unless the individual requests otherwise. Upon receipt of a signed application form, the case record will be opened.

DVR will complete eligibility determinations and Order of Selection category placement as soon as possible. The determination must be completed within 60 days of the receipt of the application unless the consumer and counselor have agreed upon an extension that has been approved by management. (See ***Requests for Extensions of Eligibility Determination and IPE Development Timelines*** below.)

DVR will complete development of the IPE within 90 days of the date of eligibility or activation from the Order of Selection waiting list - whichever is later.\* Extensions to the 90 day limit may be requested by the counselor if circumstances beyond the control of the consumer and DVR make an extension necessary. An example of a circumstance beyond the control of the consumer and DVR is an IPE that cannot be written without an evaluation which cannot be completed within the 90 day period. Extension requests must be approved by the consumer, the counselor, and DVR management before they are granted. (See ***Requests for Extensions of Eligibility Determination and IPE Development Timelines*** below.)

### **Requests for Extensions of Eligibility Determination and IPE Development Timelines**

Requests must be made in writing, by a counselor, to a DVR WDA Manager. The request must document the following:

1. The circumstances beyond the control of the consumer and DVR that create the need for an extension, and/or,
2. The specific assessment need that cannot be provided within the required time period or as part of the IPE development or implementation process,
3. The specific date by which the decision (eligibility or completion of IPE development) will be made,
4. The steps to be taken to complete the process, and a timeline for those steps,
5. Consumer agreement with the extension.

(\*Indicates Wisconsin-Imposed Requirements.)

## II. ENTRY POLICIES

### Referral\*

DVR will process all referrals and requests for information in an equitable and timely manner.

For individuals who have a potential need for and interest in VR services, a referral for services may be made by phone, mail, online, or electronic format. The individual or the individual's guardian (if under 18 or court-appointed) should consent to the referral being made. The [DVR Referral form](#) is available but its use is not required if the minimum referral information is provided. In order for a referral to be made, the information provided to DVR must **minimally** include:

- First Name
- Last Name
- Date of Birth
- Street Address
- City, State Zip Code
- County they live in and want to receive services in (two questions)
- Preferred method of contact (then that method is required)
- Guardian if under 18
- Disability
- How disability affects ability to work

On the date the referral is received, it should be entered into the IRIS system. DVR will respond to referrals within five (5) business days.

A referred individual will be scheduled for an individual interview or orientation meeting that should take place within 30 days of the date of referral, unless the individual requests otherwise.

At this meeting, DVR will share information on the DVR program, roles, and responsibilities in the process to assist the individual in making an informed choice on applying for services.

If, at this meeting, they are interested in applying for DVR services, the individual or the individual's guardian, if appropriate, should answer any missing application questions and sign the application (completing the application process). If the individual is over the age of 18 and has a court-appointed guardian, documentation of guardianship is required prior to acceptance of application. Documentation should be official court guardianship documents that include the type of guardian and the areas of decision-making where the guardian has authority to act. At this time, DVR should also begin gathering information for determining eligibility and priority for services.

(\*Indicates Wisconsin-Imposed Requirements.)

## **Application**

A consumer is considered to have applied for VR services when the consumer has met the following three criteria:

- Completed a DVR application signed by the consumer and/or parent/guardian, if appropriate, or otherwise requested services.\*\*
- Provided the information necessary to initiate an assessment to determine eligibility and priority for services.
- Is available to complete the assessment process.

(\*\*If the individual is over the age of 18 and has a court-appointed guardian, documentation of guardianship is required prior to acceptance of application. Documentation should be official court guardianship documents that include the type of guardian and the areas of decision-making where the guardian has authority to act.)

If at any time an application for services is requested it should be provided. At the time an individual provides DVR with a signed document requesting VR services, they are to be placed in Applicant Status 02.

## **Assessment for Determination of Eligibility**

To be eligible for VR services, a consumer must:

- Have a physical or mental impairment that results in a substantial impediment to employment.
- Require VR services to prepare for, secure, retain or regain employment determined by a VR Counselor employed by DVR.

**It is presumed the consumer can benefit in terms of an employment outcome.** Therefore, trial work experiences and extended evaluation are not used by DVR for the purpose of determining an individual's initial eligibility for VR services.\*

A consumer who is determined eligible for disability benefits under Title II or Title XVI of the Social Security Act (SSI or SSDI) is presumed to be eligible for VR services provided that the consumer intends to achieve an employment outcome. Completion of the application process for VR services is sufficient evidence of the individual's intent to achieve an employment outcome.

The assessment for determination of eligibility shall be based on a review of existing data, including VR Counselor observations, to the maximum extent possible. Information may be obtained, as necessary, from other programs and providers, such as educational institutions, Social Security Administration, physicians, hospitals and other information provided by the consumer or his/her family. The data used must describe the current functioning of the consumer.

(\*Indicates Wisconsin-Imposed Requirements.)

If existing data does not describe the current functioning of the individual or is unavailable, insufficient or inappropriate, the DVR shall base its determination of eligibility on an assessment of additional data resulting from the provision of VR services, including assistive technology devices/services and temporary work.

The determination of eligibility shall be made as soon as possible, but the time may not exceed 60 days after the consumer has submitted an application for VR services. However, the consumer and VR Counselor can agree on a specific extension of time due to exceptional and unforeseen circumstances beyond the control of the consumer or DVR.

A written statement of eligibility must be included in the DVR case record. Consumers who are determined not to be eligible for VR services shall be informed of the decision in writing, and be provided with the reasons for the determination of ineligibility, notification of their appeal rights and information about the Client Assistance Program (CAP).

Ineligibility determinations due to not requiring DVR services must be made by a VR Counselor employed by DVR.

## **III. RECEIVING SERVICES POLICIES**

### **Order of Selection (OOS)**

At any time DVR resources are not sufficient to serve all eligible consumers, an order of selection for services shall be implemented giving first priority (category 1) to consumers with the most significant disabilities. Second priority (category 2) shall be given to consumers with significant disabilities, and third priority (category 3) to all other eligible individuals. Eligible consumers will be served as resources allow.

A consumer has a most significant disability if he/she has a severe mental or physical impairment that seriously limits four or more functional capacities and requires multiple services over an extended period of time. A consumer has a significant disability if he/she has a severe mental or physical impairment that seriously limits one to three functional capacities and requires multiple services over an extended period of time. An allowed SSDI beneficiary or SSI recipient is presumed to be, at least, an individual with a significant disability. Other eligible individual is an individual with a severe mental or physical impairment that would not seriously limit a functional capacity or would not require multiple services over an extended period of time.

After a consumer is found eligible for VR services, an Order of Selection determination is completed. An assessment of existing and/or additional data, to the extent needed to make this determination, may be conducted. The VR Counselor, jointly with each consumer, shall evaluate his/her functional limitations and anticipated scope of services in the Order of Selection determination. This policy does not affect a consumer who has begun to receive services under an approved plan for employment prior to the implementation date of the Order of Selection or those who are in need of post-employment services. Each consumer must be notified in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the Order of Selection determination. Consumers in a closed category are offered referral services and the option to be placed on a waiting list until the consumer is activated for VR services. Each consumer in a closed category will be contacted annually to determine if additional information is available.

### **Plans for Employment**

#### *Options for Developing a Plan for Employment*

The plan for employment should be developed as soon as possible, but the time shall not exceed 90 days after the consumer is activated from an order of selection waiting list unless an extension of time request has been granted.\* ([See Page 6.](#))

(\*Indicates Wisconsin-Imposed Requirements.)

- DVR shall complete the assessment for determining VR needs, as appropriate. The purpose of the assessment is to determine the employment outcome and the nature and scope of VR services. DVR shall provide the consumer or, as appropriate, the consumer's representative, in writing and in an appropriate mode of communication, with information on the consumer's options for developing a plan for employment. These options must include:
  - The availability of assistance from a VR counselor, to the extent determined to be appropriate by the consumer, to develop all or part of the plan for employment.
  - The availability of technical assistance in developing all or part of the plan for employment.
  - A description of the full range of components that shall be included in a plan for employment.
  - As appropriate:
    - An explanation of the DVR guidelines and criteria associated with financial commitments concerning a plan for employment.
    - Additional information the consumer requests or the DVR determines to be necessary.
    - Information on the availability of assistance in completing the DVR forms required in developing a plan for employment.
  - A description of the rights and remedies available to such a consumer including, if appropriate, recourse to due process and mediation.
  - A description of the availability of the Client Assistance Program (CAP) and information about how to contact the CAP.

### Mandatory Procedures

- **Written Document.** A plan for employment shall be a written document prepared on forms provided by the DVR.
- **Informed Choice.** The plan for employment shall be developed and implemented in a manner that affords the consumer the opportunity to exercise informed choice in selecting an [employment outcome](#). Components of informed choice include: 1) the employment setting, 2) the specific VR services needed to achieve the employment outcome, 3) the settings in which the services will be provided, 4) the entity that will provide the VR services, and 5) the methods available for procuring the services.
- **Transition.** For high school students who are eligible for development of a plan for employment, the plan for employment will be completed prior to them leaving high school.

### Signatories

A plan for employment shall be:

1. Agreed to and signed by the consumer or, as appropriate, the consumer's representative.
2. Approved and signed by a VR Counselor employed by the DVR.

### Copy

A copy of the plan for employment and any amendments to the plan shall be provided to the consumer or, as appropriate, to the consumer's representative, in writing and, if appropriate, in the native language or mode of communication of the consumer or, as appropriate, the consumer's representative.

### Review and Amendment

- The plan for employment shall be reviewed, at least annually, by a VR Counselor and the consumer or, as appropriate, the consumer's representative. The review must include the signature of the counselor and the consumer or, as appropriate, the consumer's representative.
- The plan for employment shall be amended, as necessary, by the consumer or, as appropriate, the consumer's representative in collaboration with the DVR staff. An amendment is only necessary if there are substantive changes in the:
  - Employment outcome,
  - VR services to be provided, or,
  - Providers of the services.

Amendments are not to take effect until agreed to and signed by the consumer or, as appropriate, the consumer's representative, and by a VR Counselor employed by DVR.

### Mandatory Components of a Plan for Employment

The plan for employment shall contain, at a minimum, the following mandatory components:

- A description of the [specific employment outcome](#) chosen by the consumer that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice.
- Timelines for the achievement of the employment outcome.
- A description of the specific services to be provided in an integrated setting, including assistive technology.
- Timelines for the initiation of the services.
- A description of the entity/entities chosen by the consumer or, as appropriate, the consumer's representative to provide the services.
- The methods chosen by the consumer to procure the services.
- A description of criteria to evaluate progress toward achievement of the employment outcome.
- The terms and conditions of the plan for employment, including information describing:
  - Consumer responsibilities in relation to the employment outcome.
  - Expectations and outcomes needed to measure satisfactory progress.
  - The responsibility of the consumer in applying for and securing comparable benefits.
  - DVR responsibilities.
  - The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.

- The participation of the consumer in paying for the costs of services.
- For a consumer with the most significant disabilities with an employment outcome in a supported employment setting, information identifying:
  - The extended services needed by the consumer.
  - The source of extended services or, if the source of the extended services cannot be identified at the time of the development of the plan for employment, a description of the basis for concluding that there is a reasonable expectation that such source will become available.
- A statement of projected need for post-employment services.

### **VR Services for Consumers**

VR services are any services described in a plan for employment that are “necessary and appropriate” to assist a consumer in preparing for, securing, retaining or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the consumer, including:

1. Assessment for determining eligibility and priority for services.
2. Assessment for determining Vocational Rehabilitation needs.
3. Assessment for determining Rehabilitation Technology needs.
4. Counseling and guidance, including information and support services to assist a consumer in exercising informed choice.
5. Referral and other services to secure needed services from other agencies.
6. Job-related services, including job seeking skills, job search and placement assistance, job retention services, follow-up services and follow-along services.
7. Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools and other training materials, **except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the DVR and the consumer to secure grant assistance, in whole or in part, from other sources to pay for such training.** See [Addendum A](#) of this policy for additional information regarding the participation of DVR in the cost of post-secondary training.
8. To the extent that financial support is not readily available from a source such as health insurance or through comparable services and benefits, other than the DVR, diagnosis and treatment of physical and mental impairments, including:
  - 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.
  - Necessary hospitalization in connection with the surgery or treatment.
  - Prosthetic and orthotic devices.
  - Eyeglasses and visual services as prescribed by qualified personnel and who are selected by the consumer.
  - Special services (including transplantation and dialysis), artificial kidneys and supplies necessary for the treatment of consumers with end-stage renal disease.

- Diagnosis and treatment for mental and emotional disorders by qualified personnel who meet state licensure laws.
9. Maintenance for **additional costs, such as expenses for food, shelter, and clothing, incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under a plan for employment.** Maintenance is provided when relocation is necessitated by the IPE, is feasible and results in increased costs to the consumer. If commuting and relocation are both feasible, the consumer will have the choice. However, DVR costs will be limited by the less costly of the two alternatives.
  10. Transportation, including adequate training in the use of public transportation vehicles and systems. Transportation can only be **provided in connection with the provision of any other service described in this section and needed by the consumer to achieve an employment outcome.**
  11. On-the-job or other related personal assistance services provided while a consumer is receiving other services described in this section.
  12. Interpreter services provided by qualified personnel for consumers who are deaf or hard of hearing or deaf-blind, and reader services for consumers who are determined to be blind after an examination by qualified personnel who meet state licensure laws.
  13. Rehabilitation teaching services and orientation and mobility services for consumers who are blind.
  14. Occupational licenses, tools, equipment and initial stocks and supplies necessary to achieve the employment goal or start up a business consistent with the goals established in the Plan for Employment (IPE).
  15. Services to achieve self-employment or small business goals: Technical assistance and other consultation services to determine consumer readiness and appropriateness for self-employment, conduct feasibility analysis, development of business plans, and otherwise provided resources to the extent such resources are authorized to be provided through the statewide workforce investment system to consumers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome. The DVR and the consumer must assess the individual's readiness and appropriateness for self-employment including: knowledge, ability, skills, experience, motivation, and personal commitment to establish, operate, and maintain a business that generates a competitive wage and will be self-sustaining as well as the feasibility of the proposed business idea. The consumer must complete a thorough and well-researched business plan for approval. The plan must address all aspects of start-up costs, sources of funding, sufficient resources to leverage start-up capital, ongoing operation costs, and the likelihood of profitability within a reasonable timeframe.
  16. Rehabilitation technology, including telecommunications, sensory and other technological aids and devices. Replacement of equipment must be disability-related and linked directly to the consumer's IPE.
  17. Transition services for students with disabilities that facilitate the achievement of the employment outcome identified in the plan for employment.
  18. Supported employment services, including ongoing support services and other appropriate services needed to support and maintain a consumer with a most significant disability in supported employment that are provided singly or in combination and are organized and made available to assist the consumer to achieve competitive employment. Supported employment services are provided based on a determination of the needs of the consumer and

specified in a plan for employment. Supported employment services are provided for up to a maximum of 18 months unless, under special circumstances, the consumer and the VR Counselor agree to extend the time in order to achieve the rehabilitation objectives identified in the plan for employment.

19. Services to the family of a consumer necessary to assist the consumer to achieve an employment outcome.
20. Post-employment services necessary to assist a consumer to:
  - Retain employment when the limitations resulting from the disability result in the individual being at risk of losing the job or,
  - Regain employment when the individual is unable, due to the disability, to seek employment without assistance or,
  - Advance in employment, when the job is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Post-employment services are available to meet rehabilitation needs that do not require complex and comprehensive services. Post-employment service plans are not to exceed two primary services and/or more than six months in duration.

21. Planned temporary work provided in a realistic, integrated, competitive work site in the community which evaluates the individual's abilities, capabilities, and work capacity. The selection of specific work sites for temporary work must be consistent with the consumer's exercise of informed choice. Temporary work may include supported employment work situations or on-the-job training if they meet the aforementioned criteria. If the individual has accommodation needs which can be addressed through provision of assistive technology devices, assistive technology services, or personal attendant care services, those must be addressed when temporary work is provided. The plan for temporary work must incorporate and document periodic assessments to be carried out during the temporary work.
22. Other goods and services necessary to assist a consumer to retain, regain, or advance in employment.

Services are to be provided in an integrated setting, must meet the competitive employment standard, and follow procedures and/or [technical specifications](#) outlined for those services.

## **IV. PAYMENT OF SERVICES POLICIES**

### **Comparable Services and Benefits**

Before providing any VR services to a consumer, or members of a consumer's family, except for services exempt from determination of comparable benefits, DVR staff must determine if comparable benefits or services exist under any other Federal, State, or local public agencies, by health insurance, or by employee benefits and whether those benefits or services are available to the consumer at the time needed. Services and benefits provided by non-profits (e.g., charities, churches, Goodwill, clothing banks, etc.) and consumer PASS Plans through the Social Security Administration are not considered comparable services or benefits.

If available, the comparable benefits and services shall be used in whole or in part to cover the cost of VR services, unless such determination would interrupt or delay:

- The progress of the consumer toward achieving the employment outcome identified in the plan for employment.
- An immediate job placement.
- The provision of such service to any consumer at extreme medical risk.

The following services are exempt from the determination of comparable benefits:

- Assessment for eligibility and plan for employment needs.
- VR counseling and guidance.
- Referral and other services to secure services from other agencies.
- Placement services.
- Rehabilitation technology.

Comparable benefits do not include awards and scholarships based on merit.

### **Financial Contribution**

The Wisconsin DVR will not apply or require a financial needs test as a condition for providing most VR services. A financial needs test, as applied by the Free Application for Federal Student Aid (FAFSA), is required for post-secondary education services.\*

Consumers shall be advised that they can voluntarily participate in the cost of the services listed in their plan for employment but are not required to do so.

(\*Indicates Wisconsin-Imposed Requirements.)

## **Fee Schedules**

Wisconsin policies are based on 34 CFR 361.50(c). Rates of payment for the fee schedule and for contracted services are established to ensure a reasonable cost to the program for each service, not so low as to deny an individual a necessary service, not absolute, and permitting exceptions so that individual needs can be addressed.

DVR fee schedule rates of payment are determined based upon a competitive pricing analysis and an analysis of DVR costs for these services over a period of time of not less than one year, but no more than two years. As appropriate, DVR will set rates based upon approved State, County, or Federal rates for the same purchased services. If this process is used, it will be specified in the fee schedule.

- [Policy Manual Addendum A - Training Grant.](#)
- [Policy Manual Addendum B - Computers, Medical Services, Occupational Tools, Transportation, Child Care, Maintenance, Self-Employment Business Start-Up.](#)
- [Individual Placement and Support \(IPS\).](#)
- [Customized Employment.](#)
- [Self-Employment - Feasibility & Business Plan.](#)

DVR has established specific agreements with providers of several commonly used and provided statewide services. Each of these has been described in [technical specifications](#) to ensure a consistent level of service delivery. The rate of payment for these services are based upon the average time and cost of providing the service as described in the [technical specifications](#) and is established with input from the providers.

Services provided under these agreements include:

- [Benefits Analysis Fees.](#)
- [Internship/Temporary Work Fee.](#)
- [Job Coaching Fee \(Other Than Supported Employment\).](#)
- [Job Preparation, Development and Placement Fees.](#)
- [Supported Employment Fees.](#)
- [Vocational Evaluation Fees.](#)
- [Reimbursement for Service Provider Mileage.](#)

WDAs may develop rates, procedures, and [technical specifications](#) for other services not on the [statewide contracted service fee schedule](#).

DVR has established an exception process to be utilized if a consumer has a service need exceeding the published fee amount for services covered by a fee schedule.

## **Rates of Payment Determinations**

DVR will determine reasonable rates for services. Services that will meet the consumer's need at the least cost to DVR shall be the service purchased.

- If a service is listed on a fee schedule, that will determine the **maximum** DVR will contribute to the purchase.
- For purchases of goods and services not included on a fee schedule **or** are listed on the fee schedule as “**up to**” amounts, **comparisons among three providers** should be sought.
  - When there is more than one provider, the lowest price will be the maximum DVR will contribute to the purchase.
  - If there is only a sole provider, the reasonable rate charged for the service, not to exceed the rate charged other public agencies, will be used.
    - [Refer to Rate of Payment Determination & Required Documentation Chart](#)

In all purchasing, the consumer may choose his or her preferred provider. In making this selection, if the consumer chooses a product or provider that exceeds the maximum rate of payment established by the above procedures, the consumer will be responsible for the excess amount unless an exception has been granted. The DVR shall not place a dollar limit on specific service categories or on the total services provided to the consumer.

The procedures described in [DVR's Exception Request/Process Form \(DVR-14918-E\)](#) shall be used to request, review and document approval of purchases of goods and services that exceed the prices established by provider comparisons, contracts or fee schedules. The DVR shall not be responsible for the cost of out-of-state services in excess of the cost of in-state services if either service would meet the consumer's needs.

## **Required Fiscal Case Documentation**

- For goods and services costing \$1,500 or more, not covered by a fee schedule or listed on the fee schedule as an “up to” amount, written quotes documenting price comparison from three providers is required.
  - If less than three providers are available or a sole source provider, written quotes documenting price comparison from available providers are required.
- Information supporting the determination of rate of payment for purchases of goods and services costing \$500 - \$1,499, not covered by a fee schedule or listed on the fee schedule as an "up to" amount (e.g., internet comparison, ad searches, calls to vendors, etc.).
- Items costing under \$500, information supporting the determination of rate of payment is recommended but not required.
  - [Refer to Rate of Payment Determination & Required Documentation Chart](#)
- An approved exception request to purchase goods and services that exceed the lowest price obtained through price comparison or an established fee schedule.
- DVR Management review of rates of payment and programmatic approval for purchases as determined by the fiscal purchasing procedures and/or exception process.

- Documented management approval for a prior authorization exception or significant deviations from original authorized amounts. See [Fiscal Manual](#).
- For direct payments, verification that the consumer received the purchased goods and services, and documentation in IRIS that the money paid to the consumer was spent as intended by the DVR.
  - Verification includes receipts and demonstration that the consumer actually paid for the goods or services. See [Fiscal Manual](#) for verification policy and process.
- Documentation of action taken when:
  - The consumer does not provide adequate documentation verifying that goods and services were received and used as intended. See [Fiscal Manual](#) for collection procedures and unable to verify review process.
  - When a provider does not provide adequate documentation that the services authorized by DVR were provided as intended by the DVR.

### **Authorization for Services**

All purchased services shall be authorized in the file, as outlined in the [Fiscal Manual](#), prior to the provision of services and according to all legal, state purchasing, DWD, and DVR requirements. The Bureau of Consumer Services Director or Assistant Director, as designated by the Administrator, may approve exceptions, as allowed by law or regulation, to the above policy on an individual case basis. Depending on the circumstances, failure to follow these procedures could result in discipline to the employee. The consumer or service provider could be liable for the unauthorized costs. See [Fiscal Manual](#).

### **Service Provider Standards**

Providers of DVR services shall be licensed, certified, registered or otherwise accredited, as applicable, for the occupation, facility or service provided or in the absence of these requirements, other equivalent competency assurances. Any facility in which services are provided shall meet the accessibility and the civil rights compliance standards required by law. This shall include meeting the special communication needs of consumers. Providers shall also take affirmative action to employ and advance in employment consumers with disabilities.

## **V. CLOSURE POLICIES**

### **Closure Too Severely Disabled to Benefit from VR Services**

A consumer's case cannot be closed from applicant status because the individual is too severely disabled to benefit due to Wisconsin DVR's presumption that all applicants can benefit from VR services. If, however, at any other time in the case process it appears that the individual is too severely disabled to benefit from VR services, an IPE will be written or amended to assess the individual's ability to participate in and benefit from VR services. Trial temporary work (meeting the criteria for temporary work on [Page 15](#)) is a required service for these plans (if trial temporary work is not available, alternate evaluation services must be provided in integrated and competitive settings and consistent with the individual's informed choice). Only after a variety of trial temporary work opportunities, over a sufficient period of time result in clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome, can the decision be made to close the case due to the severity of the individual's disability. No one assessment strategy alone can result in clear and convincing evidence.

Consumers who are closed because they are incapable of benefiting from VR services in terms of an employment outcome will be provided an opportunity for a review of that determination a year after case closure and, at any time thereafter, at the request of the consumer. The review will assess whether their condition may have changed and if reapplication for services is appropriate.

### **Closure Prior to Eligibility**

A consumer's case shall be closed without an eligibility determination when the consumer declines to participate, refuses services, fails to cooperate, has died or is institutionalized. The case shall also be closed if the consumer is unavailable during an extended period to complete an assessment for determining eligibility, and the DVR has made multiple attempts using multiple methods, including the person's preferred mode of contact, to contact the consumer or, as appropriate, the consumer's representative to encourage participation.

### **Closure Due to Ineligibility**

The consumer or, if appropriate, the consumer's representative shall be provided an opportunity for a full consultation of an ineligibility decision before the consumer's case is closed due to ineligibility. Multiple attempts and multiple methods must be used to contact the consumer. The consumer shall also be offered referral services.

### **Closure after Eligibility Determination**

A consumer's case shall be closed after eligibility when:

- It has not been possible to develop a plan for employment,
- After the achievement of an employment outcome,
- VR services are no longer necessary or appropriate,
- The consumer fails to cooperate,
- The consumer does not achieve satisfactory progress in a plan for employment,
- Or the consumer is no longer eligible (consultation with supervisor is required).

The consumer or, if appropriate, the consumer's representative shall be provided an opportunity to discuss the closure decision before closure. Multiple attempts and multiple methods, including the consumer's preferred mode of contact, must be used to contact the consumer.

### **Closure after Achieving an Employment Outcome**

A consumer has achieved an employment outcome only if the following requirements are met and documented.

- Services provided under a plan for employment have contributed to the achievement of the employment outcome.
- The individual has achieved the employment outcome described in the individual's plan for employment.
- The employment outcome is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- The employment outcome is in the most integrated setting possible; consistent with the consumer's informed choice.
- The consumer is compensated at or above the minimum wage and receives at least the customary wage and benefit level paid to other individuals performing similar work for the same employer.
- Employment has been maintained for at least 90 days.
- The consumer and VR Counselor employed by DVR consider the employment to be satisfactory and agree the consumer is performing well on the job.
- The employment is stable, and the consumer no longer requires VR services to maintain the employment.

At the time of closure, the individual is informed of the availability of post-employment services.

Work in a nonintegrated or sheltered setting (extended employment) or work for which there is no payment is not considered an employment outcome. Nonintegrated or sheltered employment means the individual:

- 1) is normally paid on a piece rate basis,
- 2) is doing the same type of job,

- 3) is not generally afforded a benefits package offered other employees of the organization, and
- 4) is supported by other resources, such as county funding.

Individuals employed by the program earning wages and benefits normally afforded a person engaged in an employment relationship are considered competitively employed in an integrated setting and, thus, a successful rehabilitation outcome.

Paid temporary work cannot be considered a “closure after rehabilitation” until 90 days of employment have been completed after the end of the temporary work period.

### **Closure after Achieving an Employment Outcome in Supported Employment**

A consumer’s case shall be closed when the consumer is working in supported employment in a competitive and integrated work setting. For information on integrated and competitive work settings, see the [Employment Outcome](#) Guidance. There shall be confirmation of extended support services after case closure by another party identified in the plan for employment. Closure occurs no sooner than 90 days after transition to extended support services. Consumers must be compensated in accordance to Sec 14 (c) of the Fair Labor Standards Act.

### **Notification of Closure**

A consumer whose case is closed for any reason, except death or no known address, shall be notified, in writing, of the case closure, the type of closure, the reasons for the closure, the right to appeal the closure decision and the process for appealing, including the availability of the Client Assistance Program to assist with an appeal. Qualified personnel shall offer a consumer an opportunity for full consultation of the case closure prior to the closure. Notification to the consumer or, as appropriate, to the consumer’s representative shall be supplemented, as necessary, by other appropriate modes of communication consistent with the informed choice of the consumer.

### **Annual Review of Consumers Working Under a Sub-Minimum Wage Certificate**

If a consumer’s case is closed because he/she has been working under a sub-minimum wage certificate, an annual review shall be conducted each year for two years. A consumer or, if appropriate, the consumer’s representative may request additional reviews. The review is to determine the interests, priorities and needs of the consumer with respect to competitive employment or training for competitive employment. A consumer or, if appropriate, the consumer’s representative shall have input into the review and reevaluation and sign an acknowledgment. Maximum efforts will be made to assist these consumers in engaging in competitive employment. For additional information, refer to the [Annual Review - Closed Working Under Sub-Minimum Wage Certificate Guidance](#).

### **Post-Employment Services**

A consumer whose cases have been closed after achieving an employment outcome shall be provided additional services, if necessary, to maintain, regain or advance in employment consistent with consumer's strengths, resources, priorities, concerns, abilities, capabilities and interests. For additional information refer to the [Post-Employment guidance](#).

### **Equal Opportunity Statement**

DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact 800-442-3477 or 888-877-5939 (TTY).

For further information, visit our DVR website at <http://dwd.wisconsin.gov/dvr>.

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## DVR Program Policy Manual/Addendum A

### DVR Training Grant

(Effective 08/2014)

These fees are established in accordance with federal guidelines that permit an agency to establish fee limits for services designed to ensure a reasonable cost to the program for each service. If the service is provided as a direct payment to the individual either a receipt or other appropriate documentation that the funds were used as intended is required. The procedure for requesting an exception to this fee schedule is described in [DVR's Exception Request/Process Form \(DVR-14918-E\)](#).

Goods/Services	Amount	Comments
<p>Post-Secondary Training (Includes college, university, technical college, and vocational training).</p>	<p>After Financial Aid award information is provided, up to \$5,000, per academic year for full time attendance, as defined by the institution. Up to \$160 per credit for part-time attendance.</p> <p><b>Attendance below the minimum number of credits required to receive FAO grants at post-secondary institutions requires DVR administrative approval.</b></p> <p>Consumers and DVR must make maximum effort to obtain comparable benefits and services. If a consumer or family contribution (resources) are required as part of the <b>Free Application for Federal Student Aid (FAFSA)</b>, those contributions will be considered as necessary to meet the maximum effort requirement unless prohibited by the Rehabilitation Act.</p> <p>DVR will support the lowest cost option to meet consumers' IPE needs. Preference will be given to in-state public post-secondary institutions for both programs that offer financial aid and for those that do not.</p> <p>Administrative approval can be provided for attendance at a private and/or out of state school.</p> <p><b>NOTES:</b> The amount of unmet need identified in the financial aid award is used to calculate the amount of the DVR Training Grant.</p> <p>DVR may not authorize a training grant that results in an over-award of financial aids grants. The DVR Training Grant may not replace or decrease any other grants.</p> <p><b>Duration:</b> Consumers are encouraged to attend full time and complete the course of studies within the time specified by the curriculum. When extended attendance is required, DVR will provide payment for up to the equivalent of one extra semester for every year required by the curriculum (e.g., maximum duration of: 3 years to complete an Associate degree, 6 years to complete a Bachelor degree, 3 years to complete a Master degree).</p> <p>Additional time beyond the extended attendance noted above requires the use of the exception process.</p>	<p>To be paid directly to the school. The DVR Training Grant is to be divided in payments by academic year, semesters, quarters, or other grading periods.</p> <p>The DVR Training Grant funding replaces individual payments for tuition and fees; books and supplies, transportation, miscellaneous personal expenses; room and board; dependent care; and student loan fees in support of post-secondary training (expenses included in the cost of attendance budget).</p> <p>Reference policy for the circumstances under which the DVR pays for maintenance. Maintenance costs to support post-secondary training are included in the DVR Training Grant. Additional DVR funding for maintenance cost to support post-secondary training requires approval of an exception.</p> <p>See <a href="#">Fiscal Manual</a> for verification requirements and items required to issue payments.</p>

If the additional DVR services listed in the DVR Fee Schedule ([Addendum B](#)) are covered in your financial aid award, then DVR may not authorize them.

## DVR Program Policy Manual/Addendum B

### DVR Fee Schedule

(Updated 04/2016)

These fees are established in accordance with federal guidelines that permit an agency to establish fee limits for services designed to ensure a reasonable cost to the program for each service. If the service is provided as a direct payment to the individual, either a receipt or other appropriate documentation that the funds were used as intended is required. The procedure for requesting an exception to this fee schedule is described in [DVR's Exception Request/Process Form \(DVR-14918-E\)](#).

Goods/Services	Price	Comments
Computers	Up to \$800; Price comparison is required.	Includes CPU, keyboard, monitor, printer, modem and basic software. Does not include cost of assistive or rehabilitation technology devices or software.
Medical Services to Improve Functioning if Required to Achieve the Employment Outcome in a Plan for Employment	See Comments at Right.	For medical services and equipment, the Medical Assistance price list will be the maximum allowable price .If procedure or item is not on list, obtain three price estimates. Reference the DVR web site <a href="http://dwd.wisconsin.gov/dvr/fee_schedules.htm">http://dwd.wisconsin.gov/dvr/fee_schedules.htm</a> .  For hearing aids, the process outlined in the <a href="#">Purchasing Hearing Aids Directive</a> should be followed.
Occupational Tools and Equipment	Up to \$3,000; Price comparison is required.	
Assistive Technology	Up to \$10,000; Price comparison is required.  Spending authority limits remain in place.	Assistive technology may be needed and appropriate:  <ul style="list-style-type: none"> <li>• During the assessment for determining eligibility</li> <li>• Assessment of VR needs</li> <li>• Development of the IPE</li> <li>• During IPE Services</li> <li>• Annual reviews of ineligibility decisions</li> <li>• Annual review of extended employment</li> <li>• Post-employment services</li> </ul> <p><b>Existing Business:</b> DVR may have financial participation in purchase of assistive technology services and equipment identified as necessary for the consumer to perform the essential functions of a job.</p> <p>DVR cannot participate in purchase of services or equipment identified for business use only.</p> <p>If an item cannot be adapted or modified and a new item or piece of equipment is recommended for purchase with the adaption or modification, DVR will only be responsible for the adaption or modification portion and the business owner or business</p>

		owner /consumer will be responsible for the remainder. Trade in value can be included as a portion of a financial contribution.
Child Care	County Approved Rate.	Use the County Approved rate for childcare reimbursement at the 100% level.  If applicable, consider Wisconsin Shares program as a comparable benefit.
Maintenance	Actual Increased Costs.	Reference policy for the circumstances under which the DVR pays for maintenance. Maintenance costs to support post-secondary training are included in the DVR Training Grant. Additional DVR funding for maintenance cost to support post-secondary training requires approval of an exception.
Training not covered by Financial Aid	Up to \$5,000 in a 12 month period	Reference current issued <a href="#">guidance for Non-FAO Training</a> .

**Self-Employment Business Start-Up**

A DVR approved business plan is required. [See Self-Employment Start-Up Toolkit](#).

- DVR's financial participation will be used to purchase services and equipment identified in the approved business plan and must follow DVR's purchasing policies.
- The business's start-up cost excludes costs for training, assessments, and rehabilitation technology services.
- A consumer will need to demonstrate ability to cover % not covered by DVR as well as working capital as outlined below.
  - Working capital is defined as: Demonstration of funds available to cover costs of day-to-day operations of business and obligations (e.g., maintaining inventory, short-term obligations and expenses, etc.). It is the money needed to keep the business running until it generates enough revenue to pay for itself. This could be through cash, loans, grants, investors, etc. This does not include the owner's draw or depreciation amounts.
- For the consumer's participation amount, DVR can consider the dollar value of existing equipment that the consumer will use in the operation of the business (in-kind contribution). Please note: This cannot be used for demonstration of working capital.

Identified Start-Up Costs	DVR Financial Participation for Start-Up Costs	DVR Consumer Demonstrated Working Capital
\$1 - \$10,000	100%	2 months
\$10,001 & up	50%	4 months