

FREQUENTLY ASKED QUESTIONS No. 1

VOCATIONAL REHABILITATION SERVICES (VR) AND THE OFFICE OF DEVELOPMENTAL DISABILITY SERVICES (ODDS) IN OREGON

INTRODUCTION

This Frequently Asked Questions (FAQ) document is being distributed to help clarify and facilitate the service interactions between Vocational Rehabilitation Services (VR) and the Office of Developmental Disability Services (ODDS) for adults with Intellectual and other Developmental Disabilities (I/DD) in Oregon.

This document is not intended to address all questions that may exist relative to this service delivery relationship, but it is intended to address some of the major ones. Therefore, should you have additional questions related to this document or others not addressed, you may submit them to employment.first@state.or.us. We will then address submitted questions in future FAQ documents.

Information in this FAQ is based on the following general reference points:

1. VR services are to help a person obtain, retain, or regain individual employment in an integrated, competitive setting. This can also include self-employment. It does not include group supported employment. Services provided are short term and time limited in nature.
2. ODDS employment-related services are intended to last longer than VR services. They are intended to provide both pre-vocational and/or extended supports once a person has obtained integrated employment.
3. Executive Order 13-04 establishes a set of expectations for improving the employment outcomes for people with I/DD. This includes the expectation of the “presumption of employability” of individuals with I/DD be embedded in all applicable policies and practices.
4. Both VR and ODDS have state and federal regulations or other expectations that must be accounted for in the implementation of employment services and in the design of organizational relationships.

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TOPIC: REFERRAL TO VR FOR INDIVIDUALS RECEIVING ODDS SERVICES

QUESTION #1: Does someone need to be referred to VR before accessing ODDS funding for job development or initial job coaching for individual competitive integrated employment services?

ANSWER: Yes. Individuals with I/DD who express an interest in individual competitive integrated employment must be referred to VR. This is because VR can provide services that help people obtain or retain such employment. This includes, for example, providing job development, training, needed equipment, initial job coaching, etc. Because of federal requirements, ODDS cannot pay for such services if they are available to that person through VR. This means that VR must either: 1) deny the individual services; or 2) determine that the person has exhausted VR services before ODDS can pay for services similar to those VR provides. Once the person has obtained employment and VR supports have ended, ODDS funds can be used to provide ongoing/extended employment services and supports.

QUESTION #2: What should happen if a person gets an individual competitive integrated job without needing funds for job development from VR or ODDS?

ANSWER: It is certainly a possibility that people can obtain employment through a variety of ways and not necessarily from paid job development services through VR or ODDS. In that case, there is no need to make a VR referral for the purposes of job development because a need for job development does not exist.

However, VR should still be contacted and the option of a referral should be discussed. VR can and does fund or support an array of services at initial employment beyond job development. Examples include job training, assistive technology, or benefits planning. VR can facilitate or speed up eligibility to get these services as quickly as possible to assure timely availability.

QUESTION #3: Does a referral need to be made to VR before initially accessing ODDS funding for such services as group supported employment (crews and enclaves), facility or community-based prevocational skills, facility or community-based habilitation or other non-work related services?

ANSWER: VR's mission is to assist Oregonians with disabilities in obtaining individual jobs in integrated, community-based settings at minimum wage or better. No referral should be made to VR before accessing the ODDS services listed in this question.

QUESTION #4: Who can make a referral to VR?

ANSWER: A person, or their legal or other appointed representative, must request VR services. But there is not a requirement as to the specific referring person or agent. Typically the referral comes from the person's Case Manager or Personal Agent. The person wanting services can refer themselves to VR. Other potential referral sources include, but are not limited to, family members, teachers or other school personnel, or other service providers. Regardless of the referring person, communication among the key parties relative to the referral is critical to assure an effective and efficient process as well as coordinating efforts to maximize success.

QUESTION #5: What does VR need for a referral? What information should be coming with the referral? What can Community Developmental Disability Programs (CDDPs) or Support Service Brokerages provide in referral packets?

ANSWER: Ideally, to facilitate the referral and intake process, VR should have:

- VR's Service Questionnaire, completed.
- Documentation sufficient to establish legal status to work in the U.S. (e.g., ID, passport, or other documents sufficient to complete an I-9 form).
- Medical, psychological and other information that addresses functional limitations to establish VR eligibility.
- Verification of entitlement to Social Security disability benefits.

- Person Centered Plan, Individual Support Plans, Personal Employment Profile or other available information that helps guide the supported employment Plan.
- Identification of present or projected level of extended long-term support funding for employment.
- Results of benefits plan, if available.

QUESTION #6: Is VR access voluntary? What happens if a person does not want to avail themselves of VR services?

ANSWER: Participation in VR services is voluntary. Individuals cannot be mandated to be referred or participate. If the person wants individual integrated competitive employment but does not want to be referred to or receive VR services, there may be specific reasons that can be addressed. Discussions with the person or those close to him/her might be appropriate to ascertain the reasons and see what can be done to address concerns. Calling a VR representative might also be helpful in problem solving or otherwise providing information/options that might be helpful.

If a person declines to participate in VR, even though VR services are available, ODDS cannot then provide the same services that VR would (e.g. job development, initial job coaching, etc.). See Answer #1. Therefore, careful consideration of the decision to not utilize VR service as a means of achieving desired employment goals must be taken. Informed decision making is crucial, so information gathering, weighing pros and cons of the choices, and assessing options is important.

TOPIC: ELIGIBILITY FOR VR SERVICES

QUESTION #1: Executive Order 13-04 indicates that VR and ODDS employment policies and practices will be based on the “presumed employability” of individuals with I/DD. What does presumed employability mean in VR?

ANSWER: VR’s policies and regulations presume that all individuals who want to work are capable of employment given the appropriate employment goal, supports and setting. This includes individuals with I/DD.

QUESTION #2: What are the basic eligibility criteria for VR services?

ANSWER: Eligibility for VR Services is contingent upon:

1. A determination that the applicant has a physical or mental impairment.
2. A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.
3. A determination that the applicant requires VR services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The criteria stated above are for all individuals requesting VR services, not just individuals receiving ODDS services and supports.

QUESTION #3: What does “presumed eligibility” mean in VR?

ANSWER: Applicants for VR services who are receiving SSI (Supplemental Security Income – Title XVI) or SSDI (Social Security Disability Insurance – Title II) benefits are presumed to be eligible for VR services. In general, individuals found eligible for ODDS services will also be eligible for VR services. However, the VR counselor must still complete the normal eligibility determination process including obtaining medical documentation of disability and establishing a barrier to employment that VR services will alleviate.

QUESTION #4: What does “interim eligibility” mean?

ANSWER: Interim eligibility occurs when there is clear evidence that the individual will be found eligible for VR services and supports, but medical documentation is not readily available. This process is done to facilitate services in instances when waiting would be detrimental to the person, e.g., a job offer is pending and services are needed. Also refer to the answer to Question #2 in the Referral section above.

QUESTION #5: What are the timelines for determining eligibility for VR services?

ANSWER: VR has a time limit of 60 days to determine eligibility, but an eligibility determination should be made as soon as all of the criteria listed in Question #2 above have been met. Eligibility criteria must be substantiated by medical or psychological documentation. To the degree possible, existing information should be used to identify impediments to employment. It is important upon referral to provide thorough and complete information.

In cases where eligibility cannot be established within 60 days, an Eligibility Extension must be agreed to by the individual and counselor and the individual must be informed in writing. In all cases, eligibility determination decision is communicated to the applicant via mail but can also be communicated via phone or in person.

QUESTION #6: When can a counselor determine a person is not eligible for VR services? How is this communicated? What is the timeline?

ANSWER: An individual can be found ineligible for services if they do not meet basic eligibility criteria (see Question #2 above); if they do not want to pursue competitive employment in an integrated setting; if they are not available for services; or if, after a period of extended evaluation, they are determined to be too severely disabled to benefit from services.

The last criterion stated is covered by federal regulations. By those regulations, VR has to present clear and convincing evidence to determine that an individual is too severely disabled to benefit from services (i.e., because they can't attend services, participate in services or gain from services). This requires that the counselor develop a plan of extended evaluation to determine if the barriers that lead the counselor to believe that the individual is too severely disabled can be remediated or accommodated. Plans may include, but are not limited to, community-based assessments, trial work periods, and provision of rehabilitation technology, behavioral interventions or work place accommodations.

When a question exists about a person being too disabled to benefit from VR services, the individual is informed that they are being placed in trial work period or in extended evaluation. A plan is developed in partnership,

which the individual signs. The plan format mirrors an Individual Plan for Employment (IPE). It includes objectives, timeframes, and needed goods and services. The individual is also informed of their rights when the plan is signed. There is an 18 month timeframe for these plans.

TOPIC: SERVICE DELIVERY

QUESTION #1: What verification or assurance does VR require of availability of DD long term or extended funding needed? And, when is verification needed?

ANSWER: For individuals needing ongoing supports to maintain employment, VR is required to determine the availability of the supports in order to write the IPE, or have a reasonable expectation that the supports will be identified in the course of the plan. The fact that an adult (over age 18) is enrolled in a 1915(c) Home and Community Based Services Medicaid through ODDS will suffice that long-term funding supports are available. In general, a person receiving ODDS services, referred to VR, will already have an Individual Support Plan (ISP) with a set amount of long-term support for employment or other “day service” service. The amount, duration and scope of the long term supports are dependent on the particular Medicaid waiver. The current Comprehensive Waiver has a maximum allowed dollar limit per month for employment or day services, and the Support Services Waiver resources availability is determined by expenditures guidelines. VR should be made aware of the amount of long term funding in an individual’s service plan upon application.

It should be noted that ODDS is federally required to amend its Comprehensive Waiver and renews its Support Services Waiver effective 7-1-14. These changes may alter some of the policies and practices related to planning and funding employment related services. Stakeholders will be made aware of what and when any new waiver changes take place. Until that time, the current waivers and the respective requirements, as well as the implementing policies and practices, remain in effect.

QUESTION #2: Will ODDS review and modify the long-term support resources available to an individual as the VR plan goals are established and implemented?

ANSWER: Yes. In order to allow for a seamless transition from VR services to ODDS long-term employment supports, ODDS will allow for service plan funding to be reviewed and modified. Long-term funding plan changes must align with the goals and outcomes of VR plan. Again, changes to the ODDS employment supports must be made within the allowance of current waiver conditions, expenditure guidelines and current procedural requirements. It is recommended that a Service Coordinator or Personal Agent request the long-term funding changes as soon as the person begins their new job.

As noted above, ODDS is federally required to make changes to the Comprehensive and Support Services waivers effective 7-1-14, which could affect the availability of long-term support funding for employment services and the process by which individual budgets are set. Until any changes are officially announced for implementation, current practices apply.

QUESTION #3: When does funding responsibility for job coaching and on-the-job supports transfer from VR to ODDS?

ANSWER: Long-term employment supports should be transferred to ODDS at the time of job stabilization. VR closure occurs at 90 days of employment or at job stabilization, whichever occurs later. Based on evaluation and documented need for ongoing services for the individual to remain employed, the Service Coordinators/Personal Agents should begin the transition process from VR to ODDS funded employment services at least 30 (or other set number of days) days prior to the expected termination of VR services.

QUESTION #4: What does “job stabilization” mean, and who makes this determination?

ANSWER: Job stabilization occurs when the goals of the IPE are sufficiently met, long term support funding is in place, and the employee has learned the essential tasks of the position and is performing these tasks on a regular basis (with or without supports) to the employer’s satisfaction. This is a joint decision made by the VR counselor, individual, his/her representatives, employer, service providers, and Case Manager/ Personal Agent.

QUESTION #5: When can VR re-open a case or when can a person re-access VR services?

ANSWER: Individuals or their representatives can apply for or request VR services at any time. When there is a question about re-accessing VR services, VR should be contacted to explain the situation and get feedback as to the appropriate process. Common scenarios that lead a person back to VR for support are:

- Significant changes occur in the current job and time-limited supports are needed to help adjust to those job changes, and existing supports are insufficient to meet the need.
- Desire job advancement.
- Desire for a new job.

QUESTION #6: When should benefits counseling occur? Who does benefits counseling? Where should referrals be made?

ANSWER: Benefits counseling should occur as soon as requested. Individuals receiving SSI/SSDI benefits are best served by getting comprehensive information on how work will affect benefits as early as possible in the course of considering and pursuing employment. Basic information about the impact of employment on public benefits should be provided by Service Coordinator or Personal Agent in the course of preliminary discussions about employment. A referral for more comprehensive benefits counseling and planning should be made by the Service Coordinator or Personal Agent to Disability Rights Oregon or by the VR Counselor to Work Incentives Network as soon as the individual has decided to pursue employment, depending on availability of this service.

TOPIC: CASE COORDINATION AND COMMUNICATION

QUESTION #1: What does VR expect from Services Coordinators/ Personal Agents for people referred to and receiving VR services?

ANSWER: To achieve desired employment outcomes, extensive and ongoing collaboration is expected between VR Counselors and Service Coordinators/Personal Agents. This can be operationalized in many ways.

Services Coordinators/Personal Agents can exercise this collaboration by, for example:

- By providing VR needed initial and ongoing information in a complete and timely manner.
- Supporting and assisting a person accessing planned VR and extended ongoing services.
- Working with and supporting current providers (residential and day service), as well as family members to support the implementation of planned VR services.
- Attending related meetings when invited by the counselor and/or individual served.
- Suggesting and advocating for ISP or other planned activities that complement or otherwise enhance efforts to secure integrated employment.
- Participation as Team member in supported employment planning and implementation including the selection of vendors for time limited and on-going extended support.
- Helping plan and facilitate the transition from VR to the ODDS funded long-term services if needed to continue support of the VR service outcomes.

QUESTION #2: What should Service Coordinators/Personal Agents expect from a VR counselor for the period of time the person is receiving VR services?

ANSWER: To coordinate and assure necessary services and supports provided to the individual, result in positive employment related outcomes based on the individual's strengths goals and preferences.

To achieve desired employment outcomes, extensive and on-going collaboration is expected between VR Counselors and Service Coordinators/Personal Agents. This can be operationalized in many ways. VR Counselors can exercise this collaboration by, for example:

- By providing clear requirements of initial and ongoing information needed.
 - Keeping Service Coordinators/Personal Agents informed of the status of VR services and of key decision making points or timelines.
 - Informing Service Coordinators/Personal Agents of issues that may surface and participate in efforts to resolve those issues.
 - Inviting Service Coordinators/Personal Agents to key meetings.
 - Suggesting ISP or other planned activities that complement or otherwise enhance efforts to secure integrated employment.
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