**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**DEPARTMENT ON DISABILITY SERVICES**

| POLICY | |
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| Department on Disability Services (DDS) | Subject: Rates of Payment for Purchased Vocational Rehabilitation Services |
| Responsible Program or Office:<br>D.C. Rehabilitation Services Administration (RSA) | Policy Number: 2015-RSA-PAYRATES-POL01 |
| | Number of Pages: 3 |
| Date of Approval by the Director: June 1, 2015 | |
| Effective Date: June 1, 2015 | |
| Cross References, Related Policies and Procedures, and Related Documents: Rehabilitation Act of 1973 as amended, Americans with Disabilities Act as amended, Notice of Emergency and Proposed Rulemaking, District of Columbia Municipal Regulations (DCMR), 34 CFR 361.50. | |

## 1. PURPOSE

The Rehabilitation Services Administration's (RSA) developed this policy to: (1) comply with the federal regulation that requires the State unit to establish and maintain written policies governing the rates of payment for all purchased vocational rehabilitation services; and (2) establish standard rates so that providers delivering the same service are paid the same rates.

## 2. APPLICABILITY

This policy applies to VR Specialists, supervisors, administrators, business services staff, contract administrators, people whom RSA serves and their families, advocates, stakeholders of the RSA and the Provider Community.

## 3. AUTHORITY

The authority for this policy is established in DDS as set forth in D.C. Law 16-264, the "Department on Disability Services Establishment Act of 2006." Effective March 14, 2007 (D.C. Code 7-761.01 *et seq.*) and the federal regulation requiring that we establish this policy: 34 CFR 361.50 subsection (c) (1) thru (3).

## 4. POLICY

The Department on Disability Services' Office of Contracts and Procurement ("OCP") has contracting authority for the agency, including all contracts and other agreements

established by RSA. In this capacity, OCP is responsible for ensuring that the rates paid by RSA to any service provider are fair and reasonable. The rates paid for all services are also consistent with the requirements of 2 CFR § 200.300 *et seq.,* regarding post-award standards for financial and program management and the efficient use of federal government resources.

## 5. RESPONSIBILITY

The responsibility for this policy is vested in the Deputy Director, Rehabilitation Services Administration. Implementation of this policy is vested in the Operations Division.

## 6. STANDARDS

Rates paid for post-secondary education or training are the rates established by the college, university or training institution, consistent with the provisions of 29 DCMR § 122, which includes, among other requirements, a preference for local public institutions, and provisions requiring that RSA be the payer of last resort, and that applicable financial participation by the person receiving services be calculated prior to the provision of support by RSA.

For other services, where possible, the agency will establish rates by regulation. Rates are established by regulation in order to facilitate a consistent level of service delivery amongst the Provider community. When establishing rates via regulation, the agency ensures that the rates established are sufficiently competitive to attract providers, to ensure that people are not effectively denied a service due to the unavailability of service providers, and ensures that agreements established with providers that include these rates allow for exceptions, to address individual needs, that may be beyond the scope of what is anticipated in the service, as defined in the regulations. *See* 29 DCMR § 199.1. In establishing rates by regulation, RSA analyzes service rates from other State VR agencies, focusing primarily on agencies in the Mid-Atlantic Region, and RSA's actual costs for these services over a period of not less than one year, but no more than two years. These rates reflect best practices of the units of services that are most commonly used when services are rendered. Some of the rates are based on the average time, cost, and complexity of providing services through milestone accomplishments with the possibility for additional incentive payments. These rates are developed with input from the State Rehabilitation Council and the Provider Community. All rates are subject to change based on periodic analysis of the cost to deliver RSA services in D.C., and availability of funding. For a list of current services for which the agency has established rates by regulation, and the rate established, see 29 DCMR § 119.9.

In circumstances where RSA has not established rates by regulation, OCP is responsible for negotiating a fair and reasonable price. When negotiating a fair and reasonable price, OCP employs a number of different methods for determining price reasonableness. These include, comparison of the proposed price with an existing contract price, comparison with prices found reasonable on previous purchases, published prices (e.g., University prices paid when funded by the US Department of Education), or by analyzing

the scope of service and the cost elements contained in the cost/price data sheet submitted with the provider's proposal. The method used to determine price reasonableness is documented in the acquisition summary completed by OCP when making any awards.

Laura L. Nuss, Director
Department on Disability Services

6/1/2015
Approval Date

Andrew Reese, Deputy Director
Rehabilitation Services Administration

6/8/2015
Approval Date