

Action Request Transmittal Vocational Rehabilitation



Howard Fulk, Policy and Training Manager
Authorized signature

Number: VR-AR 20-06 rev
Issue date: 4/1/2022

Topic: Other

Due date: 4/1/2022 rev

Subject: UPDATED Eligibility and Individualized Plan for Employment Extensions

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:

Eligibility and Plan Timelines:

The Rehabilitation Services Administration (RSA) requires eligibility must be determined within 60 days after application has been submitted. Staff have 90-days to move an eligible client into an Individualized Plan for Employment (IPE). See:

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

These requirements also apply to eligibility and time to plan when working with students with disabilities in transition.

BACKGROUND

There may be unforeseen circumstances beyond the control of the VR agency 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 to determining eligibility include:

- Medical providers may be overwhelmed with demands for care. There is a lag in the ability to process routine records requests.
- Medical or psychological information cannot be easily secured.
- Clients are unable to report their provider names and location of medical service.

Challenges to meet the 90-day time to plan might include:

- Lack of agreement regarding the client employment goal
- Clients are involved in other agencies or services that create delays
- Lack of client involvement in the vocational rehabilitation process
- Other reasons beyond the client's or counselor's control

These types of circumstances may make it challenging to get documentation required to determine eligibility and successfully develop an individualized plan for employment.

Fortunately, [34 CFR 361](#) provides flexibility to extend eligibility or plan development due to extenuating circumstances.

ELIGIBILITY: TIMELINE, PROCESS, EXTENSION

Eligibility Timeline Requirement:

[34 CFR § 361.41\(b\)\(1\)](#) requires that eligibility determinations must be made within 60 days once an individual has submitted an application for vocational rehabilitation, unless the Vocational Rehabilitation (VR) staff:

- Identifies exceptional and unforeseen circumstances, beyond the control of VR, preclude making an eligibility determination prior to sixty-days.
- Obtains agreement from the individual that an extension is necessary,
- Identifies the timeframe in which the eligibility determination will be completed,
- Assures there is client agreement, and,
- Client and counselor signatures are documented on an eligibility extension in ORCA and placed in the file.

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 period after the application submission, an eligibility extension may be necessary.

Processing an Eligibility Extension:

The first extension can be completed by the vocational rehabilitation counselor (VRC).

Subsequent extensions must be approved the branch manager.

- The branch managers may:
 - Enter a case note directly into the client record stating that they have reviewed the request for extension and agreed, or,
 - Respond to an email generated by the counselor to state that they agree to an extension.
- Branch manager approval may be done via email. The counselor must enter the approval by making a case note in the client's ORCA file.

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

- VRC may obtain in-person, verbal telephonic or virtual agreement from the client.
 - This agreement and consent to the specific extension of time must be recorded in the eligibility extension document.
 - The date of client consent must be prior to the date that the eligibility extension is created.
- The client may sign the eligibility extension or send a confirmation email to the VRC stating that they understand and agree the extension is necessary and will be completed by the specific date agreed upon.
 - This documentation should be entered into the client's ORCA file and printed copy in the service record.

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

- The date the client agreed to the extension, and,
- The specific extension of time to complete the eligibility.

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

- Examples:
 - 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.
 - The client requires an in-person psychological evaluation, and the clinician is not currently making appointments, or the appointment is beyond the 60-day eligibility period. The VRC notes that the evaluation has been requested and the next available appointment exceeds the 60-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.
- When 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.
- After the branch manager confirms compliance, the branch manager enters the appropriate dates into the required fields to 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 must 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.

IPE: TIMELINE, PROCESS, EXTENSION

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) within 90 days of the eligibility determination. A plan development extension may be granted if:

- The plan development extension is necessary, and,
- VR and the client must agree to the plan development extension, and,
- A new date is established when the plan will be completed.

If the eligible individual does not agree to a plan development extension, it cannot be completed.

Process for Initial Plan Development Extension:

The VRC can initiate the first plan development extension.

- The VRC must contact the client face-to-face, virtually or by phone and obtain their agreement that a plan development extension is necessary due to extenuating circumstances.

- The VRC may obtain written, verbal telephonic or virtual agreement from the client (and parent or guardian or in collaboration with team members, as appropriate).
- 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 VRC explains that they will send the client a plan development extension to sign. Or the counselor may request that the client reply to a confirmation email stating that they understand this extension is necessary and will be completed by the specific agreed upon date. This signed plan development extension or email should be entered into the client's ORCA file and service record.

The VRC should complete a plan development extension in ORCA.

There is a dropdown menu and two boxes in ORCA to complete the plan development extension.

- **Dropdown menu:** choose the most appropriate reason for plan development extension

- **Reasons for Extension box:**

The VRC will thoroughly document the attempts to complete the IPE within the 90-day timeframe and the reason(s) why the IPE could not be developed.

- An incident may have led to a chain of events that prevented the VRC from establishing the Plan within the required timeframe. 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 limited availability of job developers in the area or during periods of the year, such as a holiday season. 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.
 - For example: A Discovery report may have been expected but not delivered that was anticipated to form the employment outcome for IPE. State when the Discovery report is anticipated to be complete.
 - For example: Natural disasters that may create extenuating circumstances that delay or prevent completing the comprehensive assessment process.

- Additionally, 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.
- **The following actions are needed before the plan can be developed box:**
 - Provide specific tasks or actions to complete to assure the plan can be developed.

Subsequent Plan Development Extensions

Subsequent extensions must be dated and approved by the branch manager.

- The process for a subsequent extension follows the [process for initial plan development extension](#) (see above).

When the plan development extension is complete, the VRC contacts the branch manager.

- At least one week prior to the extension due date, the VRC sends email with subject “Plan Delay Request” to the branch manager.
 - In the body of the text provide the client PID number and last name.
 - Also provide how long the plan will be extended.
 - If there are several requests, explain why the additional extensions are required.
- When the branch manager receives notification of the pending plan development extension, they must:
 - Review the file to ensure that the documentation meets compliance standards. This review must occur prior to the plan due date.
 - After the manager confirms compliance, the manager enters the appropriate dates into the required fields and finalizes 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 must reply to the initial email.
 - Note that the plan extension has been allowed.

The VRC must print and sign the plan extension.

- The signed original must be sent to the client.

- A letter may be generated in ORCA to accompany the extension and direct the client to sign and return the form if they agree and a copy for the client to keep.
- When the original file has both client and VRC signature, it is placed in the client file.

Example of Plan Extension & Mutual Agreement Case Note

Example 1:

Entry Date: Date of actual in-person, virtual or 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:

The plan extension discussion was conducted in-person, virtually or via phone. The plan development extension was signed while the client was in the office OR mailed and received by the client prior to the scheduled meeting.

This VRC reviewed the plan development extension with the client and obtained a signature or a 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 in ORCA and is consistent with this VRC's plan extension signature date.

- A copy of the signed and dated written agreement was given to the client and the original placed in the client file. **– OR --**
- The client 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 client's plan development 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 (updated: April 2020)

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](#)

Any questions about procedures outside of this Action Request should be addressed to your branch manager.

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:

Contact(s): VR.Policy@dhsosha.state.or.us	
Phone:	Fax:
Email: VR.Policy@dhsosha.state.or.us	