

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-3.2-v6

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CHAPTER 3: Referral, Application, Eligibility and Order of Selection

Section 3.2: Eligibility and Order of Selection

I. Policy Statement

This policy provides guidelines regarding eligibility determination and order of selection. The purpose of determining eligibility is to identify those individuals with disabilities who may participate in the Vocational Rehabilitation program. The Order of Selection (OOS) is a priority category determination which is implemented when there are insufficient resources to serve all eligible individuals and services are prioritized according to the significance of an individual's disability.

II. Authority

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 C.F.R. §§:
 - 361.5 (c)(3)(27), (30), (40), and (52) Applicable definitions,
 - 361.36 Ability to serve all eligible individuals, order of selection for services
 - 361.42 Assessment for determining eligibility
 - 361.43 Procedures for ineligibility determination
- A.R.S. §§ 23-502 and 503
- Arizona Administrative Code, Title 6, Chapter 4:
 - R6-4-202 (A-H) Eligibility, ineligibility, and certification
 - R6-4-204 Extended evaluation
 - R6-4-401 Order of selection

III. Applicability

This policy applies to circumstances when an applicant has completed the Orientation and Intake Interview process and is proceeding through the

Vocational Rehabilitation (VR) eligibility process. The applicant must adhere to the following in order to proceed:

- A. Provide the following documentation:
 - 1. Documentation of physical or mental impairment, and
 - 2. Social Security Benefits Verification, if applicable.
- B. Be available to participate in and complete any assessment(s) as requested by VR.
- C. Sign the Authorization for Disclosure of Health Information to RSA form, if requested.
- D. Agree to an eligibility extension no later than the 59th day after the date of application, when VR is unable to timely determine eligibility.

IV. Standards

- A. The VR Counselor must utilize and review existing records, reports, and data, to the extent possible, to determine eligibility and order of selection priority category.
- B. The VR Counselor must use information provided by the applicant or their family in conjunction with the counselor's observations.
- C. Existing medical records are acceptable when they provide evidence of the applicant's disability and functional limitations that are not likely to change.
- D. When the applicant's impairment is unstable or progressive, medical records must reflect the applicant's current level of functioning.
- E. VR may purchase additional medical records or assessments from appropriate and qualified third-party providers in instances when prior records are not available, or when the existing records are not sufficient for eligibility determination.
- F. In making the determination of eligibility, the applicant must not be excluded based on the following:
 - 1. Age, sex, race, color, or national origin of the applicant,
 - 2. The applicant's source of referral for VR services,
 - 3. Particular service needs or anticipated cost of services required by the applicant or the income level of the applicant or their family,
 - 4. The applicant's employment history, current employment status, or type of expected employment outcome,
 - 5. The applicant's educational status or current educational credential, or

6. When a currently employed applicant seeks VR services to upskill their qualifications for the purpose of advancing in employment.
- G. The VR Counselor must determine the applicant's eligibility and OOS Priority Category within 60 calendar days from the Date of Application per Section 3.1 of this policy manual.
- H. The applicant must be determined eligible for VR services when all the following criteria are met:
 1. A decision by qualified personnel that the applicant has a physical or mental impairment,
 2. A decision by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment,
 3. A decision by the VR Counselor that the applicant requires VR services to prepare for, secure, retain, regain, or advance in employment that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and
 4. A presumption by the VR Counselor that the applicant can benefit from the provision of VR services in terms of achieving an employment outcome.
- I. An extension of the eligibility decision must be considered when:
 1. A Trial Work Plan is being utilized to explore the applicant's ability, capability, and capacity to perform in work situations, or
 2. Clear evidence exists indicating circumstances beyond the control of VR will prevent the decision of eligibility and Order of Selection within the 60-day timeframe.
- J. The Extension of Eligibility form must be presented to the applicant and agreed upon by both the applicant and the VR Counselor no later than the 59th day after the date of application.
- K. An Extension of Eligibility must not exceed 60 days from the 59th day after the date of application.
- L. Any subsequent eligibility extension(s) must be approved by the Program Supervisor.
- M. The Extension of Eligibility form is not required in instances when the Trial Work Plan is opened by the 59th day after the date of application.
- N. The Trial Work Plan must be used when the VR Counselor questions the applicant's ability to benefit from VR services, in terms of an employment outcome, due to the severity of the disability.
- O. In instances when the Trial Work Plan is necessary, the Plan must:

1. Be opened no later than the 59th day after the date of application.
 2. Include trial work experience services to explore the applicant's ability, capability, and capacity to perform in work situations.
 3. Be conducted in competitive and integrated employment settings over a sufficient period of time.
 4. Result in clear and convincing evidence demonstrating the ability or inability of the applicant to benefit from VR services in terms of an employment outcome.
- P. A Trial Work Plan justification narrative must be completed when a Trial Work Plan is planned and utilized.
- Q. All Trial Work Plans (TWP) must be reviewed and approved by the VR Supervisor.
- R. The VR Counselor must review and assess the applicant's progress as often as necessary, but at least every 30 days during the Trial Work Plan.
- S. The VR Counselor must discontinue all services associated with the Trial Work Plan when the following has been determined:
1. There is sufficient evidence to conclude that the applicant can benefit from VR services in terms of an employment outcome, or
 2. There is clear and convincing evidence that the applicant is not able to benefit from services in terms of an employment outcome.
- T. The VR Counselor must assess the applicant's functional limitations and vocational rehabilitation service needs in the following functional capacity areas:
1. Communication,
 2. Interpersonal Skills,
 3. Mobility,
 4. Self-Care,
 5. Self-Direction,
 6. Work Skills, and
 7. Work Tolerance.
- U. The applicant's assessment results and documentation of their functional limitations and vocational rehabilitation service needs will determine their placement in one of the following OOS categories:
1. Priority Category 1- Eligible persons with the most significant disabilities,
 2. Priority Category 2- Eligible person with significant disabilities, or
 3. Priority Category 3- All other eligible persons.

- V. A recipient of Social Security Administration (SSA) benefits under Title II or Title XVI must be verified by VR staff, presumed eligible for VR services, and placed in Priority Category 2 unless:
 - 1. The VR Counselor determines that the client has functional limitations and service needs that warrant Priority Category 1 designation, or
 - 2. The VR Counselor questions the applicant's ability to benefit from VR services, in terms of an employment outcome, due to the severity of the disability. Refer to paragraph "N" in this section.
- W. If an applicant is unable to provide documentation to confirm their SSA benefit eligibility under Title II or Title XVI, VR staff must inform the applicant on how they can obtain a copy of their benefit verification letter, including registering for a *my Social Security* account at www.socialsecurity.gov/myaccount. VR staff must assist the applicant with registering and accessing *my Social Security* if the client requires assistance.
- X. If an applicant is unable to obtain appropriate documentation to confirm SSA benefits eligibility even with the assistance of VR staff, VR staff must verify the applicant's eligibility with SSA. This verification must be made within a reasonable period of time which allows VR to determine the applicant's eligibility within 60 days of their application.
- Y. The VR Counselor must complete the following in order to complete the eligibility process:
 - 1. The Eligibility Determination Worksheet (EDW) form, and
 - 2. The Eligibility and Order of Selection Justification Narrative Template.
- Z. The Eligibility and Order of Selection Decision with Appeal Rights form must be sent when the applicant is determined eligible for VR services.
- AA. The Closure Decision with Appeal Rights (Not Eligible for VR) form must be sent when the applicant is determined ineligible for VR services due to not meeting criteria listed IV.H.1-4 above.
- BB. In instances of an ineligibility determination, the EDW form must not be signed until after the Closure Decision with Appeal Rights (Not Eligible for VR) form has been sent and 14 days have passed from the date after the closure letter date.
- CC. The VR Counselor must review any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome:
 - 1. Within 12 months of the date of case closure, and
 - 2. Annually as per the individual's request.

V. Procedure

- A. Refer to IV.A-T above.
- B. Refer to Standard Work - Following the Intake Interview.
- C. Refer to Chapter 8 Assessment Services for information on assessment services for eligibility determination.

VI. Documentation Requirements

The applicant/client's electronic case file must include the following:

- A. Records of physical or mental diagnoses,
- B. Social Security Award letter (if applicable),
- C. Assessment reports (if applicable),
- D. Eligibility Determination Worksheet (EDW) form,
- E. Eligibility and Order of Selection Justification Narrative Template, and
- F. Eligibility and Order of Selection Decision with Appeal Rights letter, or
- G. Closure Decision with Appeal Rights (Not Eligible for VR) form.