# II. REFERRAL, APPLICATION AND ASSESSMENT


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# II. REFERRAL, APPLICATION AND ASSESSMENT

## REFERRAL

The District of Columbia Rehabilitation Services Administration (DCRSA) will receive all referrals from any source.

The policy of the Rehabilitation Services Administration (DCRSA) is to provide services to all eligible persons who are present and available in the District of Columbia. All individuals are considered present in the State if they are available to receive services.

Students who are present in the District of Columbia for the sole purpose of obtaining a post secondary education have established a presence in the state when they do not have an open vocational rehabilitation case in another state with an Individualized Plan for Employment(IPE) for the same services.

The District of Columbia does not impose any duration of residence requirement; however a person must live in the District to receive services.

Eligibility requirements will be applied without regard to the person's sex, race, age, creed, color, or national origin. No group of individuals will be excluded or found ineligible solely on the basis of type of disability.

DCRSA will provide outreach to underrepresented and under-served individuals seeking referrals from non-profit and for profit agencies serving minorities, owned or controlled by minorities, and medical professionals who serve the minority community. DCRSA does not impose a residence duration requirement 29 U.S.C §701 (12).

## LEGAL AND ILLEGAL ALIENS

Illegal Aliens (individuals in the U.S. without legal status) are not eligible for Vocational Rehabilitation (VR) services.

Immigrant aliens are individuals admitted to this country for the purpose of permanent residence. Immigrant aliens must possess a valid Alien Registration Card (I-151 or I-551) issued by the United States Immigration and Naturalization Service (USINS) before they can be determined eligible for VR services

Non-immigrant aliens are individuals admitted to this country for a particular purpose and time period, and are expected to return to their home country upon completion of that specified purpose or time period. This group includes:

- Visitors for business or pleasure;

- Crew of vessels or aircraft;
- Representatives of international organizations;
- Ambassadors, public ministers, and career diplomatic or consular officers; and
- Students pursuing a course of study (most common visas:" FI" and "JI"; no work authorized except work related to the applicants academic program); and
- The alien applicant must be available to complete the IPE, which includes suitable employment in the United States. When completion cannot be expected, the applicant is not eligible for rehabilitation services.

**To determine whether services can be provided, DCRSA will request alien status evidence (usually a temporary Registration Card I-94). Note whether work is permitted under the visa.**

Aliens who are part of the Amnesty Program receive a letter stating that they are not eligible for Federal Financial Assistance. DCRSA programs are not considered Federal Financial Assistance, so services may be provided if the individual is otherwise eligible.

Status 00 is used when an individual has been referred to VR and the minimum information has been obtained. The individual has not actually requested services in this status. No money may be spent in this status.

## PROCEDURES – REFERRAL (STATUS 00)

Referral sources will be cultivated and considered partners in our communities.

A referral will be keyed into the Case Management Information System (CMIS), in Status 00, when adequate information is received, e.g. name, address, SSN, and any other demographic information. **Note: The Federal Special Program code should be 000 at time of referral unless the individual is receiving SSI/SSDI.**

The counselor will create a Status 00 case file that includes all information received, CMIS printout, and case notes of action taken.

Within five (5) business days, the individual will be contacted and provided information to prepare the individual to consider making an application. If the individual chooses to apply for services, the individual will be given an appointment and the name of a contact person or information to contact the agency for an appointment at a later date.

To expedite the application process, the individual will be provided a client handbook that includes Client's Rights and Responsibilities. The individual will be instructed to

gather current information in preparation for the appointment, e.g., medical, psychological, educational, vocational and SSI & SSDI verification.

Verification of alien status. (See legal and Illegal Alien above.)

If the individual does not wish to receive VR services but needs work related services, the counselor will provide information and referral services using an appropriate means of communication.

The counselor will document in the case notes the specific action taken.

If no action is taken within 30 days, the case will be closed from Status 00.

The individual's information will be destroyed after 180 days. The CMIS system will allow an (08) closure from Status 00.

## II-A APPLICATION (STATUS 02)

An individual is considered an applicant and placed in Status 02 when sufficient information to initiate an assessment is received, through written application or other method, and the individual is available to complete the assessment process. **If the individual definitely requests to make application or requests services, the individual is placed in Status 02 regardless of method of request, (including in-person, written, telephone, e-mail or internet.) 34 C.F.R. §361.41(b)(1)(i-ii).**

DCRSA will make application forms widely available throughout the District of Columbia including the One-Stop Workforce Centers. **Note: Referrals on Application forms from One-Stop Workforce Centers will be accepted as an application for Rehabilitation Services and placed in Status 02**.

An application will be accepted on any individual who claims to have a disability and requests to apply for services. If the individual is under age 18, a parent/guardian consent is required.

Status 02 is used for the purpose of preliminary assessment, that is, determination of the individual's eligibility for VR services. Only assessment services can be provided in this status.

The 60-day time period for determining eligibility begins once the individual:

1. Has either completed and signed an Agency application form or has otherwise requested services;

2. Has provided information necessary for the Agency to initiate the assessment; and

3. is available to complete the assessment process. 34 C.F.R. §361.41(b) (2), *see also* 34 C.F.R. § 361.5(4) [Completion of Application].

**Note: If unforeseen circumstances beyond the control of the counselor and individual preclude making an eligibility determination within 60 days, the counselor and individual must agree to a specific extension of time. 34 C.F.R. § 361.41**

The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome, and no additional demonstration on the part of the applicant is required 34 C.F.R. § 361.41.

## CONFLICT OF INTEREST

Rehabilitation counselors should make every effort to avoid dual relationships that could impair their professional judgment or appear as a conflict of interest. Examples of dual relationships include close friends and relatives as consumers or prospective vendors in the community. If an applicant by virtue of address or day of application or by alphabet, etc., is routinely assigned to a counselor with whom the individual already has a close relationship, the counselor should advise the Unit Supervisor of the relationship. The Unit Supervisor will review the circumstances and determine if another counselor within the office should serve the case or if referral to another office should be made. DCRSA policy requires disclosure of any possible conflict of interest or the appearance of a conflict of interest and documentation of the action taken by the Unit Supervisor should be placed in the case file.

## PROCEDURES – CONFLICT OF INTEREST

Identify any potential conflict of interest.

Complete the form "Disclosure of Possible Conflict of Interest". (Refer to Appendix E).

Document action taken in the case notes.

Form is to be filed under the Intake tab.

## PROCEDURES – APPLICATION

Referrals on one-stop applications; will be placed in Status 02.

The counselor or rehabilitation assistant will complete the DCRSA application (See Appendix E).

The counselor or Rehab Assistant will secure a copy of the Social Security Card and driver's license or picture identification. If applicable, obtain a copy of the alien registration.

Complete Informed Consent form if under age 18.

Complete voter registration form or declination form, if applicable.

The individual will be provided the DCRSA Client Handbook.

The counselor will discuss the agency's Substance Free Policy with the applicant and give the applicant a copy of the Policy (See Appendix F).

The applicant will acknowledge receipt of the Policy by signing the DCRSA Substance Free Policy form. The form will be placed in the individual's file. (See Appendix F.)

Key CMIS data for Status 02 (Refer to Supervisor for Assistance) Note: The Federal Special Program code should be 000 at time of application unless the individual is receiving SSI/SSDI or documentation to determine significant disability is available.

Set up case file (See Section X).

For each source, where information is needed, the counselor will complete the Authorization for Release of Information Form and secure client's signature. (See Appendix E-22).

Begin collecting existing data (medical, psychological, psychiatric, educational, or vocational reports and, if appropriate, SSI/SSDI verification.)

The counselor must be aware of the Ticket to Work Program. **If the individual is an SSI/SSDI recipient, the counselor must follow guidelines outlined in Ticket to Work in Appendix B.**

Complete case notes for initial case narrative. (See Appendix E.)

If needed, documentation of the need for an extension of time to determine eligibility must be made in the case notes. The counselor must document the specific period of time for the extension.

## INFORMED CHOICE – APPLICATION

DCRSA will assure that applicants and eligible individuals or, if appropriate, their representatives are provided information and support services to assist them in

exercising informed choice throughout the rehabilitation process. The counselor will inform each applicant and eligible individual through appropriate modes of communication about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice in decisions related to the application process. Applicants will be given information, or assistance in acquiring the information, to assist in making an informed choice concerning vendors who provide services needed to establish eligibility for VR services. Counselor judgment and experience must be used to provide the appropriate information or, assistance in acquiring the information, to enable the applicant to make a responsible decision regarding the application process and program of services. A responsible decision is one that is realistic considering the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests of the applicant and that must lead to an employment outcome. 34 C.F.R. § 361.52.

## INFORMED CHOICE – PROCEDURES

The counselor will maintain a list of vendors who provide services needed to establish eligibility for VR services.

To the extent available, the counselor will provide, or assist the applicant in acquiring consumer satisfaction surveys and reports regarding the service providers.

The counselor will provide, or assist the applicant in acquiring accreditation, certification, or other information relating to the qualifications of the providers.

The counselor will describe the consequences of assessment outcomes and the effect on the potential eligibility for services for the applicant.

The counselor will document in the case notes the specific action taken in the above procedures to assure that informed choice was provided.

## II-B ASSESSMENT

### Preliminary Diagnostic Study

DCRSA will conduct an assessment to determine eligibility and, if an Order of Selection is in effect, the individual's priority for services. Assistive technology services will be provided if required to complete the assessment. This assessment will be conducted in the most integrated setting possible, consistent with the individual's needs and based on the individual's informed choice. 34 C.F.R §§ 361.42 *see also* 34 C.F.R. 361.5(6).

The Counselor will review **existing data**, before determining if an assessment is needed to determine eligibility and, if so, what type. **Based upon counselor judgment, additional assessments may be necessary if the existing data is unavailable, insufficient or inappropriate in describing the current functioning of the individual.** Trial work experience; assistive technology devices and services; personal assistance services, and other appropriate support services necessary to determine whether an individual is eligible for services will be provided.

## PRESUMPTIVE ELIGIBILITY FOR SSDI/SSI RECIPIENTS

Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is presumed eligible in accordance with the provisions under DCRSA Policy and Procedure Manual, Section III, SSDI/SSI Eligibility. No further assessment is necessary for eligibility 29 U.S.C. §§722(a) (3) and 34 C.F.R. 361.41(a) (3).

Assessments for Eligibility are completed to determine the following:

- The applicant has a physical or mental impairment;
- The impairment results in a substantial impediment to employment;
- A presumption that the applicant can benefit from receiving VR services in terms of an employment outcome;
- The applicant requires VR services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice (34 C.F.R. § 361.42a);
- Prior to the determination that an individual with a significant disability is incapable of benefiting from VR services in terms of an employment outcome due to the severity of disability, the Agency will provide the opportunity for Trial Work Experience/Extended Evaluation to demonstrate whether or not there is clear and convincing evidence to support the determination; and
- Assessments for determining eligibility and priority for Order of Selection are exempt from economic needs assessment.

## PROCEDURES – ASSESSMENT

The counselor will gather information (i.e. medical, psychological, psychiatric, educational or vocational reports) documenting diagnosis (i.e.) with limitations of functional capacities. **Priority must be given to existing information.**

The counselor should secure a signature from the applicant or their representative on the agency Request for Release of Information form in order for reports to be obtained from specific sources. Examples of medical information that should be requested include specialist reports, medical and psychological reports, high school transcripts, and ACT scores.

If existing reports do not describe the current functioning of the individual, the counselor may purchase copies of additional medical records, request consultation with the appropriate consultant, or refer an applicant for diagnostic services through the Agency approved vendor list exercising informed choice.

If the case is to be closed at any time during the assessment process, refer to Closed Not Rehabilitated Before/During Evaluation. (Section VIII).

## INFORMED CHOICE – ASSESSMENT

DCRSA will assure that applicants and eligible individuals or, if appropriate, their representatives are provided information and support services to assist them in exercising informed choice throughout the rehabilitation process. The counselor will inform each applicant and eligible individual through appropriate modes of communication about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice in decisions related to the assessment process. **Applicants will be given information, or assistance in acquiring the information, to make an informed choice of vendors who provide assessment services needed to establish eligibility for VR services.** Counselor judgment and experience must be used to provide the appropriate information, or assistance in acquiring the information, to enable the individual to make a responsible decision regarding the assessment process and program of services. A responsible decision is one that is realistic considering the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests of the individual and that must lead to an employment outcome ( 34 C.F.R. § 361.52).

## PROCEDURES – INFORMED CHOICE – ASSESSMENT

The counselor will maintain a list of local and statewide vendors who provide assessment services needed to establish eligibility for VR services.

To the extent available, the counselor will provide, or assist the applicant in acquiring consumer satisfaction surveys and reports regarding the service providers.

The counselor will provide, or assist the applicant in acquiring accreditation, certification, or other information relating to the qualification of the providers.

The counselor will describe the consequences of assessment outcomes and the effect on the potential eligibility for services for the individual.

The counselor will make referrals to other local consumer groups, or disability advisory councils who have relevant information regarding the appropriate assessment.

The counselor will document in the case notes the specific action taken in the above procedures to assure that informed choice was provided.

## II-C TRIAL WORK EXPERIENCE (STATUS 06)

**The purpose of the trial work experience is to enable the counselor to make a decision when the counselor questions whether the applicant can or cannot work due to the severity of disability. The trial work experience is only used in this instance. The decision is based on a determination of the work potential of the individual through realistic work settings. The counselor must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.**

**The exploration during the trial work experience makes the determination that either:**

(1) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(2) There is clear and convincing evidence* that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

Trial work experiences include supported employment, on-the-job training, and other experiences using realistic work settings. The counselor must develop a written plan to assess periodically the individual's capacity to perform in work situations, which must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

***Note: Clear and convincing evidence** means a high degree of certainty before concluding that an individual is incapable of benefiting from services in terms of an employment outcome. The "clear and convincing" standard constitutes the highest

standard used in our civil system of law. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of "clear and convincing evidence" must include, if appropriate, a functional assessment of skill development activities, with any necessary supports, including assistive technology, in real life settings, 34 C.F.R §361.42(e) [pg.II-10].

If Trial Work Experience is not available or if a determination cannot be made in Trial Work Experience that an individual can benefit from VR services in terms of an employment outcome, the individual will have the opportunity to be placed in Extended Evaluation. An applicant may chose closure rather than enter or continue in either Trial Work Experience or Extended Evaluation. DCRSA must provide assistive technology devices and services, personal assistance services, and other appropriate support services that are necessary to determine whether an individual is eligible.

Termination of Trial Work Experience services must occur at any point if a determination is made that:

- Sufficient evidence concludes the individual can benefit from VR services in terms of an employment outcome;
- Clear and convincing evidence concludes the individual is incapable of benefiting from VR services in terms of an employment outcome due to the severity of the disability; and
- Clear and convincing evidence is defined in definitions.

The Trial Work Experience **Individualized Plan for Employment** will include only those services necessary to determine an employment outcome. Services must be provided in the most integrated setting possible and be consistent with informed choice.

The individual's progress will be assessed at least once every **90 days.**

## PROCEDURES – TRIAL WORK EXPERIENCE

Complete a Certificate of Eligibility for Trial Work Experience.

The counselor must be aware of the Ticket to Work Program. If the Applicant is eligible under "presumptive eligibility", the counselor must follow guidelines outlined in Ticket to Work in Appendix B.

The counselor must write an IPE consistent with Informed Choice.

The counselor must key CMIS data for Status 06.

The individual's progress will be assessed at least once every 90 days and a case note will be placed in the case file.

When a decision of work feasibility or non-feasibility is made, the appropriate action of case closure or case acceptance is taken in accordance with informed choice. (Refer to Closure Section VIII or Eligibility Section III).

The Federal Regulations allow for an adequate period of time to make an eligibility determination in Status 06. If the time is exceeded, the counselor must provide justification and required data in CMIS to the Unit Supervisor requesting movement to Status 10 or Status 08. The Unit Supervisor will forward the request to the Chief of Vocational Rehabilitation Services Division for approval and entry of the required information in CMIS.

## II-D EXTENDED EVALUATION (STATUS 06)

The extended evaluation is used to make the above determination, under limited circumstances, **only** in two instances.

(1) If an individual cannot take advantage of trial work experiences.

(2) If options for trial work experiences have been exhausted before the counselor is able to make the determination.

The counselor must develop a written plan for providing the vocational rehabilitation services that are necessary to make the determination. The vocational rehabilitation services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual. Only those services are provided that are necessary to make the determination described above and are terminated when the counselor is able to make the determination. When the determination indicates that an employment outcome is feasible, an IEP must be written to achieve the appropriate outcome.

If a determination cannot be made that an individual can benefit from VR services in terms of an employment outcome due to the severity of the disability, the individual will have an opportunity to be placed in Extended Evaluation. The Extended Evaluation must explore the individual's abilities, capabilities, and capacity to perform in **real work situations with appropriate supports and training provided by the Agency,** except in limited circumstances when the individual cannot take advantage of such trail work experiences, 34 C.F.R. § 361.42(f).

Extended Evaluation can include only services needed to determine eligibility for services. Extended Evaluation must be of sufficient variety and over a sufficient period of time to make a determination that:

- Sufficient evidence concludes that the individual can benefit from VR services in terms of an employment outcome; or

- Clear and convincing evidence concludes the individual is incapable of benefiting from VR services in terms of an employment outcome.

If Trial Work Experience is not available or if a determination cannot be made in Trial Work Experience an individual can benefit from VR services in terms of an employment outcome, the individual will have the opportunity to be placed in Extended Evaluation. An applicant may choose closure rather than enter or continue in Extended Evaluation. DCRSA must provide assistive technology devices and services, personal assistance services, and other appropriate support services that are necessary to determine whether an individual is eligible.

Termination of Extended Evaluation services must occur at any point if a determination is made that:

- Sufficient evidence concludes the individual can benefit from VR services in terms of an employment outcome;

- Clear and convincing evidence concludes the individual is incapable of benefiting from VR services in terms of an employment outcome due to the severity of the disability; and

- Clear and convincing evidence is defined in definitions.

Extended Evaluation **Individualized Plan for Employment** will include only those services necessary to determine an employment outcome. Services must be provided in the most integrated setting possible and be consistent with informed choice.

The individual's progress will be assessed at least once every **90 days**.

## PROCEDURES – EXTENDED EVALUATION

Complete a Certificate of Eligibility for Extended Evaluation.

The counselor must be aware of the Ticket to Work Program. If the Applicant is eligible under "presumptive eligibility", the counselor must follow guidelines outlined in Ticket to Work in Appendix B.

Write an IPE consistent with Informed Choice.

Key CMIS data for Status 06.

The individual's progress will be assessed at least once every 90 days and a case note will be placed in the case file.

When a decision of work feasibility or non-feasibility is made, the appropriate action of case closure or case acceptance is taken in accordance with informed choice. (Refer to Closure Section VIII or Eligibility Section III).

The CMIS system will only allow 18 months for the case to remain in Extended Evaluation. The Federal Regulations allow for an adequate period of time to make an eligibility determination in Status 06. If the time is exceeded, the counselor must email justification and required CMIS data to the Unit Supervisor requesting movement to Status10 or Status 08. The District Manager will forward the request to the Chief of Vocational Rehabilitation Services Division. The Central Office will enter the required information in CMIS.

## INFORMED CHOICE – EXTENDED EVALUATION

DCRSA will assure that applicants and eligible individuals or their representatives are provided information and support services to assist them in exercising informed choice throughout the rehabilitation process. The counselor will inform each applicant and eligible individual through appropriate modes of communication about the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice in decisions related to Extended Evaluation. Applicants will be given information, or assistance in acquiring the information, to make informed choice of vendors who provide assessment services by means of an Extended Evaluation. Counselor judgment and experience must be used to provide the appropriate information or assistance in acquiring the information to enable the individual to make a responsible decision regarding the assessment process and program of services through an Extended Evaluation. A responsible decision is one that is realistic considering the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests of the individual, and that must lead to an employment outcome( 34 C.F.R. § 361.52).

## PROCEDURES – INFORMED CHOICE – EXTENDED EVALUATION

The counselor will maintain a list of statewide vendors/employers who may provide Extended Evaluation services needed to establish feasibility for employment.

To the extent available, the counselor will provide, or assist the applicant in acquiring consumer satisfaction surveys and reports regarding the service providers.

The counselor will provide, or assist the applicant in acquiring accreditation, certification, or other information relating to the qualification of the providers.

The counselor will describe the consequences of the outcomes and the effect on the potential eligibility for services for the individual.

The counselor will document in the case notes the specific action taken in the above procedures to assure that informed choice was provided.