

Action Request Transmittal Vocational Rehabilitation



Howard Fulk, Policy and Training Manager

Authorized signature

Number: VR-AR 20-06

Issue date: 5/20/2020

Topic: Other

Due date: 4/17/2020

Subject: Covid-19 Interim Operational Guidance: Eligibility and Individualized Plan for Employment Extensions in Response to Executive Order 20-12 (revised 5/20/2020)

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): All Vocational Rehabilitation staff |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Action required:

This Action Request (AR) describes temporary measures Oregon Vocational Rehabilitation will be undertaking as we continue to provide services in accordance with [Executive Order 20-12](#) "Stay Home, Save Lives."

Effective immediately and continuing until this directive is rescinded, VR Staff will follow the below guidance for processing client Eligibility Extensions or Individualized Plan for Employment (IPE) Extensions.

Other than the specific guidance provided in this Action Request, no other Vocational Rehabilitation procedures have been amended or changed and normal operating procedures should be followed accordingly.

Any questions surrounding procedures outside of this Action Request should be addressed to your branch manager. Questions regarding this Action Request may be addressed to <mailto:howard.r.fulk@dhs.oha.state.or.us>.

Executive Order 20-12 Impact on Eligibility and Plan:

The Rehabilitation Services Administration (RSA) has not amended or extended timelines for determining client eligibility or for moving an eligible client into an Individualized Plan for Employment (IPE) due to the Covid-19 situation.

These requirements currently remain in effect:

- Eligibility process (34 CFR 361.41, 60 days from application), and,
- Time to plan (34 CFR 361.45, 90 days from eligibility to plan).

With the onset of COVID-19 and the resulting barriers brought about by the Governor's [Executive Order 20-12](#) "Stay Home, Save Lives", there may be times when a Vocational Rehabilitation Counselor (VRC) is unable to make an eligibility determination or develop an individualized plan for employment within the timeframe required by RSA.

Some examples of these barriers include:

- Many businesses and agencies that VR collaborates with have significantly curtailed their operating hours or temporally shuttered their doors.
- Medical providers are overwhelmed with urgent care situations. They have eliminated many of their non-essential services, including processing routine records requests.

These and other similar circumstances have made it challenging to get documentation required to make eligibility determinations and do the work to successfully develop an individualized plan for employment.

Fortunately, CFR 361 provides flexibility to extend eligibility or plan development due to extenuating circumstances.

Eligibility Timeline Requirement:

34 CFR § 361.41(b) (1) requires that eligibility determinations be made within 60 days of receipt of applications unless:

- Exceptional and unforeseen circumstances, beyond the control of the State unit, preclude making an eligibility determination within sixty-days and the designated State unit and the individual agree to a specific extension of time.

Based on this guidance, if a VRC is unable to obtain the necessary supporting documentation required to make an eligibility determination within the established 60-day timeframe, an eligibility extension may be warranted.

Processing an Eligibility Extension:

Prior to initiating an eligibility extension due to Covid-19 related reasons, a branch manager approval for the extension must be obtained in writing.

- This approval may be done via email and a copy of the approval entered into the clients ORCA file.
- Branch managers may enter a case note directly into the client record stating that they have reviewed the request for extension and agree with the request.

After obtaining branch manager approval, the VRC will contact the client and obtain their understanding that an eligibility determination extension is required due to extenuating circumstances.

- VRC may obtain verbal telephonic or virtual agreement from the client.
 - This agreement and consent to the specific extension of time must be recorded within the Eligibility Extension document.
 - The date of this verbal consent must be prior to the date that the Eligibility Extension is created.
- The client may send a confirmation email to the VRC stating that they understand this extension is necessary and will be completed by the specific date that was agreed upon.
 - This email should be entered into the clients ORCA file.

Once agreement and consent are given by the client, the VRC will complete an eligibility extension in ORCA that contains:

- The date that agreement was given by the client, and,
- The specific extension of time for the completion of the eligibility.

This eligibility extension must also contain the reason(s) why the extension is required.

- COVID-19 or The Governors Executive Order 20-12 is not by itself a reason for an extension being required:
- The Governor's Executive Order may have led to events occurring that prevented the VRC from establishing eligibility within the required timeframe. However, the Executive Order is not the reason for the inability to complete the eligibility as required.
 - For example: the VRC may be unable to get medical documentation in a timely fashion. This is the reason for the extension being required. Document this by noting when the information was requested and that it has not yet been delivered to VR.

- Another example: the client requires an in-person psychological evaluation and the clinician is not currently accepting in-person appointments. The VRC notes that the evaluation has been requested however, the next available appointment exceeds the sixty-day requirement.

Once the Eligibility Extension is created, the VRC will notify the branch manager that it is ready for review and approval.

- This notification must be in writing and given at least one week prior to the eligibility extension due date.
- Once the branch manager receives notification of the pending eligibility extension, the manager must review the file to ensure that the documentation meets compliance standards. This review must occur prior to the eligibility extension due date.
- Once the manager confirms compliance, the manager enters the appropriate dates into the required fields and finalize the extension.
- If the manager believes that the documentation is *insufficient*, then the manager must inform the VRC of the documentation needed to meet compliance standards.
- Once approved, the manager will inform the VRC.

Additional Information on Eligibility Extension Case Notes:

The VRC will ensure that file documentation, including case notes, Releases of Information, and letters requesting medical records, support the rationale for extension.

The Case Notes Entry Date documenting the client's agreement to the specific timeframe, the ORCA Eligibility Extended Create Date, and the ORCA Eligibility Extension Agreement Date should be the same.

Individualized Plan for Employment (IPE) Timeline Requirement:

34 CFR §361.45 (a)(9)(e) requires that Vocational Rehabilitation complete a client's Individualized Plan for Employment (IPE) no later than 90-days after an eligibility determination is made. An extension may be granted if:

- VR and the individual agree to the extension, and,
- A new date is established by which the plan will be completed.

Processing an IPE Extension:

An IPE Extension may be warranted if a VRC is unable to complete an Individualized Plan for Employment within the established 90-day timeframe due to circumstances related to the Governor's Executive Order 20-12.

- Branch manager approval for the extension must be obtained in writing.
 - This approval may be done via email and a copy of the approval entered into the clients ORCA file.
 - Branch managers may enter a case note directly into the client record stating that they have reviewed the request for extension and agree with the request
- The VRC must contact the client virtually or by phone and obtain their understanding that an IPE Extension is required due to extenuating circumstances.
 - The VRC may obtain Telephonic or Virtual Agreement from the client, if no other means are available.
 - The VRC must document this verbal consent and agreement to the specific date the individualized plan for employment (IPE) will be completed in the Plan Development Extension.
 - The client may send a confirmation email to the VRC stating that they understand this extension is necessary and will be completed by the specific date that was agreed upon. This email should be entered into the clients ORCA file.

The VRC should complete a Plan Development Extension.

- This extension should thoroughly document the attempts to complete the IPE within the 90-day timeframe and the reason(s) why the IPE could not be developed.
- The Plan Development Extension must clearly state the date of consent by the client and the mutual agreement to a specific date that the IPE will be completed.
- COVID-19 or the Governors Executive Order 20-12 is not by itself a reason for an extension being required.
 - The Governor's Executive Order may have led to a chain of events that prevented the VRC from establishing the Plan within the required timeframe. But this does not actually represent the reason for being unable to complete the Plan as required.
 - For example: the VRC may be unable to perform a Community Based Work Assessment (CBWA) due to the mandated requirement for social distancing during this period. The inability to conduct the assessment would be the reason for the extension being required.
- Thoroughly document any steps taken attempting to schedule these assessments and why they were unsuccessful.

When the Plan Development Extension is complete:

- The VRC will notify the branch manager that the Plan Development Extension is ready for review and approval.

- This notification must be in writing and must be given at least one week prior to the Plan Development Extension due date.
- Once the branch manager receives notification of the pending Plan Development Extension, the manager must review the file to ensure that the documentation meets compliance standards.
 - This review must occur prior to the plan due date.
 - Once the manager confirms compliance, the manager enters the appropriate dates into the required fields and finalize the Plan Development Extension.
 - If the manager believes that the documentation is *insufficient*, then the manager must inform the VRC of the documentation needed to meet compliance standards.
 - Once approved, the manager will inform the VRC.

Once the VRC receives notification that the plan development extension is finalized, they will follow the protocol outlined in [VR AR 20-04](#) to obtain the required client signature and place the signed copy in the file.

Example of Plan Extension & Mutual Agreement Case Note

Example 1:

Entry Date: Date of actual Virtual/Phone Meeting and Agreement

Category: Other or Phone Call

Summary: Virtual Meeting for Plan Development Extension
Phone Meeting for Plan Development Extension

Enter Case Note:

Under the interim guidance of VR-AR-20-04 and VR-AR 20-06, and in compliance with the Governors Executive Order 20-12 the plan extension discussion was conducted virtually due to personal distancing requirements. The Plan Development Extension was mailed and received by the client prior to the scheduled meeting.

This VRC reviewed the plan development extension with the client and obtained verbal agreement to a specific date of extension. The mutually agreed upon specific extension date that the IPE will be completed is: Month/Day/Year.

Therefore, today's plan extension date was recorded ORCA and is consistent with this VRC's plan extension signature date. The client also understood, by verbal confirmation, that the mutually agreed upon and dated copy of the plan extension, along with a self-addressed prepaid envelope, would be mailed upon completion of today's meeting. The client verbally attested that upon receipt, they will sign the plan extension signature page and mail the signature page back to VR within two business days of receipt.

Example 2

Entry Date: Date of actual date stamp receipt of client signature page

Category: Correspondence

Summary: Plan Extension Signature page received from Client

Enter Case Note:

The clients plan extension signature page has been returned to VR via USPS. The signed copy was date stamped and filed in the case service record. See prior agreement in case note dated Month/Day/Year (Date of Virtual/Phone plan extension meeting)

Additional Useful Guidance:

The following documents may be useful for staff to assist with their understanding and practice of incorporating Diversity Inclusion and Trauma Informed Approach.

[Guide for Facilitating Inclusive Virtual Meetings](#) (no date)

[Trauma-Informed Organization Policy DHS 010-022](#) (12/02/2019)

Regulations:

[34 CFR §361.41 Processing referrals and applications](#)

[34 CFR 361.45 Development of the individualized plan for employment](#)

[VR AR 20-04](#) Covid-19 Interim Operational Guidance: VR Virtual or Phone Meeting Guidance in Response to Executive Order 20-12

Field/stakeholder review: Yes No

If yes, reviewed by: VR Executive Team, Branch Managers, Field Staff

If you have any questions about this action request, contact:

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