

# Action Request Transmittal Vocational Rehabilitation



Howard Fulk, Policy and Training Manager

**Authorized signature**

**Number:** VR-AR 20-12

**Issue date:** 08/07/2020

**Topic:** Other

**Due date:** 08/07/2020

**Subject:** Use of Alternative Medical Treatments. Non-Traditional Medical Services for Restorative Services

**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:**

These procedures provide guidance when requesting complementary, alternative or integrative medical practices for clients, or when serving clients jointly with Tribal VR agencies.

**Purpose:**

This transmittal clarifies the use of Alternative, Complementary and Integrative Medical Practices when deemed necessary as part of a restorative process plan for client services. Cooperation with Tribal VR to serve joint clients and provide traditional medicine is also discussed.

## **Background:**

Historically, Vocational Rehabilitation (VR) has relied upon the Oregon Health Plan (OHP) as the standard for restorative services. However, VR recognizes that there may be times when a client may benefit from services not listed within the OHP program.

Some examples of services not provided under OHP include:

- [Alternative Medicine](#): Non-mainstream treatment plans *used in place of* conventional medical treatments
- [Complementary Medicine](#): Non-mainstream treatment plans *used in conjunction with* conventional medical treatments
- [Integrative Medicine](#): Conventional and complementary treatment plans *used cooperatively with* a holistic approach to services

Tribal VR programs may also incorporate traditional healing methods that are established through and detailed in their grants from Rehabilitation Services Administration (RSA).

## **Procedures**

### **Providing alternative, complementary or integrative medical products or services**

In instances where a [health-professional licensed through, certified by or registered with a medical board in the State of Oregon](#) (ORS 676.150) recommends that a client may benefit from a restorative treatment program that includes an alternative, complementary or integrative medical product or service; the following requirements must be met:

1. The treatment regimen must address a specific barrier to employment as listed in the client's eligibility determination or amended eligibility determination
  - Must be directly tied to an identified employment goal or functionality
2. The restorative service must be listed in a treatment plan developed by a licensed medical professional qualified to develop said plan
  - The treatment plan must be tracked to show improvement and demonstrate the path to overcome the employment barrier
3. The treatment must be time limited
  - The treatment timeline must be specific to the general expectations for that service.

4. The treatment must be an evidence-based practice
  - As defined in [OAR 582-001-0010](#) (29)
5. The treatment plan must be part of the signed and dated individualized plan for employment (IPE) services or amended IPE

**NOTE:** VR is a federally funded program. The federal funds AND the state match are all federal funding under the Rehabilitation Services Administration (RSA) grant. (See [VR-IM 15-5](#) for more information.) Federal funds cannot be used to make purchases of drugs that are illegal in federal regulations.

This means that **Oregon VR cannot purchase (but not limited to) the following examples for cannabis or marijuana:**

- Medical marijuana (A controlled substance, on Schedule 1)
- Cannabidiol or CBD (except if the product is an FDA-approved drug that contains CBD derived from cannabis and no more than 0.1 percent tetrahydrocannabinols which are in Schedule V)
- Oregon Medical Marijuana Program card

### **Providing Tribal VR Traditional Healing**

Oregon VR has a [cooperative agreement](#) with each of the five Tribal VR programs. The cooperative agreement discusses how vocational rehabilitation services can be concurrently provided to an enrolled member of the Tribe.

The federal grants that fund the Tribal programs may include the provision of, and payment for, traditional cultural healing practices described in their grants.

The Oregon VR counselor, joint client, and the Tribal VR Program staff may work cooperatively to use these traditional, alternative healing practices, as appropriate, and include them in the IPE services to achieve an employment goal.

### **Definitions:**

**Alternative medicine** means non-mainstream treatment plans used in place of conventional medical treatments.

**Complementary medicine** means non-mainstream treatment plans used in conjunction with conventional medical treatments.

**Conventional medicine** means medicine usually practiced by holders of an M.D. (medical doctor) or D.O. (doctor of osteopathic medicine) degrees and by

their allied health professionals (such as physical therapists, psychologists, and registered nurses).

**Integrative medicine** means conventional and Complementary treatment plans used cooperatively with a holistic approach to services.

### **Examples:**

Evidence based research has demonstrated that hypnotherapy is effective when used for relieving anxiety in some patients. This may be a consideration for clients that have great difficulty in successfully completing the interview process due to anxiety or underlying nervous conditions.

Many studies have demonstrated that acupuncture provides patient relief when used in cooperation with other pain management strategies. For clients seeking to return to work and are unable to overcome a barrier related to pain, this treatment may be a consideration in those instances.

Not every alternative, complementary or integrative treatment has been shown to be effective in all situations. The VRC should carefully weigh the potential benefits of the specific client's case and situation before recommending one of these treatment regimens.

**NOTE:** The treatment of medical or psychological conditions is not the primary focus of the Vocational Rehabilitation Program. VR considers restoration services only in situations where this treatment will remove or reduce barriers to an employment outcome.

Vocational Rehabilitation may not provide ongoing treatment, including medication, for chronic or progressive medical or mental health conditions. VR may provide assistance for short-term, problem-focused mental health treatment when it is determined to be beneficial to overcome barriers to employment. Additionally, VR is not permitted to fund costs associated with co-pays for Medicare or Medicaid.

### **Additional Resources:**

This publication may be a valuable when researching Complementary health resources:

[6 Things to Know When Selecting a Complementary Health Practitioner](#)

**NCCIH Clearinghouse:** The National Center for Complementary and Integrative Health (NCCIH) Clearinghouse provides information on NCCIH and complementary and integrative health approaches, including publications and searches of Federal databases of scientific and medical literature

Website: <https://nccih.nih.gov/>

**PubMed®:** A service of the National Library of Medicine, PubMed® contains publication information and (in most cases) brief summaries of articles from scientific and medical journals

Website: <https://pubmed.ncbi.nlm.nih.gov/>

**MedlinePlus:** To provide resources that help answer health questions, MedlinePlus (a service of the National Library of Medicine) brings together authoritative information from the National Institutes of Health as well as other Government agencies and health-related organizations.

Website: <https://www.medlineplus.gov/>

**NIH Clinical Research Trials and You:** The site includes questions and answers about clinical trials, guidance on how to find clinical trials through ClinicalTrials.gov and other resources, and stories about the personal experiences of clinical trial participants. Clinical trials are necessary to find better ways to prevent, diagnose, and treat diseases.

Website: <https://www.nih.gov/health-information/nih-clinical-research-trials-you>

**Cochrane Database of Systematic Reviews:** The Cochrane Database of Systematic Reviews is a collection of evidence-based reviews produced by the Cochrane Library, an international nonprofit organization. The reviews summarize the results of clinical trials on health care interventions. Summaries are free; full-text reviews are by subscription only.

Website: <https://www.cochranelibrary.com/>

**Finding and Evaluating On-line Resources Website:**

<https://www.nccih.nih.gov/health/finding-and-evaluating-online-resources>

## **References:**

**Title 21 Code of Federal Regulations, Part 1308 — Schedules of Controlled Substances, Schedules. §1308.11 Schedule I.** (d)(31) (Jan. 30, 2020)

**21 CFR Parts 1308, 1312 Schedules of Controlled Substances:** Placement in Schedule V of Certain FDA-Approved Drugs Containing Cannabidiol; Corresponding Change to Permit Requirements. (Federal Register Vol. 83, No. 189, Friday, September 28, 2018 Rules and Regulations. Pp 48590-48593)

- Specifically, this order places FDA-approved drugs that contain CBD derived from cannabis and no more than 0.1 percent tetrahydrocannabinols in schedule V.
- Material that contains THC and CBD extracted from the cannabis plant falls within the listing of extracts and tinctures of cannabis for purposes of the Single Convention. Thus, such material, which includes, among other things, a drug product containing CBD extracted from the cannabis plant, is a Schedule I drug under the Single Convention.

**34 CFR §361.5 (c)(5)(i)(C) Definitions.** (Assessment for determining eligibility and vocational rehabilitation needs)

**ORS Chapter 676** — Health Professions Generally.

**OAR 582-070-0030**(6)(g-i) Physical and Mental Restoration Services

**VR-IM-15-5** Federal dollars cannot fund projects that involve the sale or distribution of substances illegal under federal law (2015)

### **Traditional Tribal healing practice references:**

The Rehabilitation Act of 1973 Authority: Sections 12(c), 103(a)(7) of the **Rehabilitation Act of 1973**, as amended;

**29 U.S.C. 709(c) and 723(a)(7)** (xvii) Services reflecting the cultural background of the American Indian being served, including treatment provided by native healing practitioners in accordance with **34 CFR 371.41(a)(2)**.

**Listing of boards that govern health professionals include:**

As used in this section:

- State Board of Examiners for Speech-Language Pathology and Audiology;
- State Board of Chiropractic Examiners;
- State Board of Licensed Social Workers;
- Oregon Board of Licensed Professional Counselors and Therapists;
- Oregon Board of Dentistry;
- Board of Licensed Dietitians;
- State Board of Massage Therapists;
- Oregon Board of Naturopathic Medicine;
- Oregon State Board of Nursing;
- Oregon Board of Optometry;
- State Board of Pharmacy;
- Oregon Medical Board;
- Occupational Therapy Licensing Board;
- Oregon Board of Physical Therapy;
- Oregon Board of Psychology;
- Board of Medical Imaging;
- State Board of Direct Entry Midwifery;
- State Board of Denture Technology;
- Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- Oregon Health Authority, to the extent that the authority licenses emergency medical services providers;

Source: Legislative Counsel Committee, CHAPTER 676—Health Professions Generally, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors676.html](https://www.oregonlegislature.gov/bills_laws/ors/ors676.html) (2019) (last accessed May 16, 2020).

**Field/stakeholder review:**  Yes  No

VR Executive Team, Branch Managers, Field Staff, the

**If yes, reviewed by:** SRC Policy Legislation & Budget Committee

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

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