

## **IDVR Counselor Training Series**

### **Determining Eligibility - Part 1**

#### **Welcome**

Welcome to the Idaho Division of Vocational Rehabilitation Counselor Training. This program is provided by the New Hampshire Department of Education, Division of Workforce Innovation, Bureau of Vocational Rehabilitation, and Interwork Institute of San Diego State University. It is part of the Agency's effort to provide readily available training support to vocational rehabilitation counselors. For further information contact: shannon.wilcox@vr.idaho.gov.

#### **Introduction**

In this module, you will learn the process for determining if an individual is eligible for vocational rehabilitation services. You will learn about specific steps toward making the determination, how to document your decisions, and what to do if you believe someone may not be eligible for services. This is a high level overview of the eligibility determination process under federal regulations. Refer to the [IDVR FSM, Section 4, Eligibility](#), for policy and procedures specific to IDVR's eligibility process.

#### **Eligibility Determination Process**

The eligibility determination process is represented by a series of steps. In this module, we will go through each step in the process for determining eligibility for services so that it is clear and understandable.

#### **First Steps**

The rehabilitation process begins with completing an application. Based on Federal Regulations you need to determine eligibility as soon as you receive documentation, but **no later than 60 days**, unless exceptional and unforeseen circumstances occur. If you must request documentation, this should be done as soon as possible. If you do not receive it within 30 days, follow up with the appropriate parties to gather this information. Follow agency policy when completing and documenting extensions needed due to exceptional and unforeseen circumstances.

Here is an example of a need for an **extension**:

- First, an applicant claims to have a psychiatric impairment, but there are no records of treatment or medical diagnosis.
- To complete an assessment, you schedule a psychiatric evaluation, but the earliest appointment available with an approved provider is two months.
- You cannot obtain a diagnosis and complete an eligibility determination within 60 days as federally required. Both you and the applicant agree to an extension of the 60-day requirement of an eligibility determination

Federal regulations make it clear that the circumstances requiring an extension must be beyond VR's control. It is the counselor's responsibility to manage applications effectively to complete eligibilities within the specified 60-day time frame and make every effort to determine eligibilities in a timely manner. Consult with your supervisor as soon as you believe an eligibility extension may be necessary.

When you are making an eligibility decision, it is important to note that **no applicant is excluded or found ineligible solely based on the type of disability.**

Also, the eligibility requirements are applied without regard to the **age, gender, race, color, or national origin** of the applicant.

In addition, no applicant is excluded or found ineligible **based on the type of employment outcome expected**, the **source of referral** for VR services, or any particular service need or anticipated cost of services that may be necessary.

You also may not exclude applicants based solely on their **income level or family income, legal history, or state residency status.**

## Eligibility Criteria

When an individual applies for VR services, the counselor must determine eligibility based on four criteria.

Let's look at these criteria:

### 1. Disability or Impairment

The applicant must have been determined by qualified medical personnel (QMP) to have a physical or mental impairment

### 2. Impediment

A determination utilizing documentation, as well as observation and input from the applicant and collateral contacts, that the impairment results in a substantial impediment to employment.

### **3. Required Services**

A qualified Rehabilitation Professional (QRP) employed by IDVR has determined that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

### **4. Benefit from Services**

The applicant must be able to benefit from VR services in terms of an employment outcome. This requirement is presumed unless you believe that the disability is too significant for employment.

The applicant must also intend to achieve an employment outcome consistent with his or her unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Counselors are responsible for informing applicants of this requirement; however, completion of the application process is sufficient evidence of the individual's intent to achieve an employment outcome.

Now let's look at the steps to take to determine if an applicant meets these eligibility criteria.

## **Determining Existence of an Impairment**

### **Step 1 - Existence of an Impairment**

The first step in the eligibility process is to determine if the person has a physical or mental impairment. Determination of an impairment is accomplished by obtaining medical information from a qualified medical professional (QMP) or organization qualified to diagnose and treat the medical or mental condition. Examples of qualified professionals include a licensed physician for diabetes; a licensed substance abuse counselor or other mental health professional with expertise in substance abuse for a substance abuse impairment; and an ENT or audiologist for a hearing loss.

Determination of an existing impairment can also be accomplished by obtaining Social Security documentation for individuals who receive SSI or SSDI under Title II or Title XVI of the Social Security Act.

## Conclusion of Step 1

- If you confirm that an applicant has a physical or mental impairment, **move on to Step 2** of the eligibility process to determine if the impairment constitutes a substantial impediment to employment.
- If you decide that the applicant does **not** have an impairment, determine the individual **ineligible for VR services** and complete the steps for case closure described in Module 9.

## New Section: Substantial Impediment

### Step 2 - Substantial Impediment

In the second step of the process, you will determine if the applicant's physical or mental impairment results in a substantial impediment to employment. A substantial impediment to employment means that when considering the individual's medical, psychological, vocational, educational, functional capacities and other related factors, a physical or mental impairment hinders the individual from preparing for, entering into, engaging in, advancing in, or retaining employment consistent with the individual's abilities and capabilities. Anyone who receives SSI or SSDI, based on their disability, under Title II or XVI of the Social Security Act is presumed to have a substantial impediment to employment.

The following are a few examples of how an impairment hinders an individual's ability to prepare for, enter into, engage in, advance in, or retain employment:

- The ability to prepare for employment may be hindered when an individual has difficulty organizing and structuring a job search, contacting the employer, or participating in training due to the impairment.
- The ability to enter into employment may be hindered when the individual is not able to get to an interview due to mobility impairments or effectively participate in an interview due to communication impairments.
- The ability to engage in employment may be hindered if cognitive impairments affect the individual's ability to follow oral or written instructions and interpret work orders, or if a physical limitation prevents the individual from completing job duties.
- The ability to advance in employment may be hindered if an individual's disability prevents him or her from promoting to a higher level in their organization. For instance, an Administrative Assistant with a mobility impairment that does not drive, but takes the bus to work every day, is prevented from moving to a higher level in the organization because higher level positions require driving from place to place on demand.

- The ability to retain employment may be hindered if an individual has lost multiple jobs due to impairment-related functional limitations, or when the impairments affect the individual's ability to effectively interact with supervisors and co-workers.

## **Eligibility for Services**

A currently employed individual may be eligible for services if, as a result of an impairment:

- the individual is hindered or prevented from performing essential functions of the job, and therefore, loss of employment is imminent,
- employment is not in an integrated setting,
- employment is sub-standard, meaning the person is not regularly employed, is earning less than the prevailing wage, or is not employed under the same conditions as other employees, or
- the applicant is employed below his/her current capabilities, abilities, aptitudes or
- the applicant is interested in advancing in employment, whether in their current or an alternative career field.

It is important that you clearly identify and demonstrate how the impairment has adversely affected the person's ability to prepare for, obtain, advance in, or retain employment. It is also a requirement to document in the case files the existence of an impediment, and it serves to justify the need for services.

Previous work history or current employment status can provide important information to the counselor regarding employment impediments, but this information cannot be used by itself to determine an individual ineligible for services.

## **Examples of Documentation**

Let's look at some examples of information that demonstrates a substantial impediment to employment.

### **Mr. B. - Example 1**

Mr. B. is 39 years old and has a long-standing condition of schizophrenia which is poorly controlled because he does not take his medication regularly. When off his medication for a few days, he becomes agitated, delusional, and paranoid. He has quit jobs in the past. His impediment to employment is his inability to maintain employment without VR assistance.

**Mr. B. - Example 2**

Mr. B. is 39 years old and has a long-standing condition of schizophrenia which is poorly controlled because he does not take his medication regularly. When off his medication for a few days, he becomes agitated, delusional, and paranoid. This results in him being unable to take directions from his supervisors without questioning their motives. In addition, he cannot interact with his co-workers without becoming agitated and accusing them of being “after him.” His agitation and paranoia eventually lead to him quitting his job or getting terminated. He reports he has had four jobs in the last three years. He quit three of them and was fired from the fourth. It is clear that Mr. B’s schizophrenia results in a substantial impediment to employment in that he has had great difficulty sustaining employment.

**Ms. K. - Example 1**

Ms. K. is a young woman who has been totally blind from birth. She graduated from high school in Boston and moved to New Hampshire with her parents in July of 2019. Her father is in the Army. Ms. K. has never held a job. Given the absence of any work experience and substantial impediments across multiple functional limitation categories, Ms. K. will be impeded from preparing for, securing, and retaining employment.

**Your Turn - Reworking Documentation Examples**

Consider the following two excerpts from case records documenting the existence of an impairment.

- Do these suffice in your opinion?
- How would you change them?

**Documentation Example - Mr. D.**

Mr. D. is a young man of 27 who has dyslexia. Getting through high school was difficult but he did very well in some subjects. He has been able to secure a number of construction jobs, which paid well. However, he was often frustrated and quit several jobs. Mr. D. will need VR assistance to deal with his impediment of retaining employment.

**Documentation Example - Mr. E.**

Mr. E. is a 36-year-old college graduate with a Bachelor of Fine Arts who has a history of drug abuse. He last used cocaine six months ago. He says he has no difficulty obtaining

employment or learning on the job. However, he has had trouble keeping jobs. Mr. E. has an impediment to retaining employment, for which he will need VR services.

## Information Sources

Where can you gather information that supports an impediment to employment? Aside from your observations, consider using

- the person's self-report, or interviews from family members, a guardian, or a representative.
- Medical, psychological, or educational records often contain information about functional ability.
- With permission from the participant, consider obtaining information from employers or co-workers about how the disability affects their ability to work.
- Information from the Social Security Administration for individuals receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) are other sources.

## Establishment of an Impediment

Existence of an impediment is established when there is:

- evidence of barriers to performing necessary tasks related to preparing for, securing, advancing in, or retaining employment, and
- evidence that these barriers result from a disability-related impairment.

## Conclusion of Step 2

- If you determine that an applicant's disability results in a substantial impediment to employment, then **move on to Step 3** of the eligibility process to determine if the person requires VR services.
- If the disability does **not** result in a substantial impediment to employment, then complete the necessary steps to **close the case** as described in Module 9.

## Lesson Completed

You have completed the first part of the lesson for this module. Continue on to Part 2 of Module 4.