

LRS CHAPTER 4, TECHNICAL ASSISTANCE & GUIDANCE MANUAL

 <p>LOUISIANA WORKFORCE COMMISSION The Department of Labor</p>	Part	Name	Effective Date
	410	Comparable Services and Benefits	*April 2, 2019**
Authorization			
*Federal Register, Volume 81, Department of Education, 34 CFR 361, Part VI, State Vocational Rehabilitation Services Program, §361.37, 361.44, 361.45, 361.46, 361.48, 361.52, and 361.53.**			

I. CONSIDERATION OF COMPARABLE SERVICES AND SIMILAR BENEFITS

- A. Prior to either committing agency funds or authorizing services needed, the Counselor must investigate and advise all consumers of comparable services and similar benefits available under any other program which will meet in whole or in part the cost of the consumer's vocational rehabilitation program.

For application of comparable services and benefits on SSI/SSDI consumers refer to Part 422, Additional Guidelines for SSI/SSDI Recipients.

1. The Counselor and the consumer must use all comparable services and similar benefits available to the consumer to directly offset in whole or in part the cost of the consumer's vocational rehabilitation program. Exceptions are listed below in I., A., 2., a. through f.
2. The Counselor is not required to use comparable services and similar benefits in the provision of the following vocational rehabilitation services:
 - a. Services provided through LRS' Information and Referral System;
 - b. Assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;
 - c. Counseling and guidance, including information and support services to assist an individual in exercising informed choice;
 - d. Referral and other services needed to secure necessary services from other agencies through cooperative agreements, if such services are not available through LRS;
 - e. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
 - f. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

3. Awards/Scholarships - *Counselors are not required to search for awards and scholarships based on merit (such as TOPS) when investigating the availability of comparable services and similar benefits.** However, the Counselor should not expend Agency funds to pay for the same educational or other expenses (i.e. tuition, room and board, books and supplies, transportation, and any other training-related expenses) that are otherwise being supported by awards/scholarships the consumer receives. The Counselor is to negotiate the application of these funds (as well as other comparable benefits available) to the consumer's needed educational costs before Agency funding can be provided.

The Counselor will use the following guidelines:

- a. The Counselor and the consumer will jointly determine what necessary educational costs and other expenses are needed by the consumer to attend training. They will then jointly determine what resources are available to meet the consumer's needs, inclusive of any awards/scholarships. *Documentation such as fee bills, grant award notifications, award letters should be obtained to verify amounts received.** The Counselor and the consumer will negotiate how these resources will be applied.
 - b. The Counselor will list on the Trial Work Experiences Plan (if applicable) *** or the IPE how the Counselor and the consumer agreed to apply the awards/scholarships and provide the applicable verification and documentation in the case record.
 - c. If there are any excess funds available from the award/scholarship after the above application(s), those funds should be considered in offsetting the cost of any service(s) that will be assumed by LRS before LRS funds are utilized.
- B. The Counselor may also provide vocational rehabilitation services without making a determination of the availability of comparable services and similar benefits if such a determination would interrupt or delay:
1. The progress of the individual toward achieving the employment outcome identified in the IPE of the individual;
 2. An immediate job placement; or
 3. The provision of such service to any individual at extreme medical risk.

C. Similar Cash Benefits

1. Counselors must advise consumers of available similar cash benefits and appropriately refer them to make application. Each consumer is required to apply for similar cash benefits for which the Counselor believes the consumer may be eligible, such as, but not limited to the following:
 - a. Pell Grant (Must be applied first to tuition)
 - b. SEOG
 - c. VA

 - d. Scholarships, Fellowships
 - e. Other Similar Cash Benefits, such as Social Security Work Incentives (Refer to item “G” below.)
2. All consumers must avail themselves of any similar cash benefits available under any other program which will meet in whole or in part the cost of their vocational rehabilitation program. This requirement applies whether or not the consumer is participating in the cost of services.
3. The Counselor must first apply any similar cash benefit, such as Pell or other grants/awards to tuition. The remainder of the “spend down”, if any, can then be negotiated between the Counselor and the consumer. The Counselor and the consumer must use and “spend down” comparable services/similar benefits for all training-related services before LRS funds are used. (Examples: books, transportation, maintenance, training tools, supplies, etc.)
4. All available similar cash benefits must be listed on a Trial Work Experiences Plan (if applicable) *** or IPE.

D. Similar Non-Cash Benefits and Comparable Services

1. Counselors will advise consumers of available similar non-cash benefits and/or comparable services and appropriately refer the consumer to make application. Each consumer is required to apply for any similar non-cash benefit and/or comparable service for which the Counselor believes the consumer may be eligible, such as but not limited to the following:
 - a. Medicaid
 - b. Medicare
 - c. VA
 - d. Tuition Exemptions, Waivers, Non-Cash Scholarships
 - e. State Mental Health Services
 - f. Social Security Work Incentives (Refer to item “G” below.)
 - g. Other Similar Non-Cash Benefits and Comparable Services

2. All consumers are required to avail themselves of any comparable services and/or similar non-cash benefits available under any other program to meet in whole or in part their cost of the vocational rehabilitation program. This requirement applies whether or not the consumer is participating in the cost of services.
 3. All available similar non-cash benefits must be listed on Trial Work Experiences Plan (if applicable) *** or IPE.
- E. The Counselor must obtain proof of denial of any comparable services and/or similar benefits for which a consumer has been determined ineligible before LRS can provide funding for such service(s).

If comparable services and/or similar benefits exist under any other program, but are currently not available to the individual, LRS can provide the required vocational rehabilitation service until such comparable service and/or similar benefit becomes available.

- F. The Counselor must have documentation in the case record of either eligibility or ineligibility for grant assistance for all consumers with an Trial Work Experiences Plan (if applicable) *** or IPE consisting of training services in institutions of higher education.
- G. Social Security Work Incentives as Similar Benefits
1. Purpose of Social Security Work Incentives
 - a. Work Incentives are intended to give beneficiaries the support they need to move from benefit dependency to self-sufficiency.
 - b. SSDI Work Incentives
 - Trial Work Period
 - Extended Period of Eligibility
 - Continuation of Medicare Coverage
 - Medicare for People with Disabilities who work
 - c. SSI Work Incentives
 - Plan for Achieving Self-Support (PASS)
 2. Counselors should refer to the following Internet sites to obtain up-to-date information from the Social Security Administration on available work incentives:

<http://www.ssa.gov/>
(Social Security Administration Home Page)

3. Counselors should advise SSI/SSDI consumers of and use all available work incentives unless the use of such incentives would delay an immediate job placement or the consumer is at extreme medical risk.
4. In all cases of self-employment as the employment goal for an allowed SSI recipient, the Counselor must advise the consumer of and use the work incentives allowed under the Plan for Achieving Self Support (PASS) Program.
5. The Counselor should refer to the following for more detailed information:
 - Red Book on Work Incentives, SSA Pub. No 64-030.
[*https://www.ssa.gov/redbook/**](https://www.ssa.gov/redbook/)
 - Working While Disabled - A Guide to Plans for Achieving Self-Support While Receiving Supplemental Security Income, SSA Pub. No. 05-11017.

<http://www.ssa.gov/pubs/11017.html>

410.1 UTILIZATION OF HEALTH CARE BENEFITS

I. MEDICARE

- A. Entitlement - Consumers receiving SSDI become eligible for Medicare 24 months from the date of SSDI eligibility. Examples of medical services usually covered by Medicare include hospitalization, surgery, prostheses and orthotic devices.
- B. Process of Medicare Utilization - Vocational rehabilitation services should not be inordinately delayed in order to access Medicare benefits. Informed choice may also be exercised by the consumer in choosing the provider. When completing plans for services for a consumer eligible for Medicare, the counselor should explore the following options.
 - 1. Consumers may choose providers that do not accept Medicare. If the consumer chooses a provider that does not accept Medicare, the plan should be written for the entire cost. Following provision of the service and receipt of the invoice, payment should be authorized.
 - 2. If the consumer chooses a provider that accepts Medicare, the provider will file an HCFA form 1500 request for payment, then the counselor will write the plan for the balance of the cost not covered by Medicare. This will be 20% of the total amount approved by Medicare. Medicare will pay 80% of that total amount.

II. MEDICAID

- A. Entitlement - If a consumer receives SSI or Family Independence Temporary Assistance Program (FITAP) benefits, that consumer is eligible for Medicaid. As with Medicare, informed choice may be exercised by the consumer in choosing a provider. Some of the services that may be covered by Medicaid include bathroom aids, hospital beds, patient lifters, wheelchairs and wheelchair cushions, walking aids, prostheses, orthotic devices, some prescription medications, limited yearly doctors' visits, and limited days of hospitalization.
- B. Process of Medicaid Utilization
 - 1. Consumers may choose providers that do not accept Medicaid. If the consumer chooses a provider that does not accept Medicaid, the plan should be written for the entire cost. Following provision of the service and receipt of the invoice, payment should be authorized.
 - 2. If the consumer chooses a provider that accepts assignment from Medicaid, the provider should deal directly with Medicaid. Services should not be inordinately delayed to access Medicaid. The LRS Counselor should track the consumer's receipt of the service to assure the consumer's needs are met.

III. PRIVATE INSURANCE

If a required service can be met in whole or in part by a consumer's private insurance, the insurance should be utilized as a comparable benefit.

IV. PUBLIC HOSPITALS

Veterans Administration Hospitals and Louisiana Public Hospitals and the services provided should be considered as comparable services and utilized as appropriate to the consumer's needs.

410.2 POST-SECONDARY SUPPORT SERVICES ACCOMMODATIONS

I. PURPOSE

Louisiana Rehabilitation Services Counselors are to aggressively pursue comparable benefits in the post-secondary setting for those consumers who require support services (including auxiliary aids and services) “in the classroom” for post-secondary education programs. If a program informs a consumer that these services are not available, refer to Subsection 410.2, III. B. and 410.2, IV below.

LRS will assist post-secondary education programs with the identification of the support services needed in the classroom for our consumers. The counselor/consumer will complete a Post-Secondary Support Service Accommodation Request Form (RS-10). Any applicable consumer pursuing post-secondary training and needing support services must bring this completed form to the post-secondary program to request services.

II COUNSELOR GUIDELINES

Once a counselor has identified a consumer’s need for support services in the post-secondary setting, the following guidelines should be followed.

- A. Counselor and consumer will discuss what support services are needed and appropriate for the consumer in the post-secondary setting. All available comparable benefits regarding support services are critical for the consumer’s success and must be listed on the Individualized Plan for Employment (IPE) Trial Work Experiences Plan (if applicable), or under limited circumstances an Extended Evaluation Plan, and amendments.
- B. LRS will continue to provide, as appropriate, support services which occur outside the classroom. Counselors will use professional judgment regarding this area of service.

NOTE: There has been some inappropriate application of the provision of services outside the classroom. A rule of thumb is as follows: If LRS is to pay for the service outside the classroom; the service should be directly related to the academic curriculum. LRS will not pay for support services for clubs, sports events, socials, conferences students may want to attend, etc.

- C. Counselors will then complete the Post-Secondary Support Service Accommodation Request Form (RS-10). The Counselor will give the consumer the completed form and advise the consumer to bring this to the post-secondary program to request the needed accommodations.

1. Items listed on this form should be those that LRS would traditionally provide when paying for support services. A list of the most common items traditionally needed by the consumer is found below. This list is provided to assist Counselors in identifying services that consumers may need and is not meant to be inclusive, only a tool or guide. Support Services do not include personal care attendants or tutors.

Scribes	Qualified Reader
Qualified Interpreter, includes:	Brailled Materials
Sign Language Interpreter	Large Print Materials
Oral Interpreter	Qualified Cued Speech
Tactile Interpreter	Transliterator
Computer Aided Transcription	Assistive Listening Devices/Service System
Real Time Captioning	Front Row Seating
C-Print	Qualified Notetaker

2. Post-secondary programs have specific guidelines for the provision of various services for which LRS traditionally would not fund costs. Items that would be inappropriate for LRS to list on this form are things such as:

Wheelchair height tables	Physical assistance in labs
Extended time	TDD's
Amplified Handsets	Taping Lectures

3. Inappropriate Completion of this Form RS-10

Form RS-10 is not to be completed as a wish list for the consumer. The Counselor must use reasonable judgment and only list those services which are traditionally funded by LRS. For example: Interpreting and real-time captioning should never be listed as being needed at the same time.

- Real-time captioning, computer aided transcription, and a C-Print facilitate communication in the same manner as an interpreter, etc. They should never be provided to facilitate services of a note taker.

4. The Counselor will also advise the consumer to request a copy of the post-secondary program's policy and procedures handbook for disabled students.
5. After the initial completion of this form, the Counselor must review it with the consumer at each annual review and complete a new form if services are still needed.

III CONSUMER'S RESPONSIBILITIES

Counselors are responsible for reviewing the information listed below with the consumer. This information outlines the consumer's responsibilities regarding the request for support services. Counselors are to ensure that consumers are aware of all critical dates, etc.

A. Time Line for Consumers to Request Services

1. Consumers currently attending post-secondary programs - Counselors should advise consumers that they must request the needed support services no later than the end of the semester prior to the start of the next semester.
2. Consumers applying for the first time to a post-secondary program - Counselors should advise consumers to request the support services at the time of application for enrollment.

B. Consumers informed that Support Services are not available

1. When consumers have pursued comparable benefits and requested support services from the post-secondary institution and are advised that support services are not available, LRS will then provide these services.

The Counselor must then complete the LRS Funded Support Services Client Responsibility Form [RS-10(a)] with the consumer. (Refer to Subsection 410.2, IV. below and Chapter 2, RS-10(a) form.).

2. When support services are denied, the consumer does not have to get the denial in writing. However, the consumer must provide the Counselor with the name and department of the person contacted at the post-secondary program.
3. The consumer must inform the Counselor that support services are not available no later than 30-45 days prior to the start of classes to allow time to arrange necessary services.

C. Consumer Complaints of Unqualified Service Providers

1. When, for some reason, the consumer feels that the service provider is unqualified, Counselors are to advise the consumer to:
 - a. First contact the program and advise them of the situation and, if necessary, go through the grievance procedure outlined by the post-secondary program's policy and procedures handbook, which consumer should have previously received (refer to Subsection 410.2, II. C. 4. above).

- b. Notify the Counselor at this same time that they are experiencing problems with their support services.
2. The Counselor should:
 - a. Refer the consumer to the Client Assistance Program to assist in this matter.
 - b. Review the situation and take appropriate action on a case-by-case basis, if for some reason the situation is not resolved and it affects the consumer's academic performance for that semester or quarter.

IV. LRS FUNDED SUPPORT SERVICE

After a consumer has pursued comparable benefits as outlined in Subsection 410.2, III. B. above, and the post-secondary program has informed the consumer that support services are not available, LRS will then fund the cost of support service(s) for the consumer. At that point, the:

- A. Counselor must schedule an appointment with the consumer to complete the LRS Funded Support Services Client Responsibility form. (Refer to the, RS-10(a) for more detailed instructions.)
- B. Counselor must provide guidance and counseling to the consumer which clearly explains the consumer's responsibilities if receiving LRS funded support service cost to include:
 1. Consumer's responsibility to contact the Counselor or support service provider if he/she will be absent from class for any reason, etc.
 2. Actions by the consumer that could result in suspension of services [Refer to RS-10(a)].
 3. Possible consequences of excessive absences.
- C. Form RS-10(a) would not be completed in situations where LRS pays a flat fee to the post-secondary program to provide the support services.