

**Title 20. Public Health and Welfare**

**Chapter XXIV. Arkansas Rehabilitation Services, Division of Workforce Services, Department of Commerce**

**Subchapter A. Generally**

**Part 835. Arkansas Rehabilitation Services Policy and Procedure Manual**

**Subpart 1. Introduction**

**Codification Notes.** This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"The Agency went live with a new electronic case-management system on October 1, 2010. Our practice is that any information needed prior to that date will be retrieved from the manual file. All documentation after October 10, 2010, will be available for review in the electronic case file."

"LEGISLATION

This manual is based on:

State and Federal statutes

Federal and State regulations

Combined State Plan for Vocational Rehabilitation Services"

"WORKFORCE INNOVATION OPPORTUNITY ACT OF 2014

WIOA is designed to strengthen and improve the nation's public workforce development system by helping Americans with barriers to employment, including individuals with disabilities, achieve high quality careers, and by helping employers hire and retain skilled workers. Title IV of WIOA amended title I of the Rehabilitation Act of 1973."

"HISTORY AND CURRENT LEGISLATION

Rehabilitation Act of Arkansas – Arkansas Code Annotated § 25-30-201 Arkansas Rehabilitation Services – Arkansas Code Annotated § 20-79-207 Rehabilitation Act Amendments of 1998 - 29 U.S.C. § 701 et. seq.  
State Vocational Rehabilitation Services Program – 34 C.F. R. Part 361 Workforce Investment Act of 1998 – 20 U.S.C. § 9201 et. seq.  
Individuals with Disabilities Education Act – 20 U.S.C. §1400 et. seq. Americans with Disabilities Act – 42 U.S.C. §12101 et. seq.  
Civil Rights Act of 1964 – 42 U.S.C. § 2000d et. seq.  
Arkansas Workforce Investment Act of 1998 – Arkansas Code Annotated § 15-4-2201  
Other Federal and State laws"

**20 CAR § 835-101. Purpose.**

(a) Arkansas Rehabilitation Services receives a federal grant from the United States Rehabilitation Services Administration (United States Department of Education, Office of Special Education and Rehabilitative Services) to operate a comprehensive, coordinated, effective, efficient, and accountable program designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice, in order to prepare for and engage in gainful employment.

(b) 34 C.F.R. § 361.1.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-102. Public access to administrative policy.**

(a) **Combined state plan.** This multi-year plan:

(1) Contains a collaborative description of:

(A) Arkansas Rehabilitation Services;

(B) The Division of Workforce Services;

(C) The Adult Education Section; and

(D) The Division of State Services for the Blind; and

(2) Seeks input from the public and others designated by the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128.

**(b) Arkansas State Rehabilitation Council.**

(1) The Arkansas State Rehabilitation Council partners with Arkansas Rehabilitation Services on a regular and ongoing basis by providing advice on the development, implementation, and amendments to the state plan, policies, and procedures pertaining to vocational rehabilitation services.

(2) The Arkansas State Rehabilitation Council is Governor appointed, consisting of:

- (A) Individuals with disabilities;
- (B) Family members;
- (C) Advocates;
- (D) Vocational rehabilitation counselors; and
- (E) Representatives from:
  - (i) Parent training center;
  - (ii) Client assistance program;
  - (iii) Business;
  - (iv) Industry; and
  - (v) Labor.

(3) The Commissioner of Arkansas Rehabilitation Services serves as a nonvoting member.

(4) 34 C.F.R. § 361.17.

**(c) Policy promulgation process.** The Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., requires Arkansas Rehabilitation Services to receive public input on policies and procedures.

**(d) Arkansas State Independent Living Council.** Arkansas Rehabilitation Services works jointly with the Arkansas State Independent Living Council in the development and implementation of a statewide State Plan for Independent Living.

**Authority.** Arkansas Code § 20-79-204.

## **Subpart 2. Referral, Application, and Assessment**

### **20 CAR § 835-201. Referral (Status 00).**

(a)(1) Arkansas Rehabilitation Services will receive referrals from any source.

(2)(A) Eligibility requirements will be applied without regard to the person's:

- (i) Sex;
- (ii) Race;
- (iii) Age;
- (iv) Creed;
- (v) Color; or
- (vi) National origin.

(B) No group of individuals will be excluded or found ineligible solely on the basis of type of disability.

(3)(A) Arkansas Rehabilitation Services will provide outreach to underrepresented and underserved individuals in seeking referrals from nonprofit and for-profit agencies serving minorities, owned or controlled by minorities, and medical professionals who serve the minority community.

(B) Arkansas Rehabilitation Services does not impose a residence duration requirement.

(C) 29 U.S.C § 19(b.) §361.42(C).

#### **(b) Legal and illegal immigrants.**

(1) Illegal immigrants (individuals in the United States without legal status) are not eligible for VR services.

(2) Legal immigrants are individuals admitted to this country for the purpose of permanent residence.

(3) Immigrant aliens must possess a valid registration card issued by the United States Citizenship and Immigration Services before they can be determined eligible for VR services.

(4)(A) Nonimmigrant 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 the specified purpose or time period.

(B) This group includes:

(i) Visitors for business or pleasure;

(ii) Crew of vessels or aircraft;

(iii) Representatives of international organizations;

(iv) Ambassadors, public ministers, and career diplomatic or consular officers; and

(v)(a) Students pursuing a course of study.

(b) Most common visas: "FI" and "JI".

(c) No work authorized except work related to the applicant's academic program.

(5)(A) The immigrant applicant must be available to complete the IPE, which includes suitable employment in the United States.

(B) When completion cannot be expected, the applicant is not eligible for services.

(6)(A) To determine whether services can be provided, request alien status evidence (usually a temporary residence card, federal Form I-94).

(B) Note whether work is permitted under the visa.

(7)(A) Immigrants who are part of the amnesty program receive a letter stating that they are not eligible for federal financial assistance.

(B) Arkansas Rehabilitation Services programs are not considered federal financial assistance, so services may be provided if the individual is otherwise eligible.

(c)(1) Status 00 is used when an individual has been referred to VR and the minimum information has been obtained.

(2) The individual has not actually requested services in this status.

(3) No money may be spent in this status.

(d) **Procedures — Referral (Status 00).**

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

(2) A referral will be keyed into the case management system using the demographics and referral specifics forms, which moves a client into a program of Status 00.

(3) The counselor will create a Status 00 ECF that includes:

- (A) All information received;
- (B) The case management system printout; and
- (C) Case note of action taken.

(4)(A) The counselor will attach into the system all information received at the time of receipt that is deemed pertinent to initiating the case.

(B) The counselor will create a case note of action taken within the case management system.

(5) Within thirty (30) (from VR Management Review Form) days, the individual will be contacted and provided directions and information to prepare the individual to consider making an application.

(6) To expedite the application process, the individual will be:

- (A) Provided a client handbook; and
- (B) Instructed to gather current information (medical, psychological, educational, vocational, Supplemental Security Income and Social Security Disability Insurance, and insurance verification).

(7)(A) Verification of alien status.

(B) See subsection (b) of this section, legal and illegal immigrants, above.

(8) The individual will be given:

- (A) An appointment and a contact person; or
- (B) Information to contact the agency for an appointment.

(9) If the individual does not wish to receive VR services but needs word-related services, the counselor will provide information and referral sources using an appropriate means of communication.

(10) Document in the case note the specific action taken.

(11) **Note.**

- (A) If an individual with a primary disability of blindness or visual

impairment is referred for services, the individual will be referred to the Division of State Services for the Blind.

(B) Arkansas Rehabilitation Services may serve individuals with blindness or visual impairment as a secondary disability.

**(12) Note — Cases reported/referred by the state office/Governor's office/legislators.**

(A) The counselor will immediately (or no more than three (3) working days) report findings and opinions to the manager, who will report to the Chief of Field Services.

(B) This response will be in writing.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-202. Application (Status 02).**

(a)(1) An individual is considered an applicant and placed in Status 02 when:

(A) Sufficient information to initiate an assessment is received, through written application or other method; and

(B) The individual is available to complete the assessment process.

(2) If the individual definitely requests to make application or requests services, the individual is placed in Status 02 regardless of method of request, including:

(A) In person;

(B) Written;

(C) Telephone;

- (D) Email; or
- (E) Internet.

(3) **Note.** Referrals on application forms from one-stop workforce centers will be accepted as an application for rehabilitation services and placed in Status 02.

(4) 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.

(5) 34 C.F.R. § 361.42(i)(ii)

(b) **Procedures — Application.**

(1) Referrals on one-stop applications will be placed in Status 02.

(2)(A) The counselor or rehabilitation assistant will complete the Arkansas Rehabilitation Services application.

(B) See Appendix E.

(3) The counselor or rehabilitation assistant will secure a copy of the:

- (A) Social Security card;
- (B) Driver's license or picture identification; and
- (C) If applicable, a copy of the alien registration.

(4) Secure a copy of proof of insurance, if applicable.

(5) Informed consent if under age eighteen (18).

(6) Complete voter registration form or decline form, if applicable.

(7) The individual will be provided the Arkansas Rehabilitation Services Client Handbook.

(8)(A) The counselor will discuss the agency's Substance Free Policy with the applicant and give the applicant a copy of the policy.

(B) See Appendix F.

(9)(A) The applicant will acknowledge receipt of the policy by signing the Arkansas Rehabilitation Services Substance Free Policy form.

(B) The form will be placed in the individual's file.

(C) See Appendix F.

(10) See 20 CAR § 835-1001 et seq.

(11) Explanation of CAP/due process.

(12)(A) For each source where information is needed, the counselor will complete the Authorization for Release of Information Form and secure client's signature.

(B) See Appendix E-24.

(13)(A) Begin collecting existing data (medical, psychological, psychiatric, educational, or vocational reports and, if appropriate, Supplemental Security Income/Social Security Disability Insurance verification).

(B) Appropriate information will be attached into the case management system as it is received.

**(c) Informed choice — Application.**

(1) Arkansas Rehabilitation Services will ensure 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.

(2) 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 the application process.

(3) 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.

(4) 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.

(5) A responsible decision is one that is realistic considering the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests of the applicant that must lead to an employment outcome.

(6) 34 C.F.R. § 361.42.

(d) **Procedures — Informed choice — Application.**

(1) The counselor will maintain a local, regional, and statewide list of vendors who provide services needed to establish eligibility of VR services.

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

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

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

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

(6)(A) The counselor must be aware of the Ticket to Work Program.

(B) If the individual is a Supplemental Security Income/Social Security Disability Insurance recipient, the counselor must follow guidelines outlined in Ticket to Work in Appendix B.

(7) Complete initial case note.

(8)(A) Documentation of the need for an extension of time to determine eligibility must be made in the case notes.

(B) The counselor must document the specific period of time for the extension.

(C) If needed, under the heading of 60-Day Extension in the case note record the dates of the extension and specific reasons for the need for an extension of time to determine eligibility.

(e) **Conflict of interest.**

(1) Counselors should make every effort to avoid dual relationships that could impair their professional judgment or appear as a conflict of interest.

(2) Examples of dual relationships include close friends and relatives as consumers or prospective vendors in the community.

(3) 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 manager of the relationship.

(4) The manager 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.

(5) Arkansas Rehabilitation Services 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 manager should be placed in the ECF.

**(f) Procedures — Conflict of interest.**

(1) Document any potential conflict of interest.

(2)(A) Complete the form Disclosure of Possible Conflict of Interest.

(B) Refer to Appendix E.

(3) Document action taken in the case note.

**(g) Assessment — Preliminary diagnostic study.**

(1)(A) Arkansas Rehabilitation Services will conduct an assessment to determine eligibility and, if an order of selection is in effect, the individual's priority for services.

(B) Assistive technology services will be provided if required to complete the assessment.

(C) 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.

(D) 34 C.F.R. § 361.42.

(2)(A) In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if Arkansas Rehabilitation Services is operating under an order of selection), Arkansas Rehabilitation Services must conduct an assessment for determining eligibility and priority for services.

(B) The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice.

(3)(A) The counselor will review existing data before determining what type of assessment is needed.

(B) Based upon counselor judgment, additional assessment may be necessary if the existing data is unavailable, insufficient, or inappropriate in describing the current functioning of the individual.

(C) Trial work experiences, 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.

**(h) Presumptive eligibility for Social Security Disability Insurance/Supplemental Security Income recipients.**

(1)(A) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act of 1935, 42 U.S.C. § 301 et seq., is presumed eligible in accordance with the provisions under 20 CAR § 835-301(f), SSDI/SSI Eligibility.

(B) No further assessment is necessary for eligibility.

(C) 34 C.F.R. § 361.42.

(2)(A) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under 34 C.F.R. § 361.42(a)(3)(i)(A)), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, Arkansas Rehabilitation Services must verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration.

(B) This verification must be made within a reasonable period of time that enables the state unit to determine the applicant's eligibility for vocational rehabilitation services within sixty (60) days of the individual submitting an application for services in accordance with 34 C.F.R. § 361.41(b)(2).

(3) Assessments for eligibility are completed to determine the following:

(A) The applicant has a physical or mental impairment;

(B) The impairment results in a substantial impediment to employment;

(C) A presumption that the applicant can benefit from receiving VR services in terms of an employment outcome; and

(D) 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.

(4) 34 C.F.R. § 361.42(a).

(5) 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 the 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.

(6) Assessments for determining eligibility and priority for order of selection are exempt from economic needs assessment.

(i) **Procedures — Assessment.**

(1)(A) The counselor will gather information (i.e., medical, psychological, psychiatric, educational, or vocational reports) documenting diagnosis, i.e., with limitations of functional capacities.

(B) Priority must be given to existing information.

(2)(A) 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.

(B) Examples of medical information that should be requested include:

(i) Specialist reports;

(ii) Medical and psychological reports;

(iii) High school transcripts; and

(iv) ACT scores.

(3)(A) 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 RIDAC consultant, authorize diagnostic services, or refer an applicant for diagnostic services through the agency support until (RIDAC) exercising

informed choice.

(B) See Appendix B, Access and Accommodations.

(4) If the case is to be closed at any time during the assessment process, refer to cases closed from Status 00/02 — closed not rehabilitated before/during evaluation, 20 CAR § 835-801.

**(j) Informed choice — Assessment.**

(1)(A) Arkansas Rehabilitation Services will ensure 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.

(B) 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.

(C) 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.

(2)(A) 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 the program of services.

(B) A responsible decision is one that is realistic, considering the unique strengths, resources, priorities, concerns, abilities, capabilities, and interest of the individual and that must lead to an employment outcome.

(C) 34 C.F.R. § 361.52.

**(k) Procedures — Informed choice — Assessment.**

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

(2) To the extent available, the counselor will provide or assist the applicant in

acquiring consumer satisfaction surveys and reports regarding the service providers.

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

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

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

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

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "CAP" means client assistance program.

"VR" means vocational rehabilitation.

**20 CAR § 835-203. Trial work experience (Status 06).**

(a)(1) 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.

(2) The trial work experience is only used in this instance.

(3) The decision is based on a determination of the work potential of the individual through realistic work settings.

(4) The counselor must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

(b) 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.

(c)(1) Trial work experiences include supported employment, on-the-job training, and other experiences using realistic work settings.

(2) The counselor must develop a written plan to periodically assess the individual's capacity to perform in work situations, which must be provided in the most competitive integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

(d) **Note.**

(1) "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.

(2) The "clear and convincing" standard:

(A) Constitutes the highest standard used in our civil system of law; and

(B) Is to be individually applied on a case-by-case basis.

(3)(A) The term "clear" means unequivocal.

(B) For example, the use of an intelligence test result alone would not constitute clear and convincing evidence.

(4) 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.

(5) 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.

(6) 34 C.F.R. § 361.42.

(e)(1) An applicant may choose closure rather than enter or continue in either trial work experience.

(2) Arkansas Rehabilitation Services 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.

(f)(1) Termination of trial work experience services must occur at any point if a determination is made that:

(A) Sufficient evidence concludes the individual can benefit from VR services in terms of an employment outcome; or

(B) 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.

(2) 34 C.F.R. § 361.42(d).

(g) Clear and convincing evidence is also in Appendix D, Definitions.

(h)(1) The Trial Work Plan (TWP) will include only those services necessary to determine an employment outcome.

(2) Services must be provided in the most integrated setting possible and be consistent with informed choice.

(i) The individual's progress will be assessed at least once every ninety (90) days.

**(j) Procedures — Trial work experience.**

(1) Complete a Certificate of Eligibility/Ineligibility for Trial Work Experience.

(2)(A) The counselor must be aware of the Ticket to Work Program.

(B) If the applicant is eligible under presumptive eligibility, the counselor must follow guidelines outlined in Ticket to Work in Appendix B.

(3) Write and TWP consistent with informed choice.

(4) The case management system will generate the case note and status move after required data is keyed for Status 06.

(5)(A) The TWP for trial work/extended evaluation (Status 06) is to be reviewed every ninety (90) days.

(B) The counselor and the individual must complete a periodic review of the rehabilitation plan every ninety (90) days to assess the individual's progress.

(C) The amendment to the TWP will be completed to document the

periodic review.

(6)(A) 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.

(B) Refer to Closure, 20 CAR § 835-801 et seq., or Eligibility or Ineligibility Determination, 20 CAR § 835-301 et seq.

(7)(A) The case management system will only allow eighteen (18) months for the case to remain in the trial work experience.

(B) The federal regulations allow for an adequate period of time to make an eligibility determination in Status 06.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “VR” means vocational rehabilitation.

### **Subpart 3. Eligibility or Ineligibility Determination**

#### **20 CAR § 835-301. Eligibility or ineligibility determination generally.**

(a)(1) Arkansas Rehabilitation Services has the sole responsibility for determining eligibility for VR services.

(2) The Commissioner of Arkansas Rehabilitation Services has delegated the responsibility of determination of eligibility to the counselor.

(b)(1) For all individuals applying for services, Arkansas Rehabilitation Services will conduct an assessment to determine eligibility and priority for services if the state is operating under an order of selection.

(2) 34 C.F.R. § 361.42(a)(2).

(c)(1) Eligibility requirements will be applied in compliance with Titles VI and VII of the Civil Rights Act of 1964, Pub. L. No. 88-352, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and without regard to:

(A) Age;

- (B) Religion;
- (C) Disability;
- (D) Sex;
- (E) Race;
- (F) Color; or
- (G) National origin.

(2) The eligibility requirements are applicable without regard to the particular service need or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

(3) Eligibility determination will be made within sixty (60) days of the application date.

(4) Exceptional and unforeseen circumstances beyond the control of Arkansas Rehabilitation Services that prevent the agency from making an eligibility determination within sixty (60) days will require Arkansas Rehabilitation Services and the individual to agree on a specific extension of time.

(5) 34 C.F.R. § 361.41(b)(1)(i).

(d) Basic eligibility requirements are:

(1) A determination that the individual has a physical or mental impairment, defined as an injury, disease, or other condition that results in persistent functional limitations, resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation;

(2)(A) A determination that the individual's physical or mental impairment constitutes or results in a substantial impediment to employment for the individual.

(B) A substantial impediment to employment exists when the impairment and the resultant limitation:

(i) Prevent the individual from obtaining a job consistent with their abilities; or

(ii) Significantly interfere with preparing for employment consistent with their:

(a) Abilities;

(b) Need for special accommodations or technology to perform essential job duties; or

(c) Barriers to job retention.

(C) For example, loss of job due to impairment or unable to perform essential job duties;

(3)(A) A presumption that the individual can benefit in terms of an employment outcome from the provision of VR services.

(B) An individual is presumed capable of achieving an employment outcome, unless documentation with clear and convincing evidence is obtained documenting, for example, the severity of the individual's disability would preclude the attainment of an employment outcome; and

(4)(A)(i) A determination that the individual requires VR services to prepare for entrance into, engage in, or retain gainful employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(ii) 34 C.F.R. § 361.42(a)(1)(i) – (iii).

(B) An individual is expected to require multiple VR services that will have a substantial impact on the individual's disability and resultant functional limitations or reduce the impediment to employment to allow the applicant to prepare for, obtain, retain, or regain employment consistent with the individual's capabilities and abilities and the individual cannot access these services without VR intervention.

(e)(1) Each individual who meets the eligibility requirements is presumed to be able to benefit from VR services in terms of an employment outcome, unless determined, based on clear and convincing evidence, that the applicant is incapable of

benefiting in terms of an employment outcome due to the severity of the disability.

(2) Clear and convincing evidence requires a high degree of certainty in order to conclude the individual is incapable of benefiting from services in terms of an employment outcome.

(3) The term clear means unequivocal.

(4) Given this standard, the use of a standard intelligence test only would not constitute clear and convincing evidence.

(5) A functional assessment of the individual's abilities, capabilities, and capacity to perform work situations through the use of trial work experience with appropriate supports and training would assist in defining clear and convincing evidence.

(d) Correct medical documentation to support eligibility determination must be in the file before COE.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "COE" means certificate of eligibility.

"VR" means vocational rehabilitation.

**20 CAR § 835-302. Presumptive eligibility — Social Security Disability Insurance/Supplemental Security Income recipients.**

(a)(1) Social Security Disability Insurance beneficiaries and Supplemental Security Income recipients are considered to be individuals with a significant disability (Category II) and presumed eligible for VR services, if the intent of the individual is to achieve an employment outcome.

(2) The employment outcome must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

(3) The agency is responsible for informing individuals through the application

process that the individual must intend to achieve an employment outcome in order to receive VR services.

(4) No additional tests or procedures may be used to assess disability in order to determine eligibility.

(b) **Note.** The individual who is presumed eligible as a recipient of Supplemental Security Income/Social Security Disability Insurance and who intends to achieve an employment outcome is eligible unless clear and convincing evidence demonstrates that the individual is incapable of benefiting from vocational services in terms of achieving an employment outcome due to the severity of the disability.

(c) Although a Social Security Disability Insurance/Supplemental Security Income recipient is considered an individual with a significant disability, presumptive eligibility for VR services does not entitle the individual to priority for services over other individuals with significant disabilities or most significant disabilities if the state is operating under an order of selection.

(d)(1) If an applicant for VR services asserts that he or she is eligible for Social Security benefits, the client must provide appropriate evidence, i.e., award letter, benefit check, verification from Social Security Administration.

(2) This verification must be made within a reasonable period of time that enables Arkansas Rehabilitation Services to determine the applicant's eligibility for VR services within sixty (60) days of the individual submitting an application for services.

(3) 34 C.F.R. § 361.42(a)(3).

(e) **Note.** Information in this section should not be construed to create entitlement to any vocational rehabilitation service.

**(f) Procedures — Social Security Disability Insurance/Supplemental Security Income eligibility.**

(1) The counselor will obtain verification of Supplemental Security Income/Social Security Disability Insurance benefits, and it will be attached to the ECF, i.e., award letter, benefit check, verification from Social Security Administration.

**(2) Exception.**

(A) The counselor must document in the case record the justification for

completing a Certificate of Eligibility/Ineligibility before verification is obtained.

(B) See 20 CAR § 835-304(b).

(3)(A) Complete the Certificate of Eligibility/Ineligibility for VR or trial work experience.

(B) See Appendix E.

(C) The certification statement for the Certificate of Eligibility/Ineligibility is "This individual meets the presumptive eligibility requirement."

(D) Three (3) areas of functional limitations should be included on the Certificate of Eligibility.

(4)(A) The counselor must be aware of the Ticket to Work program.

(B) If the applicant is eligible under presumptive eligibility, the counselor must follow guidelines outlined in Ticket to Work in Appendix B, Special Programs.

(5) The applicant can be scheduled for additional testing or medical, psychological, or psychiatric evaluation based on informed choice to determine functional limitations if this information is needed in the development of the IPE.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 385-303. Completion of preliminary diagnostic study.**

The counselor completes the preliminary diagnostic study when enough information is obtained to write the Certificate of Eligibility/Ineligibility.

**Authority.** Arkansas Code § 20-79-204.

## **20 CAR § 385-304. Certification of eligibility/ineligibility.**

### **(a) Eligibility.**

(1) The counselor must include a certification statement signed and dated in each individual's record of services indicating eligibility for VR, trial work.

(2)(A) The Certificate of Eligibility/Ineligibility must be completed simultaneously with an individual's acceptance for VR services or trial work.

(B) At a minimum, the Certificate of Eligibility/Ineligibility will contain:

(i) The client's name;

(ii) The date of eligibility; and

(iii) A statement of primary or secondary disability with resulting limitations.

### **(b) Procedures — Eligibility.**

(1) To determine functional limitations, priority should be given to existing information.

(2)(A) Complete the Certificate of Eligibility/Ineligibility for VR or trial work experience services signed and dated by the counselor.

(B) See Appendix E.

(3)(A) The Certificate of Eligibility/Ineligibility will be generated by the case management system.

(B) See 20 CAR § 835-1001 et seq.

(4) The case management system will generate the status move after required data is keyed for Status 10 (VR) or Status 06 (trial work experience).

(5) **Note.** Under presumptive eligibility, the Certificate of Eligibility/Ineligibility will be completed with documented verification that the consumer is a recipient of Supplemental Security Income/Social Security Disability Insurance benefits.

### **(c) Ineligibility.**

(1) When clear and convincing evidence establishes that an applicant does not meet the VR eligibility conditions or intervening reasons prevent eligibility determination (i.e., applicant does not follow through with assessment, individual physical, educational, or medical records unavailable, applicant does not appear for scheduled

appointments for plan development, etc.).

(2)(A) The counselor must include a Certificate of Eligibility/Ineligibility in the individual's record of services.

(B) This Certificate of Eligibility/Ineligibility will be dated and signed by the counselor.

(3) The counselor will notify the applicant in writing of the action taken, or by other appropriate modes of communication consistent with the informed choice of the individual, including the reasons for the ineligibility determination.

(4) When appropriate, referral will be made to other agencies and programs that are part of the one-stop service delivery system under the Workforce Investment Act.

(d) **Procedures — Ineligibility.** See 20 CAR § 835-801, cases closed from status 00/02 — closed not rehabilitated before/during rehabilitation.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 385-305. Appeal/ineligibility determination.**

(a)(1) The individual may appeal the ineligibility determination.

(2) The counselor will provide the individual with information on the means by which an appeal can occur, including informal and formal due process procedures, such as:

(A) Administrative review;

(B) Mediation; and

(C) Review by an impartial hearing officer.

(3)(A) The counselor will also provide the individual with information regarding services available from the Client Assistance Program and how to contact the Client Assistance Program.

(B) See Due Process, 20 CAR § 835-1401 et seq.

(4) 34 C.F.R. § 361.43(c).

(b) **Note.**

(1) An annual review is required on a case that has been closed as incapable of achieving an employment outcome due to the severity of disability if requested by the individual or, if appropriate, by the individual's representative.

(2) This review need not be conducted if the:

(A) Individual refuses to participate;

(B) Individual no longer resides in the state;

(C) Individual's whereabouts are unknown; or

(D) Individual's medical condition is rapidly progressive or terminal.

(3) 34 C.F.R. § 361.43(e).

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-306. Order of selection.**

(a)(1) An order of selection requires that a priority be given to individuals with the most significant disabilities in the provision of vocational rehabilitation services.

(2) The order of selection is required in the event that:

(A) The state is unable to provide the full range of vocational rehabilitation services to all eligible individuals; or

(B) Vocational rehabilitation services cannot be provided to all eligible individuals in the state who apply for the services.

(b)(1) The Arkansas Rehabilitation Services order of selection ensures the highest priority in service provision is reserved for eligible individuals with the most significant disabilities.

(2) Services and expenditures are closely monitored to enable the Commissioner of Arkansas Rehabilitation Services to close or open priority categories as deemed appropriate.

(3) This will ensure services are continued for cases determined eligible and receiving services under an individualized plan for employment.

(4) Adequate funds will be reserved to provide diagnostic services for applicants to determine eligibility and category placement.

(c)(1) The order of selection status is changed by the commissioner notifying the United States Rehabilitation Services Administration.

(2) Notification of this change to Arkansas Rehabilitation Services staff is made available through a directive from the Chief of Field Services.

(d) **Description of priority selection.**

(1) The order of selection priority categories, justification for each, outcome, and service goals are listed below.

(2)(A) When applicable, the Arkansas Rehabilitation Services order of selection ensures clients in Priority I and Priority II will have first priority for the provision of services.

(B) If funds become available, individuals in Priority III may receive services.

(3) Rehabilitation clients who have an individualized plan for employment (IPE) for vocational rehabilitation (VR) services in place prior to the implementation of the order of selection policy will receive services as recorded in their IPE.

(4) **Priority Category I — Most significantly disabled.** An eligible individual with a most significant disability is defined as one who has a significant physical or mental impairment:

(A) That seriously limits at least four (4) functional capabilities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;

(B) Whose vocational rehabilitation can be expected to require multiple VR services\* over an extended period of time\*\*; and

(C) Who has one (1) or more physical or mental disabilities as defined below\*\*\*.

(5) **Priority Category II — Significantly disabled.** An eligible individual with a significant disability is defined as one who has a significant physical or mental impairment:

(A) That seriously limits three (3) functional capacity areas (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;

(B) Whose vocational rehabilitation can be expected to require multiple VR services\* over an extended period of time\*\*; and

(C) Who has one (1) or more physical or mental disabilities as defined below\*\*\*.

**(6) Priority Category III — Nonsignificantly disabled.** An eligible individual with a nonsignificant disability is defined as one who has a significant physical or mental impairment:

(A) That seriously limits two (2) functional capacity areas (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;

(B) Whose vocational rehabilitation can be expected to require multiple VR services\* over an extended period of time\*\*; and

(C) Who has one (1) or more physical or mental disabilities as defined below\*\*\*.

**(7) Definitions.**

(A) \* Two (2) or more major VR services, i.e., counseling and guidance, assistive technology, physical or mental restoration, training, and placement.

(B) \*\* Ninety (90) days or more from the date services are initiated.

(C) \*\*\* One (1) or more physical or mental disabilities resulting from, amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional

limitation.

(8) **Definitions for functional capacity areas.** As used in this section:

(A)(i) "Communication" means the ability to impart or exchange information in order to convey meaning.

(ii) For example, using video/visual, language board, interpreter, TTY, written aids, real-time captions, etc.;

(B)(i) "Interpersonal skills" means the capacity to form and maintain positive relationships at home and in the community for the purpose of obtaining and maintaining employment.

(ii) This includes:

(a) Appropriate response to social cues; and

(b) Adjusting to differing social and employment settings;

(C)(i) "Mobility" means the physical capacity to move freely from place to place in the community and at home.

(ii) Specifically involves gross motor skills (skills used for arm, leg, and torso movements in a functional manner);

(D)(i) "Self-care" means the capacity to care for one's self and their personal setting.

(ii) For example:

(a) Perform normal activities of daily living, such as hygiene care and cooking; and

(b) Perform normal instrumental activities of daily living, such as shopping and money management;

(E) "Self-direction" means:

(i) The capacity to adjust behavior in a purposeful manner, taking into account:

(a) Personal goals;

(b) Environmental settings; and

(c) Cultural values and expectations; and

(ii) Personal independence;

(F) "Work skills" means the:

(i) Capacity to learn and complete job tasks; and

(ii) Capability to acquire and adapt to new skills necessary to obtain or maintain employment; and

(G) "Work tolerance" means the capacity to maintain physical and psychological well-being while effectively completing work activities.

**(e) Priority of categories receiving VR services under the order.**

(1)(A) When Arkansas Rehabilitation Services is under an order of selection, this section will be utilized.

(B)(i) When applicable, the Arkansas Rehabilitation Services order of selection ensures clients in Priority I and Priority II will have first priority for the provision of services.

(ii) If funds become available, individuals in Priority III may receive services.

(C) Rehabilitation clients who have an individualized plan for employment (IPE) for vocational rehabilitation (VR) services or extended evaluation services in place prior to the implementation of the order of selection policy will receive services as recorded in their IPE.

**(2) Priority Category I — Most significantly disabled.** An eligible individual with a most significant disability is defined as one who has a significant physical or mental impairment:

(A) That seriously limits at least four (4) functional capabilities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;

(B) Whose vocational rehabilitation can be expected to require multiple VR services\* over an extended period of time\*\*; and

(C) Who has one (1) or more physical or mental disabilities as defined below\*\*\*.

**(3) Priority Category II — Significantly disabled.** An eligible individual with a significant disability is defined as one who has a significant physical or mental

impairment:

(A) That seriously limits three (3) functional capacity areas (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;

(B) Whose vocational rehabilitation can be expected to require multiple VR services\* over an extended period of time\*\*; and

(C) Who has one (1) or more physical or mental disabilities as defined below\*\*\*.

**(4) Priority Category III — Nonsignificantly disabled.**

(A) An eligible individual with a nonsignificant disability is defined as one who has a significant physical or mental impairment:

(i) That seriously limits two (2) functional capacity areas (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome;

(ii) Whose vocational rehabilitation can be expected to require multiple VR services\* over an extended period of time\*\*; and

(iii) Who has one (1) or more physical or mental disabilities.

(B) At the counselor's discretion and with the approval of the manager, eligible individuals who require specific services or equipment to maintain employment may be served regardless of whether they are receiving VR services under the order of selection.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "TTY" means teletypewriter.

**20 CAR § 385-307. Procedures — Order of selection.**

(a)(1) When applicable, Arkansas Rehabilitation Services order of selection follows the procedures outlined.

(2) Eligibility (Status 10) must be established prior to applying the order of

selection.

(3)(A) Complete the Assessment for Determining Priority Category for Services.

(B) See Appendix E.

(4)(A) The consumer will be notified in writing of the priority category using the required form letter.

(B) The original will be mailed to the individual and a copy will be placed in the ECF.

(C) See Appendix E.

(5)(A) If under order of selection, document the category in the case note.

(B) If the individual does not meet the level of the priority category necessary to receive services, the individual may choose to be:

(i) Placed in a waiting (list) Status 04;

(ii) Referred to other workforce partners or agencies; or

(iii) Closed in Status 30.

(b) If the individual chooses to be referred to other workforce partners or agencies:

(1) Referral will be made to the appropriate workforce partner;

(2) Documentation of the referral will be placed in the ECF;

(3) The case will be closed in Status 30; and

(4) The case management system will generate the status move after required data is keyed for Status 30.

(c) If the individual chooses to be placed on a deferred services list (Status 04):

(1) Documentation of the action taken will be made in the case note;

(2)(A) Complete the Certificate of Eligibility/Ineligibility.

(B) See Appendix E;

(3) The case management system will generate the status move after required data is keyed for Status 04;

(4) If funding becomes available, an IPE will be completed and the case moved to Status 12, and services will be provided without further delay; and

(5) If funding is not available, any cases remaining in Status 04 at the end of

the fiscal year will be closed in Status 38.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

#### **Subpart 4. Individualized Plan for Employment (IPE)**

##### **20 CAR § 835-401. Individualized plan for employment generally.**

(a)(1) Arkansas Rehabilitation Services will conduct a thorough assessment for determining VR needs for each eligible individual.

(2) The purpose of this assessment is to determine the:

(A) Specific employment outcome;

(B) Criteria for evaluation of progress toward an employment outcome;

and

(C) Nature and scope of VR services to be included in the individualized plan for employment (IPE).

(3) The term "employment outcome" means with respect to the individual:

(A) Entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market; or

(B) Satisfying the vocational outcome that is determined appropriate, including:

(i) Self-employment;

(ii) Telecommuting; or

(iii) Business ownership.

(b)(1) The IPE may be developed jointly between the counselor and the individual, or the individual may develop all or part of the plan independently or with technical assistance from another source.

(2) The completed plan must be approved and signed by the counselor and the individual or, if appropriate, the individual's representative, within the framework of

a counseling and guidance relationship.

(3) Assistance in completing the IPE form, if requested by the consumer, will be provided.

(c)(1) The IPE must be designed to achieve the specific employment outcome, which is chosen by the individual consistent with the individual's unique:

- (A) Strengths;
- (B) Resources;
- (C) Priorities;
- (D) Concerns;
- (E) Abilities;
- (F) Capabilities;
- (G) Career interest; and
- (H) Informed choice.

(2) The documentation should show that there is adequate labor market demand to support the employment outcome.

(3) If relocation would be required, the individual must agree to relocate to an area with sufficient labor market demand for the chosen employment outcome prior to the signature and initiation of the IPE.

(4) The individual should acknowledge that they are familiar with the entry-level wages that are common in the chosen vocation.

(d)(1) For supported employment services, an employment outcome should include a description of the extended services needed and the source of extended services.

(2) If it is not possible to identify the source of extended services at the time the IPE is developed, a statement must be included explaining the reasonable expectation that extended services will become available prior to closure.

(e) The IPE for each eligible individual should be developed as soon as possible, but no later than ninety (90) days following determination of eligibility, unless the VR counselor and the individual agree to a specific extension of time.

(f) The ninety-day time period for IPE development begins once the counselor has deemed the client eligible for services and completed the certificate of eligibility.

**(g) Note.**

(1) If circumstances preclude developing an IPE that addresses the mandatory components within ninety (90) days, the counselor and individual must agree to a specific extension of time (34 C.F.R. § 361.45).

(2) In this instance the counselor should complete a case note labeled "IPE Extension".

(3) The case note should reflect the:

(A) Dates (timeframe) of the extension; and

(B) Specific reasons for the need for an extension.

(h)(1) The IPE is amended each time a substantial change or annual/periodic review is made in the individual's rehabilitation program.

(2) A substantial change could include:

(A) A vocational goal change that may require a change in the evaluation criteria (intermediate objective);

(B) Deletion or addition of services;

(C) The cost of services;

(D) Termination of the cost; or

(E) Periodic or annual review of the case.

(3) A copy of all amendments will be provided to the individual.

(i) Counselor's role:

(1) Provide information, tools, and resources to encourage decision-making skills;

(2) Facilitate the decision-making process;

(3) Support decision implementation; and

(4) Provide the consumer with information about the parameters, which may affect the range of available career goals or service options.

(j)(1) The mandatory components that the IPE must contain are based on 34 C.F.R. §§ 361.45 and 361.46.

(2) See 20 CAR § 835-402, procedures — individualized plan for employment (IPE).

(k) The services, service providers, and all activities selected by the individual must be necessary to meet the employment outcome goal.

(l) The individual or representative must:

(1) Sign and date the IPE; and

(2) Be given a copy of the IPE.

(m)(1) Annually, the counselor and the individual must review the rehabilitation plan to assess the individual's progress toward an employment outcome.

(2) The IPE amendment is completed as appropriate to document the annual review in the ECF.

(n)(1) The IPE can be amended at any time utilizing informed choice.

(2) IPE amendment does not take effect until agreed to and signed by the counselor and individual or representative.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"VR" means vocational rehabilitation.

**20 CAR § 835-402. Procedures — Individualized plan for employment (IPE).**

(a) The counselor will inform the individual of the options for developing the IPE.

(b)(1) The counselor will inform the individual of the required components of the IPE if the individual chooses to develop the IPE.

(2) The mandatory components that the IPE must contain:

(A) A specific employment outcome consistent with informed choice;

(B) Criteria for evaluation of progress toward employment outcome;

(C)(i) Specific rehabilitation services.

(ii) See Appendix E: IPE;

(D) Projected timelines for initiation and duration of services;

- (E) Schedule for periodic reviews and evaluations;
- (F) Entity to provide services and methods for procurement;
- (G) Responsibilities of the individual;
- (H) Need for post-employment services; and
- (I) Need for supported employment services.

(3) 34 C.F.R. §§ 361.45 and 361.46.

(c) The counselor will inform the individual that the IPE must be completed and assistance in completing the forms is available upon request.

(d)(1) Complete IPE.

(2) See Forms, Appendix E.

(e) The case management system will generate the status move after required data is keyed for Status 12.

(f) The counselor will document in the case note the counseling provided at IPE development.

(g)(1) Cost estimate.

(2) Cost estimates cannot be for more than one (1) year.

(h) Annual review must be completed.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-403. Informed choice — IPE development.**

(a) Arkansas Rehabilitation Services will assure that eligible individuals or their representatives are provided information and support services to assist them in exercising informed choice throughout the rehabilitation process.

(b) The counselor will inform each 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 development of an individualized plan for employment.

(c) Eligible individuals will be given information, or assistance in acquiring the

information, to make an informed choice with respect to the:

- (1) Selection of the employment outcome;
  - (2) Specific vocational rehabilitation services needed to achieve the employment outcome;
  - (3) Vendors that can provide the services;
  - (4) Employment setting and the settings in which the services will be provided;
- and
- (5) Methods available for procuring the services.

(d)(1) 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 reasonable decision regarding the development of the IPE and program of services.

- (2) A reasonable decision is one that:
  - (A) Is realistic considering the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests of the individual; and
  - (B) Must lead to an employment outcome.

(e)(1) To ensure that the availability and scope of informed choice is consistent, the information must include, at a minimum, information relating to the following:

- (A) Cost, accessibility, and duration of potential services;
- (B) To the extent available, consumer satisfaction with those services;
- (C) Qualifications of potential service providers;
- (D) Types of services offered by the potential providers;
- (E) The degree to which services are provided in integrated settings; and
- (F) To the extent available, outcomes achieved by individuals working with service providers.

- (2) 34 C.F.R. § 361.52.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-404. Procedures — Informed choice — IPE development.**

(a) The counselor will maintain a regional and statewide list of vendors that provide services that lead to an employment outcome.

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

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

(d) When appropriate, the counselor will make referrals to other consumers, local consumer groups, or disability advisory councils qualified to discuss the services or service providers.

(e) The counselor will document in the case note the specific action taken in the above procedures using the Informed Choice heading to assure that informed choice was provided.

**Authority.** Arkansas Code § 20-79-204.

## **Subpart 5. Economic Needs and Comparable Benefits**

### **20 CAR § 835-501. Economic needs and comparable benefits generally.**

(a)(1) An individual's economic need is not used to determine eligibility for VR services.

(2) An economic needs assessment is used only to determine if the individual can pay any cost of VR services and if so, how much.

(3) In all cases, no economic needs evaluation will be applied as a condition for furnishing the following VR services:

(A) Assessment of rehabilitation needs, including rehabilitation technology, except for those services other than of a diagnostic nature that are provided under extended evaluation;

(B) Counseling, guidance, and referral services; and

(C) Placement.

(b)(1) In determining an individual's financial resources, the counselor will identify

all resources available to the individual and/or spouse, prior to developing the IPE.

(2) If the individual is a dependent, the resources of the parents will be determined.

(3) If the individual is twenty-three (23) years of age or under and unmarried, the parent's or parents' assets must be verified with a copy of the parent's or parents' income tax forms.

(4) If the parent or parents do not support the individual, the individual must provide documentation of nonsupport.

(5) If the client's family states the client will not be claimed on next year's income tax, the client will no longer be considered a dependent.

(6) The client will be required to verify their source or sources of income to cover their expenses.

**(c) Exception.**

(1) Social Security Disability Insurance and Supplemental Security Income recipients are exempt from financial need.

(2) However, the financial resources form should be completed to assess comparable benefits and gather information for federal reporting.

(d) Provision of services conditioned on financial need entails:

(1) Determination of the individual's financial ability or inability to obtain services, either through individual or other resources; and

(2) Determination of the extent Arkansas Rehabilitation Services will provide these services to the individual lacking sufficient resources.

(e)(1) A need standard in the form of a normal living requirement (NLR) has been established for different family groups and single individuals living alone.

(2) The NLR includes amounts for:

(A) Food;

(B) Shelter;

(C) Clothing;

(D) Household maintenance;

(E) Routine medical care;

- (F) Personal care;
- (G) Recreation;
- (H) Insurance; and
- (I) Personal taxes.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “VR” means vocational rehabilitation.

**20 CAR § 835-502. Normal living requirement.**

Household Size	Monthly Income Limit
1	\$3,200
2	\$3,950
3	\$4,700

(\$750 for each additional family member)

(a)(1) Special circumstances include:

- (A) Anything that has changed from one (1) year to the next; and
- (B) Anything that distinguishes the family from the typical family.

(2) Examples of special circumstances include:

- (A) Tuition expenses at an elementary or secondary school;
- (B) Medical or dental expenses not covered by insurance;
- (C) Unusually high child care or dependent care, including elder care,

costs; and

- (D) A parent or another sibling enrolled in a training program.

(3) **Note.**

(A) When using a special condition, proof of payments being made monthly must be provided to the counselor.

- (B) These payments must have been made prior to applying for Arkansas

Rehabilitation Services services.

(b)(1) Ascertaining an individual's financial resources is an important step in determining ability or inability to pay for rehabilitation services.

(2) A resource is considered available only if it is at the individual's disposal when needed.

(3) Careful study of the individual's resources is necessary to determine availability.

(c)(1) The provision of certain services to the individual is dependent upon financial need, but the counselor should use discretion upon applying financial need.

(2) Stripping the individual of all resources may impair the individual's rehabilitation.

(d)(1)(A) The comparable benefits provision provides VR agencies with an organized method for assessing an individual's eligibility for benefits under other programs.

(B) Any benefit available to individuals under any other program to meet, in whole or in part, the cost of any VR service will be utilized.

(C) This benefit will be considered only to the extent that it is available and timely.

(2)(A) A "comparable benefit" is not the same as "determination of economic need".

(B) In determination of economic need, the objective is to set the conditions for equitably determining the amount, if any, an individual is expected to participate in the cost of the rehabilitation.

(C) In the area of comparable benefits, the objective is to give full consideration to alternative funding sources prior to spending VR funds to purchase consumer services.

(e) If the individual refuses to apply for services for which the individual may be eligible or if the individual refuses to accept services from another agency as a comparable benefit when receipt of such services do not interfere with achieving the rehabilitation objective, Arkansas Rehabilitation Services cannot provide the services

using VR funds.

(f)(1) Federal VR funds cannot be used to pay training costs in institutions of higher education unless every effort has been made to secure financial assistance, in whole or in part, from other funding sources.

(2) In all training cases, the record of services must include evidence that applications were made and the individual will or will not receive assistance.

(g)(1) Evidence of approval of receipt of financial assistance may be documented through a financial aid award letter.

(2) This letter originates at the training institution and lists the type/amount received by semester (quarter).

(3) Federal law requires students to accept/reject awards by signing on this letter.

(4) Repayable loans should not be considered as a comparable benefit or resource.

(h) **Note.** Comparable benefits do not include awards and scholarships based on merit.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-503. Procedures — Utilizing financial need.**

(a) Exempt Social Security Disability Insurance/Supplemental Security Income recipients from financial need assessment/requirements.

(b) The individual must apply for comparable benefits, and documentation of benefits must be placed in the ECF, i.e., award letter/student financial aid grant.

(c) The RS-16 Financial Resources form must be completed by the time the IPE is developed.

(d) For those individuals or the parents of individuals under the age of twenty-three (23) not exempt as recipients of Social Security Disability Insurance/Supplemental

Security Income, the counselor will verify income by requesting income tax returns, copies of earnings statements, student financial aid grant summary, or the individual may be required to request their earnings history from the Social Security Administration.

(e) Any available benefits will be utilized and must be considered in the provision of services.

(f) Other than diagnostic services, no authorizations will be issued until financial need is verified.

(g)(1) In all instances where the student financial aid is utilized, the counselor will utilize the basic cost of education reported from the school that the individual will attend.

(2) The applicable student financial aid categories are:

- (A) Dependent;
- (B) On campus;
- (C) Dependent off campus; and
- (D) Independent.

(3) The basic costs may include:

- (A) Tuition;
- (B) Books;
- (C) Fees;
- (D) Room and board;
- (E) Supplies; and
- (F) Transportation.

(h) Financial need should be reassessed and a RS-16 Financial Resource form completed at annual review or at any time the individual's financial situation changes.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

## **Subpart 6. Services**

### **20 CAR § 835-601. Services generally.**

(a) The highest priority of Arkansas Rehabilitation Services is to provide individualized services to eligible individuals so they can work in competitive integrated employment.

(b) Services will be provided in compliance with Title VI and Title VII of the Civil Rights Act of 1964, Pub. L. No. 88-352, and the Americans with Disabilities Act of 1990, 42 U.S.C. § 1201 et seq., and without regard to:

- (1) Age;
- (2) Religion;
- (3) Disability;
- (4) Sex;
- (5) Race;
- (6) Color; or
- (7) National origin.

**Authority.** Arkansas Code § 20-79-204.

### **20 CAR § 835-602. Substantiality of services.**

(a) Substantial vocational rehabilitation services are those services that, provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual.

(b)(1) In order for the counselor to show substantiality of services in a case, the counselor must document the relationships of the:

- (A) Provision of services;
- (B) Criteria for evaluating intermediate objectives or steps needed to

reach the vocational goal; and

(C) Counseling necessary for successful closure of a case.

(2) Documentation of substantiality of services in the ECF is an ongoing process.

(3)(A) This documentation must be found in case note entries.

(B) Therefore, the case note must tell the story of the case and subsequently show the individual's participation and the services provided enabled the individual to become employed.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-603. Minimum annual contacts.**

(a) There must be a minimum of three (3) contacts annually, one (1) of which will include the annual review.

(b) The case note should reflect the nature of the contact, i.e., direct face-to-face contact, email conversation, phone conversation, or correspondence.

(c) If contact with the client is not possible, the counselor should send the client a letter to document the counselor's attempts to contact the client prior to initiating closure of the case due to loss of contact.

(d) Counselors must document counseling after services have been initiated at least once a year.

(e) To ensure reflection of substantiality of services, case notes must be updated and supplemented throughout the plan year.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-604. Vocational rehabilitation services.**

(a) As appropriate to the vocational rehabilitation needs of each individual and

consistent with each individual's informed choice, the following vocational rehabilitation services are available:

- (1) Assessment for determining eligibility and priority for services;
- (2) Assessment for determining vocational rehabilitation needs;
- (3) Vocational rehabilitation counseling and guidance, including personal adjustment counseling, to maintain a counseling relationship throughout the program of services for an individual with a disability, and the referral necessary to help the individual with a disability secure needed services from other agencies when such services are not available and to advise those individuals about client assistance programs;
- (4) Physical and mental restoration services necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive;
- (5) Vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials, provided that no training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) may not be paid for with funds under this part unless maximum efforts have been made to secure grant assistance in whole or in part from other sources;
- (6)(A) Maintenance, not to exceed the estimated cost of subsistence, provided in connection with VR services at any time from the date of initiation of services through the provision of post-employment services.
  - (B) Maintenance covers the individual's basic living expenses, such as food, shelter, clothing, and other subsistence expenses that are necessary to support and derive the full benefit of other VR services being provided;
- (7)(A) Transportation, including cost of travel and subsistence during travel (or per diem payments in lieu of subsistence), in connection with transporting individuals with disabilities and their attendants/escorts for the purpose of deriving the full benefit of other VR services being provided.
  - (B) Transportation may include relocation and moving expenses necessary for achieving a VR objective;

- (8) Services to a client's family when necessary to the adjustment or rehabilitation of the client;
- (9) Interpreter services and note-taking services for the deaf, including tactile interpreting for deaf-blind individuals;
- (10) Reader services, rehabilitation teaching services, note-taking services and orientation and mobility services;
- (11) Recruitment and training services to provide new employment opportunities in the fields of:
  - (A) Rehabilitation;
  - (B) Health;
  - (C) Welfare;
  - (D) Public safety;
  - (E) Law enforcement; and
  - (F) Other appropriate public service employment;
- (12) Job search, placement assistance and job retention services;
- (13) Supported employment in accordance with the definition of the term;
- (14) Personal assistance services;
- (15) Post-employment services necessary to maintain employment;
- (16) Occupational licenses (including any license, permit, or other written authority) required by a state, city, or other governmental unit to be obtained in order to enter an occupation or a small business, tools, equipment, initial stocks, and supplies;
- (17) Rehabilitation technology services, including:
  - (A) Vehicular modification;
  - (B) Telecommunication;
  - (C) Sensory; and
  - (D) Other assistive technological aids, devices, and services;
- (18) Transition services in accordance with the definition of the term;
- (19) Technical assistance and other consultation services to individuals who are pursuing self-employment, telecommuting, or establishing a small business

operation as an employment outcome; and

(20) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

(b) 34 C.F.R. § 361.48.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “VR” means vocational rehabilitation.

**20 CAR § 835-605. Provision and authorization of services.**

(a)(1) Payment request will not be approved until documentation that the service has been received.

(2) Documentation may include:

- (A) Medical reports;
- (B) Training progress reports;
- (C) Attendance forms;
- (D) Receipts; and/or
- (E) Invoices.

(3) Payment will not be processed without an attached bill from the vendor.

(b)(1) Current Arkansas Rehabilitation Services policy requires manager approval for all new counselors (20 CAR § 835-1301 et seq.).

(2) Manager and/or administrative approval is also required for several specified purchases and services (20 CAR § 835-601 et seq.).

(c) The authorization/payment justification should be reflected in the case note explaining why the services were necessary.

(d)(1) Electronic authorization must be made for the provision of services or goods.

(2) A verbal approval may be given in an emergency followed immediately by a written authorization.

(3) An IPE must be completed before any services or goods, other than diagnostic or to support diagnostic assessment, can be provided.

(4) It is the counselor's responsibility to document case progress throughout the provision of services.

(e) **Note.**

(1) Comparable benefits are to be utilized prior to service provision by Arkansas Rehabilitation Services.

(2) A client must apply for comparable benefits prior to service provision.

(3) Comparable benefits may include, but are not limited to, hospital charity funding, Medicaid, United States Department of Veterans Affairs benefits, housing, Pell Grant, etc.

(4) Comparable benefits should be explored throughout the VR process.

(5) A comparable benefit will be considered only to the extent that it is available and timely to meet the cost of the particular VR services.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-606. Segregation of duties.**

(a)(1) Arkansas Rehabilitation Services requires segregation of duties to ensure effective internal control in regard to authorizing services.

(2) The implementation of the new case management system (CMS), System 7, enables staff to perform key functions required by their role.

(3) The authorization process is as follows:

(A) Support staff creates the authorization from the invoice;

(B) The counselor approves and dates the authorization;

(C) Service provision to client will be verified by staff and client satisfaction documented in the ECF; and

(D) The support staff submits payment to accounts payable.

(b) **Accounts payable.**

- (1) Verify proper invoice with authorization/payment.
- (2) Verify dollar amounts, vendor and client name.
- (3) Reject authorizations/payments that contain errors.
- (4) Approve authorization for final payment.

(c) **Additional provisions.**

- (1) All authorizations must have a copy of the invoice attached.
- (2) All new counselors' authorizations must have manager approval.
- (3) Authorization for five thousand dollars and one cent (\$5,000.01) or more but less than ten thousand dollars (\$10,000) (tax excluded) will require manager approval.

(d) **Chief of Field Services.** Authorization for ten thousand dollars and one cent (\$10,000.01) or more but less than twenty-five thousand dollars (\$25,000) (tax excluded) will require the approval of the Chief of Field Services through the manager.

(e) **Procedures — Provision and authorization of services.**

(1) Before an authorization is issued the counselor must consider the following issues:

- (A) Is this service allowable under Arkansas Rehabilitation Services policy;
- (B) What, if any, limitation exists to providing this service;
- (C) Are there any comparable benefits available to provide the service;
- (D) Has the counselor verified financial need;
- (E) What other required references need to be accessed (i.e., fee schedule, vendor list);
- (F) Does the counselor have sufficient funds in the allotment to procure/provide the service and if not, whom does the counselor contact;
- (G) What documentation is needed to procure/provide the service (i.e., licensed medical consultant, prior approval, case note);
- (H) Document method of calculating cost of services (i.e., estimates, quotes, recommendations, fee schedule, etc.) and explain why the current service is needed;

- (I) How is the paperwork routed; and
- (J) Determine if the vendor is in the case management system vendor list.
- (2) Complete a W-9 if needed.
- (3) The case management system will generate the status move after required data is keyed.
- (4)(A) The authorization is routed to the vendor.
- (B) It can be emailed, copied, faxed, or mailed, and the copy is automatically generated in the ECF.
- (C) The individual may be provided a copy.
- (5) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.
- (6)(A) When billing statement is received, verify the individual received the service.
- (B) Document in the ECF.
- (7)(A) Key required information into the case management system for payment.
- (B) Support staff will be responsible for making payments.
- (C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-607. Vocational rehabilitation counseling and guidance.**

- (a)(1) The counselor will include on an IPE services of "vocational rehabilitation counseling and guidance, placement, and follow-up".
- (2) The program will outline in the criteria for evaluation of progress toward the employment outcome the counseling process and anticipated results.
- (3)(A) Counseling and guidance is provided by the counselor throughout the

rehabilitation process.

(B) This enhances the client–counselor relationship as well as the opportunity for a successful employment outcome.

(4) Documentation of counseling progress will be placed in the record of services.

(5) Vocational rehabilitation counseling and guidance services must be provided and documented in all VR cases closed rehabilitated.

**(b) Procedure — Vocational rehabilitation counseling and guidance.**

(1) The counselor will document in the case note the specific progress the individual is making toward the employment outcome.

(2) Counseling should be documented at a minimum once during the plan year.

(3) The case note should be labeled “Counseling and Guidance”.

(4) Counseling and guidance must be documented in each successful closure.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “IPE” means individualized plan for employment.

**20 CAR § 835-608. Employment services (job finding/referral).**

(a)(1) A job-finding service is rendered when the individual is considered “job-ready” by the VR counselor.

(2) A job-finding service is also rendered when Arkansas Rehabilitation Services directly refers or arranges for the direct referral of the individual to a prospective employer.

**(b) Procedures — Employment services (job finding/referral).**

(1)(A) The individual may be referred to either an Arkansas Rehabilitation Services placement specialist or other vendors for employment services in Status 12 or Status 18.

(B) The Arkansas Rehabilitation Services placement specialist can assist

the counselor at this stage in the planning process, but significant involvement of the Arkansas Rehabilitation Services placement specialist may occur when the individual has completed services and is ready for employment.

(2)(A) The counselor and Arkansas Rehabilitation Services placement specialist will assist the individual, singly or in groups, in developing job-seeking skills, which would include instruction on how to:

- (i) Read the want ads;
- (ii) Prepare job resumes;
- (iii) Write cover letters; and
- (iv) Prepare for job interviews.

(B) These services should be documented monthly in the ECF.

(3) The counselor may refer the individual for services from other resources providing job-seeking skills, if appropriate.

(4)(A) The counselor and/or placement specialist will document in the case note the specific progress the individual is making toward the employment outcome.

(B) With agreement from the counselor, the placement specialist will have access to the ECF (via worker assignment) for the purpose of documenting specific progress the individual is making towards employment on a monthly basis.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"VR" means vocational rehabilitation.

### **20 CAR § 835-609. Placement services.**

(a)(1) Placement services are organized and identifiable attempts to establish or improve the linkage of an individual and a work situation.

(2) While employment placement is the VR program goal and usually occurs toward the end of the rehabilitation process, employment planning should be an

ongoing process throughout the case services program.

(3) Placement is provided when the individual is referred to and is hired by an employer.

(4) The state VR agency, the state employment service, one-stop Arkansas workforce centers, or any other job-finding source may provide this service.

(5) A key feature of this service is that the individual became competitively employed as a result of the job referral.

**(b) Procedures — Placement services.**

(1) The counselor will assist the individual with employment planning throughout the rehabilitation program.

(2) The counselor and the Arkansas Rehabilitation Services placement specialist will document in the case note the specific progress the individual is making toward the employment outcome.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “VR” means vocational rehabilitation.

**20 CAR § 835-610. Follow-up.**

(a)(1) The counselor and/or placement specialist will provide follow-up services to each individual placed in employment to determine if all planned for services have been provided and the VR objective achieved.

(2) Follow-up services will include contacts and reports from the individual, employer, and others that provide reports to help the counselor determine if the employment situation is suitable to the individual’s needs.

(3) The individual must be provided follow-up services within a minimum of ninety (90) days, and the counselor will have assurance other Arkansas Rehabilitation Services criteria have been met prior to case closure.

**(b) Procedures — Follow-up.**

(1) The counselor and/or the placement specialist will maintain contact with

the individual and employer to determine if the employment is suitable for the individual.

(2) The counselor or the placement specialist will provide supportive services as necessary for maintaining employment.

(3) The counselor and the placement specialist will document in the ECF the specific progress the individual is making toward the employment outcome.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"VR" means vocational rehabilitation.

**20 CAR § 835-611. Assessment services.**

(a) Assessment services are those services required to determine:

(1) An applicant's eligibility for rehabilitation services and priority for services;  
and

(2) The services needed to achieve an employment outcome.

(b) Medical diagnostic services may include:

(1) Medical and surgical examinations;  
(2) Dental examinations;  
(3) Consultations with and examinations by specialists in all medical specialty fields;

(4) Inpatient hospitalization for study or exploration, not to exceed three (3) days or five (5) days with local medical consultant recommendation;

(5) Clinical laboratory tests;

(6) Diagnostic X-ray procedures, such as CT scans/MRIs, require medical consultant recommendations; and

(7)(A) Other medically recognized diagnostic services.

(B)(i) This does not include routine preventative tests.

(ii) Example:

(a) Colonoscopy;

(b) Routine mammogram; and

(c) Other type tests/studies.

(c) Vocational diagnostic or assessment services may include referral to the Arkansas Career Training Institute for assessment.

(d)(1) The above listed services may be provided an individual at any time, but normally will be completed during the case investigation process.

(2) They may be provided by Arkansas Rehabilitation Services personnel, obtained elsewhere at no cost to Arkansas Rehabilitation Services, or purchased by Arkansas Rehabilitation Services.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "CT" means computed tomography.

"MRI" means magnetic resonance imaging.

**20 CAR § 835-612. Restoration (physical/mental) services.**

(a)(1) Restoration services mean those medical and medically related services that are necessary to correct or substantially modify within a reasonable period of time, a stable or slowly progressive physical or mental condition.

(2) These include:

(A) Surgery;

(B) Therapy;

(C) Treatment; and

(D) Hospitalization.

(b) Prosthetic appliances/devices provided to improve or maintain an individual's ability to work are coded as rehabilitation technology devices.

(c) If an individual has a physical or mental disability with resulting limitations

constituting an impediment to employment that, in the opinion of competent medical personnel, can be removed by restoration services without injury to the individual, the individual is not eligible for any Arkansas Rehabilitation Services services except counseling, guidance, and placement if the individual refuses to accept the appropriate restoration services.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-613. Physical restoration services purchased in-state.**

(a)(1) Arkansas Rehabilitation Services will pay for all physical restoration services that are properly authorized.

(2) Payment will be made according to the vendor's stated fee, up to but not to exceed, the maximum amount determined by the established Arkansas Rehabilitation Services fee schedules.

(3) The fee paid by Arkansas Rehabilitation Services must be accepted as payment in full by the vendor.

(4) The fee paid to physicians for surgical treatment includes fifteen (15) days of routine post-operative care.

**(b) Procedures — Physical/mental restoration services.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Medical reports and recommendations will be obtained from the attending physician and attached to the ECF.

(3)(A) Medical consultant's review is required and attached to the ECF, if needed.

(B) See Appendix E.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5)(A) If wheelchairs or other durable medical equipment is purchased, a title of retention will be completed and attached to the ECF.

(B) Does not apply to Independent Living Services/Services for the Deaf

and Hard of Hearing cases.

(C) See Appendix E.

(6)(A) Refer to the Arkansas Rehabilitation Services fee schedule.

(B) See Appendix I.

(7) The case management system will generate the status move after required data is keyed for Status 18 if needed.

(8) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(9)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(10)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-614. Physical restoration services purchased out of state.**

(a)(1) If Arkansas Rehabilitation Services purchases physical restoration services out of state (in this instance Texarkana, Texas, is considered in the state), the rate paid will not exceed fees paid by the local rehabilitation agency.

(2) Arkansas Rehabilitation Services will use physicians and facilities that are used by the local state agency.

(3) If fee information is not available, the counselor will contact the nearest out-of-state VR office to determine fees paid for needed services.

**(b) Procedures — Physical/mental services out of state.**

- (1) Documentation of the action to be taken will be made in the case note.
- (2) Medical reports and recommendation will be obtained from the attending physician and attached to the ECF.
- (3)(A) Medical consultant's review is required and attached to the ECF, if needed.
  - (B) See Appendix E.
- (4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.
- (5)(A) Refer to the Arkansas Rehabilitation Services fee schedule.
  - (B) See Appendix I.
- (6) The case management system will generate the status move after required data is keyed for Status 18 if needed.
- (7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.
- (8)(A) When billing statement is received, verify the individual received the service.
  - (B) Document in the ECF.
- (9)(A) Key required information into the case management system for payment.
  - (B) Support staff will be responsible for making payments.
  - (C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"VR" means vocational rehabilitation.

**20 CAR § 835-615. Medical consultant.**

(a) In all cases involving medical and surgical treatment, hospitalization, drugs (except for acute medical care), and all medically directed therapies, a written consultation must be obtained from the medical consultant and attached to the ECF.

(b) The medical consultant's role is to:

(1) Assess medical information for the provision of guidance on the medical aspects of the client's disability, including:

- (A) Symptoms;
- (B) Functional limitations;
- (C) Treatment and diagnostic tests; and
- (D) Standards of care; and

(2) Provide clarification of medical reports.

(c)(1) Medical consults may be:

- (A) Provided by Arkansas Rehabilitation Services personnel;
- (B) Obtained elsewhere at no cost to Arkansas Rehabilitation Services; or
- (C) Purchased by Arkansas Rehabilitation Services.

(2) This will be contingent on the availability of Arkansas Rehabilitation Services personnel.

(d) **Procedures — Medical consultant.**

(1) The medical consultant will review medical/psychiatric reports and make recommendations.

(2) The medical consultant will complete the medical consultant form.

(3) The form will be attached to ECF.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-616. Medical, surgical, and psychiatric treatment.**

(a) **Medical treatment.**

(1) After the initial diagnostic medical evaluation, payments may be made to a

physician (general practitioner or specialist), clinic, dispensary, or hospital for services provided to the individual.

(2) Examples include drugs, biological, or other medical supplies incidental to treatment up to ninety (90) days (three (3) months).

(3) If additional treatment is needed, a new medical evaluation/prescription is required.

**(b) Psychiatric treatment.**

(1) After the initial psychiatric diagnostic evaluation, payments may be made to a specialist in neuropsychiatry, a psychiatric clinic, or hospital for psychiatric treatment.

(2) Treatment is initially approved for up to twelve (12) visits.

(3) If additional is needed, this should be suggested by the specialist.

**(c) Surgical treatment.**

(1) Payments may be made for surgical operations and fees for preoperative care.

(2) Payments will be made according to the established Arkansas Rehabilitation Services fee schedule.

(3) See Appendix I.

(d) **Anesthesia.** Payments may be made to anesthesiologists and anesthesiologists not included in hospitalization.

(e) **University of Arkansas for Medical Sciences.** Payments for professional services including surgical treatment, anesthesia, pathology, and others provided at the University of Arkansas for Medical Sciences are to be authorized to the "Medical College Physicians Group".

**(f) Physical, occupational, or speech therapy (PT/OT/ST).**

(1) Arkansas Rehabilitation Services will pay for PT/OT/ST services when prescribed and provided by competent medical personnel and when necessary to a VR program.

(2) If the expected duration of treatment is more than twelve (12) visits a new evaluation/prescription should be done.

**(g) Podiatrist or chiropractor.**

(1) Arkansas Rehabilitation Services will pay for the services of a podiatrist or chiropractor only with medical consultant approval up to twelve (12) visits.

(2) If greater time is needed, a new evaluation and prescription must be obtained.

**(h) Dental.**

(1) Arkansas Rehabilitation Services may purchase dental services, including oral surgery, when necessary for an individual to participate in or complete a VR program.

(2) Available services do not include routine preventive dental care or cosmetic dental procedures.

(3) Provided dental services must be directly connected to disabling conditions documented during eligibility process.

(4) Recommendation by the dental consultant will be required.

(5) A specific treatment plan and estimated cost must be obtained.

(6) An LMC is required, and approval by the Chief of Field Services is needed.

(7) Services will be purchased consistent with the Arkansas Rehabilitation Services fee schedule.

(8) See Appendix I.

**(i) Exception.**

(1) Insurance benefits must be used first in paying for surgical/medical services.

(2) The amount allowed by the Arkansas Rehabilitation Services fee schedule will be authorized followed by the statement "Rehabilitation Services will pay only that part of the authorized amount not covered by the insurance policy up to the maximum amount allowed by the Arkansas Rehabilitation Services Fee Schedule."

(3) See Appendix I.

**(j) Procedures — Medical, surgical, psychiatric treatment.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Medical reports and recommendations will be obtained from the attending

physician and attached to the ECF.

(3)(A) Medical consultant's review is required and attached to the ECF if needed.

(B) See Appendix E.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5)(A) Refer to the Arkansas Rehabilitation Services fee schedule.

(B) See Appendix I.

(6) The case management system will generate the status move after required data is keyed for Status 18 if needed.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(9)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(10) Refer to out-of-state policy limitations, if necessary.

(11) University of Arkansas for Medical Sciences requires special payment.

(12) Dental services require recommendation by the dental consultant.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"LMC" means Local Medical Consult.

"VR" means vocational rehabilitation.

**20 CAR § 835-617. Breast reduction information/guidelines.**

Listed below are guidelines for breast reduction surgery for Arkansas Rehabilitation Services:

(1) There must be verification of back/neck pain for at least six (6) months by a medical physician (not just the cosmetic surgeon) that has not responded to conservative treatment;

(2) There should be no other etiology of back pain other than enlarged breast, such as scoliosis, morbid obesity (BMI 40 or above), degenerative disc disease, etc.;

(3)(A) There should be no family history of breast cancer in first degree maternal relatives.

(B) If this is present, a mammogram shall be performed prior to breast reduction; and

(4) Liposuction is considered cosmetic surgery and is not covered by Arkansas Rehabilitation Services.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "BMI" means body mass index.

**20 CAR § 835-618. Directed therapy for weight loss.**

(a)(1) Arkansas Rehabilitation Services may provide services for structured weight loss programs for twelve (12) months such as Weight Watchers, TOPS, etc., or other medically directed programs.

(2) The counselor will maintain monthly contact with the client to ensure proper follow-up.

(3) The counselor should make every effort to seek out programs in the community that provide behavior modification counseling and address significant lifestyle changes, including:

- (A) Diet;
- (B) Exercise; and
- (C) Behavior modification.

(4) Prior to service provision, the client must compare at least three (3) programs and discuss with counselor.

(5) If program does not offer behavior modification counseling, there must be documentation of participation with another provider.

(6) Behavior modification counseling must occur throughout the entirety of the client's case.

(7) Program must provide reports outlining expected progress within a designated amount of time.

(b) The counselor will consult with the manager for approval of the treatment program and negotiated costs.

**(c) Procedures — directed therapy for weight loss.**

(1) Medical reports and recommendations will be obtained from the attending physician and attached to the ECF.

(2)(A) Medical consultant's review is required and attached to the ECF.

(B) See Appendix E.

(3) Counselor will negotiate reasonable fees with the vendor.

(4) The counselor will make monthly contact with client.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6) The case management system will generate the status move after required data is keyed for Status 18 if needed.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(9)(A) Key required information into the case management system for

payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(10) Refer to out-of-state policy limitations, if necessary.

(11) University of Arkansas for Medical Sciences requires special payment.

(12) If noncompliance is documented, directed therapy may be discontinued.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-619. Supported counseling related to weight.**

(a) Progress should be monitored monthly.

(b) After three (3) months in a weight loss program, at the counselor's discretion and based on little or no success, the client's program needs to be modified.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-620. Treatment for morbid obesity (morbid obesity surgery).**

(a) Individuals requesting assistance from Arkansas Rehabilitation Services for a surgical procedure as a method of treatment for morbid obesity are to be informed the procedure is a major operation with the potential of both short-term and long-term complications.

(b)(1) Any decision to use surgery as a treatment for morbid obesity requires assessing the risk–benefit by an experienced physician or physicians.

(2) Candidates for the procedure should be judged as having a low probability of success using nonsurgical measures as demonstrated by failure in an established weight control program or programs.

(3) Such programs might include, in various combinations:

(A) Behavior modification;

- (B) Exercise;
- (C) Low-calorie or very low-calorie diets; and
- (D) Drug therapy.

(c)(1) A diagnosis of morbid obesity alone does not indicate an individual is an appropriate candidate for this procedure.

(2) High-risk conditions, such as significant diabetes mellitus, obstructive sleep apnea, obesity-related cardiomyopathy, and joint disease, would increase the likelihood an individual would be an appropriate candidate for morbid obesity surgery.

(d) Individuals with a diagnosis of morbid obesity may be eligible for restoration services if all the following criteria are met:

(1) Have a body mass index (BMI) of at least 35 (BMI is an individual's weight in kilograms divided by his or her height in meters squared);

(2) Have an associated high-risk comorbid condition or conditions;

(3) Have documentation the morbid obesity has been present for a minimum of five (5) years;

(4)(A) Have documentation from a treating physician of failure by the individual in a structured weight loss program while under that physician's care for a minimum of one (1) year.

(B) This documentation must be within the last two (2) years;

(5) Counselor's impression that the individual is well motivated and understands the risks associated with the surgical procedure and the restricted eating habits that will follow; and

(6)(A) If the individual has demonstrated success in a structured weight loss program in the past, the counselor will be required to assess the appropriateness of the specific morbid obesity surgical procedure.

(B) Re-enrollment in a structured weight loss program should be explored.

**(e) Procedures — Morbid obesity surgery.**

(1) Obtain a general medical assessment or current medical information that documents the individual's diagnosis of morbid obesity and any other high-risk comorbid conditions.

(2) Obtain a mental health assessment that indicates the individual does not have a mental health condition that might preclude this restoration service.

(3) Obtain documentation from a treating physician of the individual's failure in a structured weight loss program for at least one (1) year (this documentation must be within the last two (2) years) and the presence of morbid obesity for at least five (5) years.

(4) Documentation of comorbid conditions by an appropriate physician with a statement of recommendation for weight loss surgery.

(5) Obtain medical reports that document the need for referral to a surgeon for an assessment to determine the appropriateness of the specific morbid obesity surgical procedure being requested.

(6) Obtain an examination from a surgeon proficient in the specific morbid obesity surgical procedure that documents the individual is an appropriate candidate for this procedure.

(7) Assess the individual regarding motivation for the procedure and understanding of the associated risks.

(8) The counselor will submit received reports and documentation for review and recommendation by the medical consultant.

(9)(A) The counselor will submit a request to the manager with the reports and all required documentation requesting approval for the procedure.

(B) As a part of the request the counselor will provide the manager the counseling issues to be addressed during the restoration and recovery process.

(10) If the manager agrees that all the required documentation is present and the individual meets Arkansas Rehabilitation Services eligibility and order of selection requirements, the individual is an appropriate candidate for the procedure, and agrees with the identified counseling issues, the manager will note approval in the ECF.

(11) If the manager does not agree the individual meets eligibility and order of selection criteria, is not an appropriate candidate for the requested morbid obesity surgical procedure, or is of the opinion that the identified counseling issues are inadequate or inappropriate, a memorandum of denial will be sent to the counselor

notifying the counselor of the decision and noted in the ECF.

(12) If the manager approves, the counselor will proceed as with any other physical restoration case.

(13) During the recovery process the counselor will be required to document a minimum of three (3) counseling sessions prior to case closure.

(14) It is recommended that the case be placed in post-employment status so that necessary counseling and follow-up can take place to ensure optimum benefits from the procedure.

(15) Reports and recommendations will be obtained from the attending physician and attached to the ECF.

(f) **Note.** If the referred case has serious medical problems that pose serious consequences due to delay of case processing, an administrative exception may be requested.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-621. Cochlear implants.**

(a)(1) Individuals requesting assistance from Arkansas Rehabilitation Services for cochlear implant surgery as a method of treatment to provide a sense of sound to a person who is profoundly deaf or severely hard of hearing must meet the following:

(A) Complete psychological exam to determine emotional and mental stability of the individual;

(B) Documented evidence from the individual or employer that the procedure would remove any significant vocational impediment;

(C) Documented evidence from medical personnel in regard to the type and severity of the hearing loss;

(D) Documented counseling with medical personnel in regard to after effects and adjustment to the procedure; and

(E) Documented post-operative aural rehabilitation plan.

(2) Refer required documentation to manager, Deputy Chief of Field Services, and Chief of Field Services for approval.

(3) Reports and recommendations will be obtained from the attending physician, audiologist, and other required healthcare team members and attached to the ECF.

(4)(A) Follow general Arkansas Rehabilitation Services guidelines for bill payment processes such as using Healthcare Common Procedure Coding System (HCPCS) codes.

(B) Arkansas Rehabilitation Services is the payer of last resort.

**(b) Procedures — Cochlear implants.**

(1) Medical clearance provided by ENT.

(2)(A) Evaluation conducted by either an ENT or licensed audiologist to assess the type and severity of client's hearing loss as measured by the PTA or SRT.

(B) PTA is calculated using only:

(i) One-half kilohertz (0.5 kHz);

(ii) One kilohertz (1 kHz);

(iii) Two kilohertz (2 kHz); and

(iv) Three kilohertz (3 kHz).

(3) Medical consultant reviews the client's case.

(4) ENT recommendations, psych report recommendations, medical consultant recommendations, client's vocational goals, and client's financial details will be considered by the counselor while considering client's eligibility for services.

(5)(A) If client is cleared to proceed with cochlear implant surgery, the Arkansas Rehabilitation Services Hearing Aid Order Form must be submitted by the ENT or audiologist.

(B) Document that counseling was conducted by either the ENT or licensed audiologist about:

(i) Realistic expectation;

(ii) Surgery;

- (iii) Typical costs; and
- (iv) Expected follow-up care.

(C) Aural rehabilitation plan must be documented as well.

(6) Surgery occurs (typically outpatient).

(7) Itemized invoice sent to counselor.

(8)(A) For reimbursement, the counselor will follow guidelines related to reimbursement based on HCPCS policies and all other reimbursement policies of Arkansas Rehabilitation Services.

(B) Arkansas Rehabilitation Services is the payer of last resort.

(9) Follow-up care provided by ENT and audiologist as needed.

(10) Aural rehabilitation plan implemented.

(11)(A) Counselor support continues.

(B) Refer client for assistive technology assessment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"ENT" means ear, nose, and throat.

"PTA" means pure-tone average.

"SRT" means speech reception threshold.

**20 CAR § 835-622. Bone-anchored auditory implant (BAAI).**

(a)(1) Individuals requesting assistance from Arkansas Rehabilitation Services for a bone-anchored auditory implant (BAAI) as a method of treatment to provide a sense of sound to a person who is hard of hearing must meet the following:

(A) Documented evidence from the individual or employer that the procedure would remove any significant vocational impediment;

(B) Documented evidence from medical personnel in regard to the type and severity of the hearing loss; and

(C) Documented counseling from medical personal in regard to the:

(i) Surgery process;

(ii) After effects; and

(iii) Adjustment to the procedure.

(2) Refer required documentation to manager, Deputy Chief of Field Services, and Chief of Field Services for approval only if needed for payment procedures.

(3) Reports and recommendations will be obtained from the attending physician and audiologist and attached to the ECF.

(4) Follow general Arkansas Rehabilitation Services guidelines for bill payment processes such as using HCPCS codes.

(5) Arkansas Rehabilitation Services is the payer of last resort.

(6) Considerations for the BAAI/BAHA technology:

(A) Minimally invasive surgery;

(B) No occlusion of ear canal;

(C) No risk to damage residual hearing during surgery process; and

(D) Able to test the product before undergoing surgery (real-time results)

since the BAAI can be worn on a headband.

**(b) How to qualify (candidacy guidelines).**

(1)(A) Individuals requesting assistance from Arkansas Rehabilitation Services for a bone-anchored auditory implant (BAAI) as a method of treatment must have a PTA or SRT of forty-one decibels (41 dB) or greater.

(B) PTA shall be calculated using only:

(i) One-half kilohertz (0.5 kHz);

(ii) One kilohertz (1 kHz);

(iii) Two kilohertz (2 kHz); and

(iv) Three kilohertz (3 kHz).

(2) Clients must also meet the requirements below based on whether they have conductive or mixed hearing loss or single-sided deafness.

(3) Please refer to the appropriate section below for additional guidelines:

(A)(i) Conductive.

(ii) Conductive hearing loss with an air-bone gap of more than thirty decibels (30 dB);

(B) Mixed:

(i) Air-bone gap of more than thirty-to-thirty-five decibels (30 – 35 dB); or

(ii)(a) Mild-to-moderate sensorineural loss.

(b) "The BAAI sound processor can compensate for some of the sensorineural loss...[with] only modest amplification required – much less than is necessary with conventional hearing aids. The most powerful BAAI processor can compensate for a sensorineural element of up to 65 dB HL (measured at 0.5, 1, 2, and 3 kHz)."; and

(C)(i) Single-sided deafness (SSD).

(ii) "Candidates with SSD and normal hearing in their good ear may benefit from a BAAI System. The BAAI sound processor picks up sound on the deaf side and sends it via bone conduction to the contralateral cochlea, overcoming the head shadow effect. This gives improved speech understanding and 360° sound awareness."; and

(D)(i) BAAI versus CROS for SSD.

(ii) BAAI does not occlude the ear canal.

(iii) CROS system requires hearing device on both ears.

(iv) BAAI only requires hearing device on one (1) side.

(c) **Comorbid condition considerations.** For some indications, such as chronic otitis media and allergies, implantable bone conduction may be a great solution regardless of the size of the air-bone gap:

(1) Skin allergies may be aggravated by ear molds of some hearing aids;

(2) **Congenital malformations.** Facial anatomy may limit AC hearing aid placement;

(3) **Draining ears.** Ear canal remains open at all times with BAAI system;

(4) **Ear canal stenosis.** Ear canal is bypassed;  
(5) Previous ear surgery, especially if they struggle with feedback issues post-surgery with AC aid;

(6) **Radical cavity.**

(A) At higher risk for ear canal to become occluded.

(B) BAAI bypasses canal; and

(7)(A) Syndromic hearing losses, e.g., clients with Down syndrome, Goldenhar syndrome, and Treacher Collins syndrome.

(B) For some clients and their caretakers, a BAAI may be a more optimal solution due to maintenance and other considerations.

(d) **Procedures — BAAI.**

(1) Medical clearance provided by ENT.

(2)(A) Evaluation conducted by either an ENT or licensed audiologist to assess the type and severity of client's hearing loss.

(B) All clients must have a hearing loss of forty-one decibels (41 dB) or greater as measured by either their PTA or SRT for Arkansas Rehabilitation Services to purchase hearing aids for them.

(C) PTA is calculated using only:

(i) One-half kilohertz (0.5 kHz);

(ii) One kilohertz (1 kHz);

(iii) Two kilohertz (2 kHz); and

(iv) Three kilohertz (3 kHz).

(3) Medical consultant reviews the client's case.

(4) ENT recommendations, medical consultant recommendations, client's vocational goals, Arkansas Rehabilitation Services hearing loss level requirements (measured in decibels), and Arkansas Rehabilitation Services financial requirements will be considered by the counselor while considering client's eligibility for services.

(5) If client is cleared to proceed with BAAI, the Arkansas Rehabilitation Services Hearing Aid Order Form must be submitted by the ENT or audiologist.

(6) Document that counseling was conducted by either the ENT or licensed

audiologist about:

- (A) Realistic expectation;
- (B) Surgery;
- (C) Typical costs; and
- (D) Expected follow-up care.

(7) Surgery occurs (typically outpatient).

(8) Itemized invoice sent to counselor.

(9)(A) For reimbursement, counselor will follow guidelines related to reimbursement based on HCPCS policies and all other reimbursement policies of Arkansas Rehabilitation Services.

(B) Arkansas Rehabilitation Services is the payer of last resort.

(10) Follow-up care provided by the ENT and audiologist as needed.

(11) Counselor support continues.

(12) Refer client for assistive technology assessment if client still experiences vocational difficulties after BAAI implementation.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "AC" means air conduction.

"BAHA" means bone-anchored hearing aid.

"CROS" means contralateral routing of signal.

"ENT" means ears, nose, and throat.

"HCPCS" means healthcare common procedure coding system.

"PTA" means pure-tone average.

"SRT" means speech reception threshold.

**20 CAR § 835-623. Surgical and hospital insurance.**

(a) Insurance benefits must be used first in paying for surgical and medical services.

(b) Arkansas Rehabilitation Services will pay a portion of the billed amount after comparable services, similar benefits, and insurance are applied.

(c) The authorized payment will be based on the most current Medicare Fee Schedule.

(d)(1) If the service is not covered by Medicare, payment will be based on the current Arkansas Workers' Compensation Commission Fee Schedule (Medical or Laboratory).

(2) For services covered by neither Medicare nor the Arkansas Workers' Compensation Commission, Arkansas Rehabilitation Services will pay up to fifty percent (50%) of the total charges billed for the surgical or medical services.

(e) For hospitals or clinics with which Arkansas Rehabilitation Services has a contract establishing an all-inclusive amount for services, Arkansas Rehabilitation Services will pay the contract amount without regard to Medicare or Workers' Compensation-based fee schedules.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-624. Consultation.**

(a) For diagnostic purposes, the attending physician may consult with another specialist.

(b) The counselor must have a recommendation for consultation, and prior authorization is required.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-625. Post-operative reports.**

It is the counselor's responsibility for cochlear implant and bone-anchored auditory implant procedures to obtain a post-operative report or letter prior to processing the final payment.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-626. Minor surgery by general practitioners.**

Arkansas Rehabilitation Services may pay general practicing physicians for minor surgery, such as the opening of a superficial abscess or removal of a superficial tumor or cyst.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-627. Medication.**

(a)(1) Medication can be provided throughout the program and ninety (90) days following placement.

(2) The counselor must verify the need for ongoing medication with documentation from either the medical consultant or the individual's personal care physician.

(3) The counselor will provide assistance with generic medications unless medically necessary for nongeneric brands.

(4) Client will be responsible for cost associated for nongeneric brands if not approved by Arkansas Rehabilitation Services.

**(b) Procedures — Medication.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Medical reports and recommendations, including prescription, will be obtained from the attending physician and attached to the ECF.

(3)(A) Medical consultant's review is required and attached to the ECF.

(B) See Appendix E.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) The case management system will generate the status move after required data is keyed for Status 18 if needed.

(6) Required information must be keyed into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When the billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(8)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(9) Refer to out-of-state policy limitations, if necessary.

(10) University of Arkansas for Medical Sciences requires special payment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-628. Speech and hearing therapeutic services.**

(a)(1) Individuals with organic or inorganic speech and hearing disorders may be scheduled for evaluation and therapy by an approved therapist.

(2) The counselor will furnish the therapist with information needed to provide services.

**(b) Procedures — Speech and hearing therapeutic services.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) Medical reports and recommendations will be obtained from the attending physician and attached to the ECF.

(B) After ninety (90) days of therapy services, a new evaluation/prescription is needed.

(3)(A) Medical consultant's review is required and attached to the ECF.

(B) See Appendix E.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5)(A) Refer to the Arkansas Rehabilitation Services fee schedule.

(B) See Appendix I.

(6) The case management system will generate the status move after required data is keyed for Status 18 if needed.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(9)(A) Required information must be keyed into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(10) Refer to out-of-state policy limitations, if necessary.

(11) University of Arkansas for Medical Sciences requires special payment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-629. Hospitalization, convalescent care, and nursing services.**

(a)(1) Arkansas Rehabilitation Services will pay for inpatient or outpatient

hospitalization, including blood, in Arkansas hospitals according to current Medicaid fees or other fees established.

(2) Arkansas Rehabilitation Services will pay for the day an individual enters the hospital, but not the day on which the individual is discharged.

**(b) Procedure — Hospitalization, convalescent, and nursing services.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Medical reports and recommendations will be obtained from the attending physician and attached to the ECF.

(3)(A) Medical consultant's review is required and attached to the ECF.

(B) See Appendix E.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5)(A) Refer to the Arkansas Rehabilitation Services fee schedule.

(B) See Appendix I.

(6) The case management system will generate the status move after required data is keyed for Status 18 if needed.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When the billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(9)(A) Required information must be keyed into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(10) Refer to out-of-state policy limitations, if necessary.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-630. Training.**

(a)(1) All training must be designed to achieve the specific employment outcome, which is chosen by the individual consistent with the individual's:

- (A) Unique strengths;
- (B) Resources;
- (C) Priorities;
- (D) Concerns;
- (E) Abilities;
- (F) Capabilities;
- (G) Career interest; and
- (H) Informed choice.

(2) The documentation should show that there is adequate labor market demand to support the employment outcome.

(3) If relocation would be required, the individual must agree to relocate to an area with sufficient labor market demand for the chosen employment outcome prior to the signature and initiation of the IPE.

(4) The individual should acknowledge that they are familiar with the entry-level wages that are common in the chosen vocation.

(b)(1) Training services are those services needed to prepare an eligible individual without transferable and/or marketable skills for work.

(2) These services are individualized and are jointly developed by the individual and counselor through the process of informed choice.

(c) Vocational training includes the following broad categories:

- (1) On-the-job training;
- (2) Short-term specialized training;
- (3) Vocational/technical;
- (4) Community college; and
- (5) College/university.

(d) An individual is eligible for training if:

- (1) The individual meets basic eligibility requirements;
- (2) The individual is mentally, physically, and temperamentally capable of completing the training and performing the resulting job;

(3)(A) The individual meets the admissions criteria to enter the training program.

(B) If the training program is a college or university program, the individual must meet the admissions criteria to enter into a State of Arkansas public institution that confers the degree being sought;

(4) The individual has no marketable or transferable skills that, within the limitations of the disability, can be used to reach the employment goal specified in the IPE; and

(5) There is adequate labor market demand for which the individual is to be trained.

(e)(1) Labor market demand can be found on O\*NET, from the United States Department of Labor, and at local workforce centers.

(2) If there is no evidence of adequate labor market demand or demand is unknown, training will require:

(A) Justification and documentation to support potential competitive integrated employment outcome; and

(B) Manager's approval.

(f)(1) It is the policy of Arkansas Rehabilitation Services to perform assessments and require evaluations and/or testing to ensure individual-appropriate training services feasible to achieve employment.

(2) Individual-appropriate services reflect the unique strengths, priorities, concerns, abilities, capabilities, and career interests of each eligible individual.

(3) These assessments and evaluations should show that the individual is a good candidate for the training program.

(4) They should also address the individual's potential for success, including identifying and addressing the potential barriers.

(g) To the extent needed, the following should be addressed:

(1) An analysis of pertinent medical, psychiatric, psychological, neuro-psychological, and other pertinent vocational, education, cultural, social, recreational, and environmental factors, and related functional limitations, that affect the employment and rehabilitation needs of the individual;

(2) An analysis of the individual's:

(A) Personality;

(B) Career interests;

(C) Interpersonal skills;

(D) Intelligence and related functional capacities;

(E) Educational achievements;

(F) Work experience;

(G) Vocational aptitudes;

(H) Personal and social adjustments; and

(I) Employment opportunities;

(3) An appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance; and

(4) An assessment, through provision of rehabilitation technology services, of the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice.

(h)(1) Arkansas Rehabilitation Services recognizes that the transition from high school to post-secondary training is a crucial time and is a period of change and stress.

(2) Training options beyond the vocational-technical level must have documentation based on the assessment of rehabilitation needs that the individual can be successful in the selected training area.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-631. Financial aid.**

(a)(1) The role of Arkansas Rehabilitation Services is not to act as the primary funding source for training programs.

(2) All clients pursuing training programs are required to explore, and when appropriate, apply for funding from sources other than Arkansas Rehabilitation Services.

(3) Federal VR funds cannot be used to pay training costs in institutions of higher education unless every effort has been made to secure financial assistance, in whole or in part, from other funding sources.

(4) In all training cases, the record of services must include evidence that applications were made and the individual will or will not receive assistance.

(5)(A) Evidence of approval of receipt of financial assistance may be documented through a financial aid award letter.

(B) This letter originates at the training institution and lists the type/amount received by semester (quarter).

(C) Federal law requires students to accept/reject awards by signing this letter.

(b)(1)(A) The counselor will provide general information regarding various alternative financing sources.

(B) However, the individual is responsible for securing financial aid.

(2)(A) Documentation must be presented to the counselor prior to the school's established payment deadline.

(B) This documentation can include:

- (i) College award letter;
- (ii) Student financial aid grant response letter;
- (iii) Online student financial aid grant printouts; or
- (iv) Copies of student financial aid grant application forms.

(c)(1) If the student has defaulted on a guaranteed student loan, the student will be denied a Pell Grant and other forms of financial aid.

(2) Before spending Arkansas Rehabilitation Services funds for training, the consumer must:

- (A) Arrange to repay the defaulted loan; and
- (B) Provide supporting documentation of progress throughout the plan

year.

(d)(1) The counselor will utilize the basic cost of education reported from the school that the individual attends.

(2) The applicable student financial aid categories are:

- (A) Dependent;
- (B) On campus;
- (C) Dependent off campus; and
- (D) Independent.

(3) The basic cost may include:

- (A) Tuition;
- (B) Books;
- (C) Fees;
- (D) Room and board (maintenance);
- (E) Supplies; and
- (F) Transportation.

(e)(1) Please see the policy guidance on maintenance and transportation for information on the application of these separate policies to training cases.

(2) Maintenance may only be considered for those expenses incurred that are:

- (A) Directly related to attending college; and
- (B) In excess of normal living expenses.

(3) Expenses such as housing may be considered at a rate of seventy percent (70%) of the lowest double occupancy dorm room cost per term.

(f)(1) Arkansas Rehabilitation Services will finance Arkansas state tuition costs as an Arkansas resident for all training programs found within the State of Arkansas.

(2) This includes programs that have the same exit degree, diploma, or certificate awarded.

(3) The individual will be responsible for all fees in excess of the cost of the in-state fees.

(g) Arkansas Rehabilitation Services will only sponsor individuals at institutions that are fully accredited by the appropriate accrediting authority.

(h)(1) Every effort will be made to secure training nearest where the individual's primary residence is located.

(2) Individuals who choose to attend a school outside of the commuting distance (fifty-mile radius) will incur the additional costs associated with that choice.

(i) The individual will indicate choice of school and course of study in accordance with informed choice by signing the IPE.

(j) **Note.** Arkansas Rehabilitation Services will not be bound to any agreement or contract the individual entered into prior to signing the IPE.

(k) A threshold of five thousand dollars (\$5,000) has been established per twelve-month period, beginning with initiation date of the IPE, for:

- (1) Tuition;
- (2) Required textbooks;
- (3) Academic fees;
- (4) Maintenance; and
- (5) Transportation.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

### **20 CAR § 835-632. Colleges and universities.**

(a)(1) Arkansas Rehabilitation Services will assist individuals in pursuing two-year and four-year college and university training programs in only those colleges and universities:

- (A) Accredited by the appropriate accrediting agency; and
- (B) Whose courses will be given full recognition by other accredited

colleges and universities.

(2) It is the counselor's duty to determine if the selected institution is approved by the state Department of Education or by another qualified accrediting agency of the state in which it is located.

(b)(1) Arkansas Rehabilitation Services will only sponsor an individual to the bachelor's degree level unless sufficient justification is provided in writing that demonstrates that the individual is unable to reach the desired employment goal without additional training and education.

(2) This information should be obtained from an employer or other credentialed professional in the field for which the individual is seeking an advanced degree.

(c)(1) The individual will provide a yearly degree audit signed by an academic advisor or program supervisor.

(2) This degree audit will be used to ensure that the required course work is being taken for consideration of continued Arkansas Rehabilitation Services funding.

(3) The yearly audit will also ensure that the classes are being taken that lead to the degree and employment goal listed on the IPE.

(d)(1) Preference will be given to institutions in Arkansas.

(2) If training is not available within the state, or if there are other circumstances that the counselor feels justifies out-of-state training, such training will be permitted on a case-by-case basis.

(e)(1) If training is available within the State of Arkansas and the client attends an out-of-state institution, the maximum amount payable will be the same as that paid if the individual would be attending an institution within the state as a full-time student.

(2) The individual must attend on a full-time basis.

(3) The cost of tuition, fees, textbooks, will not exceed the institution's established education costs.

(f)(1) The application of maintenance and/or transportation costs will be applied according to the maintenance and transportation policies.

(2) Maintenance may only be considered for those expenses incurred that are:

- (A) Directly related to attending college; and
- (B) In excess of normal living expenses.

(3) Expenses such as housing may be considered at a rate of seventy percent (70%) of the lowest double occupancy dorm room cost per term.

(g)(1) The cost of private school training will not exceed the cost of State of Arkansas-supported institutions.

(2) For training at a private Arkansas institution, Arkansas Rehabilitation Services may supplement the individual's resources and pay up to, but not more than, training fees at state-supported institutions for a full-time student.

(3) If training is not available within the state, Arkansas Rehabilitation Services may pay the fees charged by the particular out-of-state university or college for a full-time student.

(h)(1) A threshold of five thousand dollars (\$5,000) has been established per twelve-month period, beginning with initiation date of the IPE, for:

- (A) Tuition;
- (B) Required textbooks;
- (C) Academic fees;
- (D) Maintenance; and
- (E) Transportation.

(2) For an exception form refer to Appendix G.

**(i) Required time frames for completion of academic training.**

(1) Arkansas Rehabilitation Services sponsorship of academic training is limited to the following time frames:

- (A) An associate's degree must be completed within three (3) years;
- (B) A bachelor's degree must be completed within a total of six (6) years (including time at a junior college or community college); and
- (C) A master's degree must be completed within three (3) years (this does not include time to complete the bachelor's degree before beginning the master's degree program).

(2)(A) When a consumer has spent time in a college or university before

Arkansas Rehabilitation Services sponsorship, prorate the time frames according to the remaining hours needed to complete the degree.

(B) This information can usually be found on the student's individualized degree plan from the college or university.

(C) Document the justification for the prorated and agreed upon time frame in the ECF.

**(j) Advanced degree.**

(1)(A) It is Arkansas Rehabilitation Services policy to assist individuals in obtaining an advanced degree only when this degree is a minimum requirement for the vocational objective.

(B) The decision to obtain an advanced degree must be determined at the time of initial plan development.

(2)(A) Arkansas Rehabilitation Services may assist clients beyond the bachelor's level in occupations that require advanced training for entry level, such as medicine, dentistry, law, science, technology, engineering, and mathematics, and this need must be determined at the time of plan development.

(B) Arkansas Rehabilitation Services will sponsor advanced degrees beyond the bachelor's level with sufficient justification provided in writing that demonstrates that the individual is unable to reach the desired employment goal without additional training and education.

(C) This information should be obtained from an employer or other credentialed professional in the field for which the individual is seeking an advanced degree.

**(k) Full-time student.**

**(1) Undergraduate.**

(A)(i) A full-time student receiving financial support from Arkansas Rehabilitation Services is one (1) who completes twelve (12) per semester hours or six (6) semester hours per summer term at the college level.

(ii) Arkansas Rehabilitation Services will follow the same timeline for completion of an undergraduate program as established by Federal Student Aid.

(iii) Individuals will have no more than six (6) years or twelve (12) semesters to complete an undergraduate degree.

(B)(i) At the counselor's discretion, exceptions may be made when the record of services reveals that, because of the severity of the disability or for other obvious reasons such as schedule difficulties, the need for part-time work, or upon the recommendation from the client's physician, school officials, etc., the client cannot be expected to carry twelve (12) hours of course work.

(ii) Documentation of the exception must be made in the ECF.

**(2) Graduate level.**

(A) An individual taking nine (9) semester hours or six (6) quarter hours is considered a full-time graduate student.

(B) Individuals seeking a master's-level program must be enrolled on a full-time basis.

(C) The individual has no more than three (3) years to complete the graduate level program.

**(3) Doctorate level.**

(A) Doctorate programs differ in programming and requirements.

(B) A yearly audit of the coursework and progress towards the doctoral level program is required.

(C) An individual has seven (7) years to complete an approved and accredited doctorate program.

(4) **Summer courses.** At the counselor's discretion, Arkansas Rehabilitation Services will pay for summer courses for students classified as a junior or higher.

**(5) Remedial courses.**

(A) Arkansas Rehabilitation Services will pay for a total of six (6) semester hours of remedial courses to fulfill academic requirements within the first year of college.

(B) The counselor will review the above policy with the client and document in a case note using the description: "ARS Policy on Remedial Course".

**(I) Satisfactory performance — College and universities.**

(1) Any full-time college student who does not complete twelve (12) hours of course work during the regular semester or six (6) hours during summer semester with a "C" average (2.0) may be placed on probation for the following semester at the counselor's discretion.

(2) If the client is placed on probation and fails to make a "C" average (2.0), college training will be terminated.

(3) More than one (1) probationary period during the student's entire training program will require the manager's approval.

(4) Failure to do acceptable college course work will result in:

(A) A reevaluation of the client's program; and

(B) The selection of a more realistic vocational objective.

**(m) Grades — College and universities.**

(1)(A) The counselor is responsible for obtaining grades from the student to document satisfactory progress.

(B) This responsibility should be delegated to the student.

(C) The grades (GPA) will be used as the measure of satisfactory progress and must be provided to the counselor in a timely manner in order to approve payment for tuition for the next semester.

(D) The Responsibilities of College Students Form must be signed by the individual and counselor and placed in the individual's record of services prior to the initial semester and each following fall semester.

(2)(A) Accredited universities/colleges are beginning to offer classes via internet and other distance education options.

(B) These classes can provide college training to individuals with most significant disabilities whose accessibility or environmental needs made traditional campus-based training difficult.

(3)(A) This type of training, however, may be impractical for students who require the reinforcement and motivation of time-scheduled classes and social participation.

(B) Because of the many nonaccredited correspondence courses offered

by businesses or companies, the counselor should evaluate this option carefully.

(n) **Procedure — College and university training.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) The individual will provide the counselor with documentation of any financial aid awards and scholarships.

(B) This documentation can include:

(i) College award letter;

(ii) Student financial aid grant response letter;

(iii) Online student financial aid printouts; or

(iv) Copies of student financial aid grant application forms.

(C) Attach documents to the ECF.

(3)(A) The individual will provide a copy of an official degree plan at IPE to the counselor.

(B) Attach documents to the ECF.

(4) The individual will provide yearly a degree audit signed by an academic advisor or program supervisor, and will be used to ensure that the required course work is considered for Arkansas Rehabilitation Services funding and that good progress is made toward the training outcome.

(5) The counselor will review the grade report each period.

(6) The counselor will review all planned courses the consumer will take during the next period to ensure that they are a part of the consumer's required coursework.

(7) The counselor and the individual will complete the College Student's Responsibilities Form prior to the first semester and then each fall semester.

(8) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(9)(A) If specialized equipment, i.e., computers, software, etc., is purchased a title of retention will need to be completed.

(B) See Appendix E.

(10) The case management system will generate the status move after required data is keyed for Status 18.

(11) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(12)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(13)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(14) Refer to out-of-state policy limitations, if necessary.

(15) Complete annual review documenting any changes to the IPE.

(16) Update the RS16 Financial Resources Form at annual review, if appropriate.

(o) **College textbooks.**

(1) Arkansas Rehabilitation Services may purchase required textbooks for full-time students who are making satisfactory progress.

(2) Authorizations for textbooks must be submitted to the bookstore in a timely manner, usually prior to the beginning of classes.

(3) Payments for textbooks must fall within the threshold of five thousand dollars (\$5,000) unless an exception is approved.

(4) The request for payment from the bookstore must be accompanied by:

(A) A list of books purchased;

(B) Individual book prices; and

(C) The individual's signature.

(p) **Procedures — College textbooks.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) The individual will provide the counselor with documentation of any financial aid awards and scholarships.

(B) This documentation can include:

- (i) College award letter;
- (ii) Student financial aid grant response letter;
- (iii) Online student financial aid printouts; or
- (iv) Copies of student financial aid grant application forms.

(C) Attach documents to the ECF.

(3) The counselor and the individual will complete the College Student's Responsibilities Form prior to the first semester and then each fall semester.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) The case management system will generate the status move after required data is keyed for Status 18.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(8)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(9) Refer to out-of-state policy limitations, if necessary.

(10) Complete annual review documenting any changes to the IPE.

(11) Update the RS16 Financial Resources Form at annual review, if appropriate.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"GPA" means grade-point average.

"IPE" means individualized plan for employment.

**20 CAR § 835-633. Business schools or colleges.**

(a)(1) Arkansas Rehabilitation Services may purchase training for qualified clients in any business school or college capable of providing the training necessary for the client to attain the vocational objective.

(2) Satisfactory performance will be documented by a progress report.

**(b) Procedures — Business schools or colleges.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) The individual will provide the counselor with documentation of any financial aid awards and scholarships.

(B) This documentation can include:

(i) College award letter;

(ii) Student financial grant response letter; and

(iii) Online student financial aid printouts or copies of student financial aid grant application forms.

(C) Attach documents to the ECF.

(3) The counselor and the individual will complete the College Student's Responsibilities Form prior to the first semester and then each fall semester.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5)(A) If specialized equipment, i.e., computers, software, etc., is purchased a title of retention will need to be completed and attach the documents to the ECF.

(B) See Appendix E.

(6) The case management system will generate the status move after required data is keyed for Status 18.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(9)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(10) Refer to out-of-state policy limitations, if necessary.

(11) Complete annual review documenting any changes to the IPE.

(12) Update the RS16 Financial Resources Form at annual review.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

### **20 CAR § 835-634. Vocational school.**

(a)(1) Arkansas Rehabilitation Services may purchase training for qualified individuals in any vocational, trade, or technical school capable of providing the training necessary for the individual to attain the vocational objective.

(2) If training is available within the state and the individual attends an out-of-state school, the maximum amount payable will be the same as that paid if the individual would be attending an institution within the state as a full-time student.

(3) Satisfactory performance in a nonacademic program will be documented by a progress report indicating satisfactory progress in the training program.

#### **(b) Procedures — Vocational school.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) The individual will provide the counselor with documentation of any

financial aid awards and scholarships.

(B) This documentation can include:

- (i) College award letter;
- (ii) Student financial aid grant response letter;
- (iii) Online student financial aid printouts; or
- (iv) Copies of student financial aid grant application forms.

(C) Attach documents to the ECF.

(3) The counselor and the individual will complete Responsibility of Vocational Training Students prior to the first semester and then each fall semester.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) The case management system will generate the status move after required data is keyed for Status 18.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(8)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(9) Refer to out-of-state policy limitations, if necessary.

(10) Complete annual review documenting any changes to the IPE.

(11) Update the RS16 Financial Resources Form at annual review.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-635. Cosmetology/barber school.**

(a)(1) Arkansas Rehabilitation Services may purchase training for qualified individuals in cosmetology/barber schools capable of providing training necessary for the individual to attain the vocational objective.

(2) Cosmetology/barber schools must have the ability to accept federal financial aid as a comparable benefit.

(3) Arkansas Rehabilitation Services requires a copy of the school's program costs and student financial aid grant eligibility or ineligibility be placed in the individual's ECF by the time of plan development.

(4) Tuition will be authorized and paid at an hourly rate.

(5) Billing will be processed only with receipt of a monthly progress report verifying the number of hours the individual attended.

(b)(1) The manager's approval is required if extenuating circumstances occur such as changes or expenses beyond the agreed rate, or additional training time to meet the required one thousand five hundred (1,500) hours.

(2) For an exception form refer to Appendix G.

(c) Satisfactory performance in a nonacademic program will be documented by a progress report.

**(d) Procedures — Cosmetology/barber school.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) A copy of the school's program costs will be attached to the ECF by the time of plan development.

(B) Tuition will be paid at an hourly rate.

(3) The case record must document the school's student financial aid eligibility or ineligibility.

(4) The award/denial letter/student financial aid will be obtained and attached to the ECF.

(5) Responsibility of vocational training students.

(6) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9

from new vendor.

(7) The case management system will generate the status move after required data is keyed for Status 18.

(8) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(9)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(10)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(11) Refer to out-of-state policy limitations, if necessary.

(12) Complete annual review documenting any changes to the IPE.

(13) Update the RS16 Financial Resources Form at annual review.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-636. On-the-job training.**

(a)(1) Vendors used for on-the-job training must be reputable, established firms that can supply the individual training in the selected job.

(2) The counselor must choose only those training sites that have:

(A) Proper equipment;

(B) Sufficient work to ensure adequate practice for the individual to reach proficiency;

(C) The trainer must possess the knowledge, skill, and ability to train the individual; and

(D) Daily training period long enough for the individual to acquire the necessary skills.

(b) The counselor will consider:

- (1) The personality and skill of the trainer;
- (2) Attitude toward the individual;
- (3) Past success in training individuals; and
- (4) Willingness of the employer to hire the individual when trained.

(c)(1) Arkansas Rehabilitation Services will pay an on-the-job training fee to the vendor for providing instruction to the individual to help them reach a skilled proficiency level in the work area selected.

(2) Arkansas Rehabilitation Services can pay the individual's salary or wages at a negotiated rate.

(d)(1) The vendor must put the individual on the payroll and pay the same starting wage that is paid to other new employees.

(2) The training fee should be equal or above the current minimum wage amount.

(3) The individual must be offered the same benefits as other employees.

(4) The trainee has the same responsibilities as all other employees.

(e) Satisfactory performance in a nonacademic program will be documented by a progress report indicating satisfactory progress in the training program.

(f) **Procedures — On-the-job training.**

(1) The counselor will utilize the Arkansas Rehabilitation Services-approved on-the-job training (OJT) contract.

(2)(A) The counselor will negotiate with the vendor the training fee and the length of the on-the-job program.

(B) The fee and time period should be kept to a minimum.

(3) Documentation of the action to be taken will be made in the case note.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) The case management system will generate the status move after required

data is keyed for Status 18.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(8)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(9)(A) The training vendor will provide a monthly progress report to the counselor with appropriate billing forms.

(B) The counselor will not process payment for on-the-job training without proper progress reports.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-637. Adjustment training.**

(a)(1) This is training which will help the individual adjust to a particular situation hindering his or her ability to work.

(2) Included would be work conditioning, developing work tolerance, mobility training, remedial training, literacy training, lip reading, braille, etc.

**(b) Procedures — Adjustment training.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Complete applicable vendor referral form.

(3) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(4) The case management system will generate the status move after required data is keyed for Status 18.

(5) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(6)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(7)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(8)(A) The training vendor will provide a monthly progress report to the counselor with appropriate billing forms.

(B) The counselor will not process payment for the adjustment training without proper progress reports.

(C) Attach documents to ECF.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-638. Miscellaneous training.**

(a)(1) This category includes academic and other specialized training that will prepare an individual with a disability to be employed.

(2) This training may include correspondence and online study.

(b) The correspondence/online method may be used if:

(1) Training cannot be arranged by any other method;

(2) The individual needs preliminary training, which may be obtained more practically and efficiently by correspondence, prior to entering another training method;

or

(3) Living arrangements cannot be made to secure training by any other method.

(c) The following criteria will be used for those individuals considered for correspondence/online training:

- (1) An intense interest in the chosen work field;
- (2) Standardized tests or past academic performance indicate the individual may complete the training;
- (3) Some previous knowledge of, or experience in, the chosen field;
- (4) Adequate time to devote to course study; and
- (5) The labor market reflects employment possibilities upon completion of the training.

(d)(1) For college correspondence training, fees will be determined by the number of credit hours and the institution's rate.

(2) The published fees of the selected college will be the maximum paid by Arkansas Rehabilitation Services.

(3) Fees will be paid when the college submits a bill.

(e)(1) In paying for correspondence/online courses other than college, the total cost of the training will be divided by the number of lessons or the parameters set out by the course work.

(2) Counselors are responsible for negotiating with the vendors to ensure agreement with this payment plan.

(3) If correspondence training is selected, the counselor must obtain the manager's approval.

**(f) Procedures — Miscellaneous training.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(3) The case management system will generate the status move after required data is keyed for Status 18.

(4) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(5)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(6)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(7) Refer to out-of-state policy limitations, if necessary.

(8)(A) The training vendor will provide a progress report to the counselor with appropriate billing forms.

(B) The counselor will not process payment for the training without proper progress reports.

(9) Complete annual review documenting any changes to the IPE.

(10) Update the RS16 Financial Resources Form at annual review.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

**20 CAR § 835-639. Books and training materials.**

(a) Books and training materials will be limited to required textbooks, including required math calculators.

(b) Arkansas Rehabilitation Services will not furnish office supplies, such as:

(1) Paper;

(2) Pencils;

- (3) Pens;
- (4) Glue; and
- (5) File folders.

(c) Arkansas Rehabilitation Services will not furnish computers as training materials.

(d) Computers purchased for training needs will be considered only when the computer is required as an accommodation based on the nature of the individual's disability and will be utilized as assistive technology.

(e) An AT evaluation, assessment, and recommendation will be documented and placed in the ECF.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "AT" means assistive technology.

"ECF" means electronic case file.

**20 CAR § 835-640. Transportation.**

(a)(1) Transportation costs may be reimbursed to the client at the state allowed rate.

(2) Transportation costs may be paid to an approved vendor at the rate set forth in the Vendor Transportation Service Agreement.

(3) The vendor shall agree to the fees by signing the Vendor Transportation Service Agreement prior to providing services.

(4) The terms are listed below.

(b) Arkansas Rehabilitation Services shall provide the vendor, at least twenty-four (24) hours in advance and no more than thirty (30) days in advance, with the time and location of pickups and discharges as well as the names, telephone numbers, and special needs (e.g., vans with wheelchair lift) of the clients to be served.

(c)(1) Arkansas Rehabilitation Services shall provide the vendor with adequate

notice of cancellation of prescheduled transportation.

(2) "Adequate notice" is defined as two (2) hours.

(3) Arkansas Rehabilitation Services will be charged fifteen dollars (\$15.00) for each cancellation when less than two (2) hours' notice is provided.

(d)(1) Arkansas Rehabilitation Services shall reimburse the vendor using the following rates:

(A) Pick-up fee of eight dollars (\$8.00);

(B) One dollar and five cents (\$1.05) per mile ambulatory rate; and

(C) Wheelchair rate at one dollar and sixty cents (\$1.60) per mile.

(2) Transportation is reimbursed from the point of pick-up to the destination and back.

(3) In the event that the client is brought to a training program and a return trip is not scheduled in the same day, the return trip for the vendor will be reimbursed at a flat rate of fifteen dollars (\$15.00) for trips exceeding a thirty-mile radius from the drop-off location.

(4) This is based on an average cost of transportation vendor rates across the state.

(e) Transportation is not to exceed three hundred miles (300) miles in one (1) trip without an approved exception from the manager.

(f) Arkansas Rehabilitation Services shall reimburse the vendor for transportation services within thirty (30) days from the date the monthly statement is submitted to Arkansas Rehabilitation Services.

(g)(1) The case note will document justification for the need of the service, and an estimate will be provided to counselor prior to transport.

(2) An invoice and receipt showing the individual received the service is required before the payment is processed.

(h) **Procedures — Transportation.**

(1) Documentation of the action to be taken with justification for the service will be made in the case note.

(2) The Vendor Transportation Service Agreement Form will be completed and

signed prior to providing the service.

(3)(A) A copy of the estimate will be provided prior to transport.

(B) Estimates are requested per client and can be for one trip or multiple trips, depending on what is required as per the individualized plan for employment of the individual.

(4)(A) Receipts and invoices verifying the individual received the service will be attached in the case management system, and a case note will be entered.

(B) Invoices will be provided upon completion of the service.

(C) The invoice will outline the following:

(i) Name of the client;

(ii) Date and times of pick-up and return;

(iii) Invoice date;

(iv) From and to destination; and

(v) Total number of miles billed, which must be based on mileage as indicated by Google Maps.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(8)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-641. Maintenance.**

(a)(1) Maintenance is a supportive vocational rehabilitation service in the form of cash payments which should be made first to a vendor, maintenance payments written directly to clients for basic living expenses such as food, shelter, clothing, or other incidental needs so a consumer may participate in a specific service.

(2) In all cases the most cost effective solution as well as comparable services must be applied.

(b)(1) Maintenance is a support that is provided, if necessary, so that the consumer can:

- (A) Derive full benefit of vocational rehabilitation services;
- (B) Accomplish the vocational goal; and
- (C) Achieve a successful employment outcome.

(2) Progress towards the employment goal must be maintained in order to continue maintenance as a supportive service.

(c) The counselor must first exhaust the assistance available through consumer resources and any other comparable services or benefits programs before funding maintenance support.

**(d) Maintenance for training.**

(1) To participate in vocational, prevocational, or college training, the consumer may need maintenance assistance for supplies and room and board in excess of normal living expenses.

(2) Arkansas Rehabilitation Services will provide maintenance assistance in the event the client is moved outside of a fifty-mile radius of his or her existing domicile to participate in an approved training program.

(3) Training programs nearest the client's primary residence will first be considered for cost effectiveness.

(4) Maintenance is to cover the additional costs incurred in excess of normal living expenses.

(5) Maintenance assistance is temporary and is not meant to cover the cost of the client's primary living situation.

(e) **Guidelines.**

(1) A consumer living in their own residence (house or apartment) will not receive maintenance for living expenses they would normally incur if they were not involved in a rehabilitation program.

(2) Consumers are to provide the counselor with a copy of the most current rental or lease agreement in order for maintenance payments for the purpose of rent to be authorized.

(f)(1) The counselor must first utilize comparable services/similar benefits, such as community resources and consumer resources before any Arkansas Rehabilitation Services funds can be committed for rental assistance payments.

(2) Individuals who receive Supplemental Security Income or Social Security Disability Insurance benefits are expected to use those funds for their normal living expenses, but not for payment of VR services.

(3) If an individual receiving Supplemental Security Income or Social Security Disability Insurance benefits is authorized by Arkansas Rehabilitation Services to receive maintenance support, the individual will not be required to contribute the Supplemental Security Income/Social Security Disability Insurance benefits toward the maintenance support.

(g)(1) All maintenance payments will not exceed the cost of subsistence provided in connection with VR services at any time from the date of initiation of services.

(2) After job placement, maintenance may be paid at subsistence level for job retention.

(h)(1) Maintenance payments for rent, mortgage, and room and board will be paid based on Fair Market Rent documentation system by the United States Department of Housing and Urban Development.

(2) Maintenance will be made in accordance with the IPE with a maximum of three (3) months of payment per plan year.

(i) **College training.**

(1) An outside substantial source of support must be documented prior to beginning a college program.

(2) Arkansas Rehabilitation Services may pay college maintenance costs to those individuals eligible provided:

(A) The assessment for vocational needs indicates that college training is the most feasible training option; and

(B) A comprehensive search of similar benefits and alternative funding sources has been completed.

(3) Maintenance services are available at the ACTI.

(j) **Full-time vocational training.** Maintenance may be paid for an individual in:

(1) Business, trade, technical, or other schools;

(2) On-the-job training; and

(3) Apprenticeship training.

(k) **Placement.** After job placement, maintenance may be paid at subsistence level at the counselor discretion.

(l) **Procedures — Maintenance.**

(1) Documentation of the action to be taken with justification for the service will be made in the case note.

(2) Documentation of the method used to calculate the cost of the service will be made in the case note.

(3) Receipts or other documentation verifying the individual received the service will be made in the case note.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(6)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(7)(A) Key required information into the case management system for

payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(8) Complete annual review documenting any changes to the IPE.

(9) Update the RS16 Financial Resources Form at annual review.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ACTI" means Arkansas Career Training Institute.

"ECF" means electronic case file.

"IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-642. Supported employment services.**

(a) "Supported employment" means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual:

(1) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

(2) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated state unit, in order to perform this work.

(b) Supported employment is a “place then train” model, which is a two-part process:

(1) Place an individual with the most significant disabilities in a competitive job; and

(2) Then provide training and support directly related to the job.

(c)(1) Unlike the traditional VR model, which provides job readiness and other training activities to prepare an individual for employment, this model is more appropriate for an individual with the most significant disabilities.

(2) Problems transferring knowledge from an artificial training situation to a real job are eliminated because the focus is on finding the best job match and providing training for that particular job.

(d) Arkansas Rehabilitation Services typically does not consider temporary employment or seasonal work as competitive integrated employment, but may be an exception by the manager.

(e)(1) Arkansas Rehabilitation Services will provide supported employment services to any individual who is determined eligible for services who has a most significant disability and for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of their disability.

(2) The individual has:

(A) The ability to engage in a training program with supports leading to supported employment;

(B) A need for ongoing support services in order to perform competitive work; and

(C) The ability to be employed in an integrated setting in which individuals are working toward competitive employment.

(f) **Supported employment — Short-term basis.**

(1) Manager approval is required.

(2) For purposes of supported employment, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, as defined in 34 C.F.R. §

361.5(c)(9), is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment:

(A) Within six (6) months of achieving a supported employment outcome;

or

(B) In limited circumstances, within a period not to exceed twelve (12) months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

(3)(A) The six-month short-term basis period, and the additional six (6) months that may be available in limited circumstances, begins after an individual has completed up to twenty-four (24) months of supported employment services (unless a longer period of time is necessary based upon the individual's needs) and the individual has achieved a supported employment outcome, meaning that the individual is stable in the supported employment placement for a minimum period of ninety (90) days following the transition to extended services.

(B) At this point, the individual has achieved a supported employment outcome in accordance with the criteria set forth in 34 C.F.R. § 363.54.

(g)(1) Supported employment involves full-time or part-time employment averaging at least fifteen (15) hours per week for each pay period.

(2) If the individual's disability limits the hours, a justification memo is required for requesting manager approval.

(h)(1) Ongoing support services are provided weekly.

(2) This includes visits to the worksite, or face to face, by the supported employment vendor at least twice monthly.

(3) Under special circumstances at the request of the individual and documented in the IPE, the vendor may provide off-site monitoring meetings until the Arkansas Rehabilitation Services case is closed.

(4) Extended services are provided by a vendor after Arkansas Rehabilitation

Services case closure monthly throughout first year of employment.

(5) If not available through another source, Arkansas Rehabilitation Services will provide extended services for youth under the age of twenty-five (25) for up to four (4) years or until the age of twenty-five (25) after the youth has obtained competitive integrated employment.

(i) Individuals employed through supported employment services must meet the following criteria:

(1) Be engaged in employment paid at or above minimum wage;

(2)(A) Work performed must be compensated with the same benefits and wages as other workers in similar jobs receive.

(B) This includes:

(i) Sick leave;

(ii) Vacation time;

(iii) Health benefits;

(iv) Bonuses;

(v) Training opportunities; and

(vi) Other benefits;

(3) Need and be provided ongoing support services in order to maintain employment, which may include natural supports provided by the employers; and

(4) Be employed in an integrated setting.

(j) After the Arkansas Rehabilitation Services case is closed and a letter is provided to the vendor, an individual eligible for waiver-funded services must seek extended services (ongoing long-term employment support, i.e., ongoing job coaching) through the Division of Developmental Disabilities Services with the Provider-Led Arkansas Shared Savings Entity being the funding source.

(k) **Manager approval required.** The twenty-four-month limitation on the provision of supported employment services may be amended to permit extension of this service on a case-by-case basis as determined by the counselor with a documented justification in the case note and on the IPE.

(l) **Note.**

(1) Supported employment services shall be provided for a period of time not to exceed twenty-four (24) months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment.

(2) The counselor will provide a justification memo in the ECF stating why the individual's disability requires an extended period of time approved by the manager.

(m)(1) When a job is lost after the case is closed, the counselor should take a new referral.

(2) The counselor can reinitiate supported employment services for a former individual in instances of job destabilization or potential upgrade.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"VR" means vocational rehabilitation.

**20 CAR § 865-643. Supported employment — Youth extended services.**

(a)(1) Youth extended services shall be available for youth under the age of twenty-five (25) through individual job coaching services on an as-needed basis after job placement.

(2) Youth extended services are available for up to two hundred (200) hours during the individualized plan for employment per year not to exceed four (4) years.

(3) The service supports youth to ensure job longevity and includes onsite visits to both the individual and the employer.

(4) The extended services requirement for onsite contact is at minimum monthly.

(5) Once the individual reaches the age of twenty-five (25), Arkansas Rehabilitation Services must ensure extended service funding resources are available through another source.

**(b) Procedures — Supported employment services.**

(1)(A) Complete the Certificate of Eligibility.

(B) See Appendix E.

(2)(A) Complete the IPE utilizing informed choice.

(B) The counselor will indicate the extended service provider on the IPE at plan development.

(C) If the youth needs extended services, individual job coaching service will be included on the IPE.

(3) Arkansas Rehabilitation Services sends an RS-315 for each milestone service.

(4) Arkansas Rehabilitation Services will purchase services on an outcome or fee-for-service basis.

(5) Attach monthly progress reports to the ECF.

(6) Required information must be keyed into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When milestone billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(8) After Milestone 3 – Stabilization, Arkansas Rehabilitation Services will provide the vendor with documentation indicating the estimated closure date and the need for continued extended services, upon closure.

(9)(A) Required information must be keyed into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “ECF” means electronic case file.

"IPE" means individualized plan for employment.

**20 CAR § 835-644. Arkansas Rehabilitation Services/Division of Developmental Disabilities Services waiver supported employment partnership.**

(a)(1) Arkansas Rehabilitation Services and the Division of Developmental Disabilities Services have created a joint partnership specifically to provide supported employment services to individuals receiving waiver services.

(2) The service of discovery and/or employment path is funded by the Provider-Led Arkansas Shared Savings Entity (PASSE) prior to Arkansas Rehabilitation Services service provision.

(b) The counselor will utilize Status 06, trial work experience, for the initial service of discovery to be funded through the PASSE.

**(c) Procedures — Arkansas Rehabilitation Services/Division of Developmental Disabilities Services waiver supported employment partnership.**

(1) Complete referral.

(2) Complete intake process.

(3)(A) Follow procedures for trial work experience (20 CAR § 835-203).

(B) Division of Developmental Disabilities Services Supported Employment Services is the vendor with zero (0) cost for Arkansas Rehabilitation Services.

(4) Provide the vendor with letter #1 – Division of Developmental Disabilities Services letter SE Employment Path and Discovery.

(5)(A) Vendor submits a completed Discovery Staging Record (1-5).

(B) See Appendix C.

(6) Review the Discovery Staging Record for eligibility determination.

(7) End the TWP.

(8) Follow procedures for individualized plan for employment (20 CAR § 835-401 et seq.) including supported employment milestones (Appendix C).

(9) In case of potential ineligibility:

(A) Reviews of the Discovery Staging Record and with clear and convincing evidence determines the individual would not benefit from VR services for employment;

(B) End the TWP;

(C) Refer the client back to the vendor utilizing the letter #2 – Division of Developmental Disabilities Services Trial Work Experience Ineligible letter; and

(D) Complete the certificate of ineligibility.

(10) Milestone specifics:

(A)(i) Milestone 1 – Referral/Job Development (Status 18).

(ii) Completed when the provider referral acceptance letter/email is obtained by counselor;

(B)(i) Milestone 2 – Job Match/Placement (Status 20).

(ii) Completed at the time job placement occurs and the individual receives the first paycheck.

(iii) A copy of the first paycheck is required for payment;

(C)(i) Milestone 3 – Stabilization (Status 22) is completed when the:

(a) Individual remains on the job thirty (30) days or more at fifteen (15) hours+ / a week; and

(b) Job coach/employment specialist support fades to less than twenty percent (20%).

(ii) Once stabilization is completed and after payment, the individual transfers to extended services while pursuing Milestone 4, Closure/Extended Services.

(iii) The vendor provides documentation indicating the estimated closure date and the need for continued extended services, upon closure.

(iv) The vendor will complete an SE-3 form indicating extended services is available, the funding entity identified, and if it is a youth needing extended services; and

(D)(i) Milestone 4 – Closure/Extended Services (Status 22) is completed when the individual has been employed for an additional ninety (90) days after the

thirty-day stabilization period.

(ii) The vendor must ensure the individual and their employer are satisfied with the employment outcome before billing that the individual is eligible for a successful Status 26 closure.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"TWP" means trial work plan.

**20 CAR § 835-645. Individual job coaching.**

(a)(1) Individual job coaching services may be provided to students with a disability and individuals who, because of their disabilities, need intensive job coach supports to obtain and maintain a job in competitive integrated or customized employment or trial work experiences.

(2) This service is available for up to two hundred (200) hours.

(3) See Appendix I for the fee.

(4) If additional time is required, the counselor will send a justification to the manager for approval.

(b)(1) The outcome of this service is sustained paid employment at or above the minimum wage in an integrated setting in a job or self-employment opportunity that meets personal and career goals.

(2) Employment must be in an integrated work setting for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid for the same or similar work performed by individuals without disabilities.

(c) Job coaching activities may include the following:

(1) Assisting on the job site with the completion of job duties and task analysis;

(2) Assisting the individual in learning how to do the job with the least intrusive method;

(3) Developing compensatory strategies if needed to cue the individual to complete the job; and

(4) Analyzing work environment during initial training/learning of the job and making determinations regarding modifications or assistive technology needs.

**(d) Procedure — Individual job coaching services.**

(1)(A) Complete the ECF.

(B) See Appendix E.

(2)(A) Complete the IPE utilizing informed choice.

(B) The counselor will indicate the service and provider on the IPE at plan development.

(3) Arkansas Rehabilitation Services will purchase services on a fee-for-service basis.

(4)(A) The counselor is required to obtain the individual's paycheck with the first report.

(B) The reports required are:

(i) JC-1 Job Coach Time Log; and

(ii) JC-2 monthly progress reports to the ECF.

(5) Required information must be keyed into the case management system for Arkansas Rehabilitation Services purchase authorization.

(6)(A) When JC-4 Billing Form along with the Job Coach Time Log is received, the counselor approves payment after verifying individual is satisfied with the service.

(B) Document in the ECF.

(7) Billing for case closure, when the billing form for the completed individual job coaching, requires these reports:

(A) JC-3 ALL 26 Closure Final Report;

(B) JC-3a Individual Job Coaching Services Final Summary Report 2016 Pre-ETS and Youth; and

(C) JC-4 Individual Job Coach Billing Form.

(8) Required information must be keyed into the case management system for payment.

(9)(A) Support staff finalizes payments.

(B) Payment will not be processed without an attached reports and bill from the vendor.

(10) Job coaching specifics:

(A) JC-1 Job Coach Time Log for Arkansas Rehabilitation Services;

(B) JC-2 ALL Services Job Match/Placement Monthly Report;

(C) JC-3 ALL 26 Closure Final Report;

(D) JC-3a Individual Job Coaching Services Final Summary Report 2016 Pre-ETS and Youth; and

(E) JC-4 Individual Job Coach Billing Form.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

**20 CAR § 835-646. Limitation on use of subminimum wage.**

(a) If a youth with a disability has completed secondary education and is twenty-four (24) years old or younger, he or she cannot start working for less than minimum wage until he or she has had the opportunity to:

(1) Receive preemployment transition services under the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.;

(2) Apply for Arkansas Rehabilitation Services services, and either:

(A) Was determined ineligible; or

(B) Was determined eligible and:

(i) Had an IPE developed;

(ii) Worked toward an employment outcome for a reasonable period without success; and

(iii) The case was closed unsuccessful despite having reasonable supports; and

(3) Receive career counseling, including information and referrals to other state and federal entities that provide employment services, from Arkansas Rehabilitation Services.

(b)(1) In addition, individuals with disabilities regardless of their age who are employed by a 14(c) must be provided career counseling and information by Arkansas Rehabilitation Services.

(2) These individuals also must be provided, by Arkansas Rehabilitation Services or a community rehabilitation program, information about self-advocacy, self-determination, and peer mentoring training opportunities available in the individual's geographic area every six (6) months for the first year they are employed, and annually thereafter.

(c) If an individual is referred by a 14(c) subminimum wage certificate holder with fewer than fifteen (15) employees, Arkansas Rehabilitation Services must inform within thirty (30) days of self-advocacy, self-determination, and peer mentoring training opportunities available in the individual's community.

(d) Career counseling must include information and referrals to federal and state programs and other resources in the individual's geographic area that offer employment-related services and supports designed to enable the individual to explore, discover, experience, and attain competitive integrated employment, must not be for subminimum wage employment, and must not directly result in subminimum wage employment.

(e) Arkansas Rehabilitation Services must provide the counseling within thirty (30) days of the VR ineligibility or case closure, and must generally provide documentation of the services to the youth within forty-five (45) days after completion.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-647. Customized employment.**

(a) Customized employment means competitive integrated employment for an individual with a significant disability that is:

(1) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;

(2) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and

(3) Carried out through flexible strategies, such as:

(A) Job exploration by the individual; and

(B) Working with an employer to facilitate placement including:

(i) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;

(ii) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;

(iii) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and

(iv) Providing services and supports at the job location.

(b)(1) Arkansas Rehabilitation Services Employment First (E1st) career pathways are available through external certified employment vendors, known as community rehabilitation programs (CRPs) and/or supported employment providers.

(2)(A) An individual's employment can occur during any benchmark service timeframe.

(B) Vendors are encouraged to place individuals who are work ready as efficiently as possible.

(3) The following services can be provided through these entities.

(c) **Benchmark 1: Discovery process service.**

(1)(A) Up to sixty (60) hours over a four-to-six-week timeframe.

(B) Discovery process service is a person-centered, comprehensive employment planning service to assist Arkansas Rehabilitation Services clients to determine their employment preferences, career direction, and result in the development of the individual career profile.

(C) The discovery process service is a time-limited service consisting of gathering information about the individual's interests, strengths, likes, dislikes, skills, abilities, types of preferred work environments, and supports available if needed for successful employment.

(2) The following activities may be a component of discovery process services:

(A) Person-centered comprehensive employment planning;

(B) Information gathering sessions in the individual's natural environment;

(C) Interviewing friends, family, or other support systems familiar with the individual;

(D) Determining supports of family, friends, or other;

(E) Identifying employment preferences (interests, strengths, likes, dislikes, skills, abilities, types, and supports);

(F) Functional/situational assessments in multiple environments in community integrated settings;

(G) Job exploration;

(H) Job shadowing;

(I) Job and task analysis activities;

(J) Employment preparation (i.e., soft skills: resume development, interviewing, work attire, hygiene, etc.);

(K) Benefits counseling;

(L) Business plan development for self-employment; and

(M) Time limited.

(3)(A) Outcome: Individual career profile (Discovery Staging Record).

(B) The individual career profile must include specific recommendations regarding the individual's employment support needs, preferences, abilities, and characteristics of an optimal work environment.

(C) It must specify if education, training, or skill development is necessary to achieve the individual's employment or career goals and how to address as applicable.

(d) **Benchmark 2: Employment path (prevocational) services up to twenty (20) days.**

(1) Employment path services provide learning opportunities, including soft skills, and work-based experiences/internships, including volunteer opportunities, where the individual can develop work-related strengths and skills contributing to employability in integrated community settings.

(2) This service will be available after the:

(A) Individual has attempted two (2) job experiences; and

(B) Vendor has identified extensive work skills are essential for the individual to work successfully.

(3) The following activities may be a component of employment path services:

(A) Assessments determining learning styles and behaviors;

(B) Work habits:

(i) Attendance;

(ii) Punctuality;

(iii) Industriousness;

(iv) Effort;

(v) Following instructions; and

(vi) Adaptability;

(C) Communication skills:

(i) Office etiquette;

(ii) Frustration level;

(iii) Accepting feedback; and

(iv) Constructive criticism;

- (D) Appearance:
  - (i) Grooming;
  - (ii) Appropriate dress; and
  - (iii) Personal hygiene;
- (E) Work attitudes:
  - (i) Interest;
  - (ii) Self-confidence;
  - (iii) Dependability;
  - (iv) Initiative;
  - (v) Motivation; and
  - (vi) Cooperation;
- (F) Interviewing skills (mock interview);
- (G) Work tolerance:
  - (i) Attention span;
  - (ii) Handling pressure; and
  - (iii) Flexibility to change task; and
- (H) Life skills:
  - (i) Independent living; and
  - (ii) Self-advocacy.

(4) Outcome: Determination for continued service path leading to an employment outcome.

(e) **Benchmark 3: Job development/placement service.**

(1)(A) Job development/placement service focuses on creating job opportunities by utilizing the individual career profile with the goal of obtaining employment.

(B) The process of obtaining a job may involve one (1) or more of three (3) approaches:

- (i) Independent job searches;
- (ii) Assisted job search; and
- (iii) Arranged job searches.

(C) Once an approach is identified, a job development plan is jointly created by the individual and his or her support team to outline the specific activities for pursuing employment.

(2) The following job development services activities may be a component of the plan:

- (A) Business and labor market research;
- (B) Identifying and creating job opportunities;
- (C) Assist the individual with a job search;
- (D) Informational interviewing about the business;
- (E) Arrange job tours;
- (F) Contact employers known to work with people with disabilities;
- (G) Cold call potential employers;
- (H) Network with potential employers and employer education;
- (I) Network with family and friends for job leads;
- (J) Research current minimum wage and labor laws at

<http://www.dol.gov/>;

(K) Soft skills training, if not provided through employment path services:

- (i) Create letters of introduction;
- (ii) Resume development;
- (iii) Job search abilities and interview skills; and
- (iv) Workplace attire (hygiene) and work behaviors expectations;

(L) Define accommodations/job restructuring, such as:

- (i) Job analysis;
- (ii) Work schedule;
- (iii) Job sharing or job carving;
- (iv) Work responsibilities;
- (v) Work materials and equipment; and
- (vi) Assistive technology;

(M) Work site modifications, identifying, modifying, and eliminating environmental barriers; and

(N) Benefits counseling.

(3)(A) Vendors are required to hold a staffing every ninety (90) days if employment has not been secured.

(B) Once employed, the vendor is to inform the counselor.

(C) Individual must receive their first paycheck and a copy must be sent with billing form to the counselor.

(D) Monthly reports are required.

(4)(A) Outcome: Job placement completed.

(B) Individual obtains a job in competitive integrated employment working twenty (20) hours or more a week and making not less than the higher of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., or the rate specified in the applicable state or local minimum wage law.

**(f) Benchmark 4, employment closure (90 days): Successful competitive integrated employment.**

(1)(A) The individual has stayed employed for a minimum of ninety (90) days, working twenty (20) hours a week and not less than the higher of the Fair Labor Standards Act or the rate specified in the applicable state or local minimum wage law.

(B) Monthly reports are required.

(2)(A) Outcome: Successful employment for ninety (90) days.

(B) The individual and employer are satisfied with the employment outcome, and the Arkansas Rehabilitation Services counselor agrees this qualifies as a successful closure.

**(g) Procedures — Customized employment.**

(1)(A) Complete the Certificate of Eligibility.

(B) See Appendix E.

(2)(A) Complete the IPE utilizing informed choice.

(B) The counselor will indicate the extended service provider on the IPE at plan development.

(3) Arkansas Rehabilitation Services will purchase services on a fee-for-service basis.

(4) For services to begin Benchmark 1, counselor sends a referral letter and the provider sends an acceptance letter.

(5) Arkansas Rehabilitation Services sends an RS-315 for each benchmark service.

(6) Benchmark 1 and Benchmark 3 require the Discovery Staging Record for documentation as reports in the ECF.

(7)(A) Benchmark 2, employment path, requires justification memo based on need from the provider to the counselor for approval and for this service to be authorized.

(B) Document in the ECF.

(8)(A) Benchmark 3, job development/placement, requires a copy of the individual's first paycheck with the billing form.

(B) Document in the ECF.

(9) Required information must be keyed into the case management system for Arkansas Rehabilitation Services purchase authorization.

(10)(A) When the billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(11)(A) Required information must be keyed into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(12) Benchmark specifics:

(A)(i) Benchmark 1.

(ii) Arkansas Rehabilitation Services received the Discovery Staging Record with stages 1–5 completed.

(iii) No monthly reports required.

(iv) Providers can bill each component (referral and each job experience) or wait until completion of Benchmark 1;

(B)(i) Benchmark 2, employment path (Status 18).

(ii) A justification memo based on need from the provider to the counselor for this service to be authorized.

(iii) Up to one hundred (100) hours within twenty (20) days of training for career readiness, soft skills, self-determination, self-advocacy, and/or independent living skills related to employment (as in accessing transportation or AT).

(iv) Monthly report or reports required, signed by the individual;

(C)(i) Benchmark 3, job development/placement (Status 18 – Status 22 once employed).

(ii) Arkansas Rehabilitation Services receives the Discovery Staging Record (DSR) stages 6-7, pages 9-12 of the DSR, as the monthly report, signed by the individual until employed.

(iii) Once employed, the provider is to notify the counselor.

(iv) ALL Services Job Match/Placement form is used for monthly reporting.

(v) Employment must be in a competitive integrated setting for twenty (20) hours or more at minimum wage or above for ninety (90) days.

(vi) A copy of the individual's first paycheck must be received with the billing form for payment; and

(D)(i) Benchmark 4, closure (Status 22).

(ii) Individual has been employed for ninety (90) days successfully.

(iii) The individual and their employer must be satisfied with the employment outcome.

(iv) The individual is eligible for a successful Status 26 closure using ALL Services Employment Closure Final Report form.

(v) Monthly reports required signed by the individual.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

**20 CAR § 835-648. Services to family members.**

(a)(1) Services may include childcare (up to three (3) months), training, transportation (up to three (3) months), and relocation of the family to an area where work is available for the individual (up to three (3) months).

(2) Services may be authorized for greater than three (3) months on a case-by-case basis, as determined by the counselor in consultation with the individual and the individual's family.

(b)(1) Services to family members must be included on the IPE.

(2) Although these services are intended for the individual's benefit, the family member or members will also benefit.

(3) A family member with a disability that might qualify the individual for VR services should be considered a prospective Arkansas Rehabilitation Services consumer.

**(c) Procedures — Services to family members.**

(1) The counselor must document in the case note:

(A) Why services are needed;

(B) Which family member needs services;

(C) What services are needed;

(D) How the services will contribute to the individual's adjustment or rehabilitation; and

(E) How services will be secured in accordance with informed choice.

(2) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(3) The case management system will generate the status move after required data is keyed for appropriate status.

(4) Required information must be keyed into the case management system for Arkansas Rehabilitation Services purchase authorization.

(5)(A) When billing statement is received, verify the individual received the

service.

(B) Document in the ECF.

(6) Required information must be keyed into the case management system for payment.

(7)(A) Support staff will be responsible for making payments.

(B) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-649. Post-employment services.**

(a)(1) Post-employment services may be provided after the individual has been closed as rehabilitated (Status 26) and needs services to maintain, regain, or advance employment.

(2) Post-employment services may only be provided to individuals in Status 32.

(3) Cases that are closed in Status 26 can only be placed in Status 32.

(b)(1) These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and thus should be limited in scope and duration.

(2) If more comprehensive services are required, then a new rehabilitation effort should be considered.

(3)(A) Post-employment services are to be provided under an amended individualized plan for employment.

(B) Thus, a redetermination is not required.

(c) **Note.**

(1) Procedures to develop a Status 32 closure are covered in 20 CAR § 835-801 et seq.

(2)(A) Post-employment services will not exceed eighteen (18) months.

(B) However, an extension of time can be requested from the:

(i) Manager;

(ii) Deputy Chief of Field Services; and

(iii) Chief of Field Services.

(d) **Procedures — Post-employment services.**

(1) Case must be in Status 32 to provide post-employment services.

(2) The counselor must maintain contact with the individual, employer, and vendors who may be involved in the provision of services.

(3) Document in the case note the justification for post-employment services and the individual's progress in maintaining employment.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor, if needed.

(5) Required information must be keyed into the case management system for Arkansas Rehabilitation Services purchase authorization.

(6)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(7) Required information must be keyed into the case management system for payment.

(8)(A) Support staff will be responsible for making payments.

(B) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-650. Tools, equipment, initial stock, and construction.**

(a) Tools, equipment, initial stock, and occupational licenses may be provided for an individual if:

(1) They are necessary for placing the individual in a job or occupation best suited to that individual's abilities and skills;

(2) The employer does not ordinarily furnish these articles;

(3) They are for the individual's exclusive use; and

(4) The individual is self-employed or self-employment is the most suitable method of placing the individual in a remunerative occupation.

(b) A warranty should be taken out on the tools on a case-by-case basis.

(c)(1) These articles must be for the individual's own use in work performance and must remain in the individual's possession and control as long as the individual remains in the job or occupation.

(2) However, the individual may dispose of initial stock in the ordinary course of business.

(d)(1) A threshold of five thousand dollars (\$5,000) has been established for the purchasing of tools, equipment, initial stock, and construction-related services.

(2) For an exception form refer to Appendix G.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-651. Purchasing (state purchasing guidelines).**

(a)(1) When the purchase exceeds five thousand dollars and one cent (\$5,000.01) but is less than ten thousand dollars (\$10,000), tax excluded, district manager approval is required.

(2) The counselor will:

(A) Obtain at least three (3) written quotes;

(B) Complete the RS-357 with a memo; and

(C) Submit this information to the manager.

(3) If less than three (3) quotes are obtained, a statement of explanation will accompany the purchase request.

(4) Quote specification details will be consistent to all vendors.

(5) The RS-357 will be submitted to the Chief of Field Services for approval.

(6) An approved copy of the RS-357 will be returned to the counselor.

(7) Upon receipt, the counselor may issue an authorization.

(8) If the Central Office provides the counselor with a copy of the state purchasing agency's purchase order, a copy of the authorization will not be sent to the vendor.

(b) Exceptions:

(1) Surgery, treatment, and hospitalization;

(2) Prosthetic devices;

(3) Professional, technical, and other personal services;

(4) Room and board;

(5) Transportation charges;

(6) Books, manuals, and periodicals; and

(7) Copyrighted educational aids.

(c) **Procedures — Purchasing.** If the cost of one (1) item or the total cost of like items amount to:

(1)(A) Five thousand dollars and one cent (\$5,000.01) or more but less than ten thousand dollars (\$10,000), tax excluded, will require the approval of the manager.

(B) The counselor will:

(i) Obtain at least three (3) written quotes;

(ii) Complete the RS-357 with a memo; and

(iii) Submit this information to the manager.

(C) If less than three (3) quotes are obtained, a statement of explanation will accompany the purchase request.

(D) Quote specification details will be consistent to all vendors.

(E) The RS-357 will be submitted to the Chief of Field Services for approval.

(F) An approved copy of the RS-357 will be returned to the counselor.

(G) Upon receipt, the counselor may issue an authorization;

(2)(A) Ten thousand dollars and one cent (\$10,000.01) or more but less than twenty-five thousand dollars (\$25,000), tax excluded, will require the approval of the Chief of Field Services through the manager.

(B) The counselor will obtain at least three (3) or more verbal or written quotations and submit this information to the manager.

(C) If unable to obtain three (3) quotes, a statement of explanation must accompany the purchase request.

(D) Quote specification details will be consistent to all vendors; and

(3)(A) Twenty-five thousand dollars and one cent (\$25,000.01) or more, the request will be forwarded to the Chief of Field Services.

(B) The Central Office will arrange for the purchase.

(C) The counselor will determine whether the total cost exceeds twenty-five thousand dollars and one cent (\$25,000.01) and, if so, will obtain complete specifications and submit these to the Central Office.

(D) Quote specification details will be consistent to all vendors.

(E) Brand names may be used as a means of identification and as the basis of specifications only.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-652. Title retention/release/repossession.**

(a)(1) An individual who is provided durable medical equipment, equipment for training, occupational tools and/or equipment by Arkansas Rehabilitation Services will sign a title agreement listing the items provided and specifying that Arkansas Rehabilitation Services will retain the title.

(2) The individual may not sell, mortgage, give away, or dispose of tools and/or equipment provided during the time that Arkansas Rehabilitation Services retains title.

(3) The individual upon receipt of the authorized goods will sign a title agreement form with a list of all articles.

(4) It is the counselor's responsibility to secure the title agreement.

**(b) Procedures — Title retention.**

(1)(A) Complete the Receipt for Occupational Tools and/or Equipment and title agreement form.

(B) See Forms, Appendix E.

(2) A copy of the title agreement with signature will be attached to the ECF and a copy given to the individual.

**(c) Title release.**

(1) The counselor may release the title of durable medical equipment, equipment for training, occupational tools and/or equipment when the case is closed rehabilitated.

(2) However, in the counselor's judgment, if it is in the best interest of the individual or Arkansas Rehabilitation Services, the title may be retained indefinitely.

(3) When the title is relinquished, the counselor will submit the original Release of Title Form to the individual.

(4) A copy of this form will be attached to the ECF.

**(d) Procedures — Title release.**

(1) Complete the Release of Title for Tools and/or Equipment.

(2) The original will be attached to the ECF and copy will be given to the individual.

(e) **Repossession.** The counselor must repossess all durable medical equipment, equipment for training, occupational tools, and/or equipment purchased for an individual if the case does not result in a rehabilitated closure.

**(f) Procedures — Repossession.**

(1) The counselor will arrange to reclaim the tools or equipment listed on the Title Retention form.

(2) The case note should reflect the action taken.

(3) The counselor will be responsible for storage of the equipment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “ECF” means electronic case file.

**20 CAR § 835-653. Returned or donated items.**

Returned or donated equipment will be made available for counselors across the state to use for other cases.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-654. Assistive technology services and engineering.**

(a)(1) Assistive technology services (including hearing services, aids, and assistive listening devices such as telecoils) may be considered for each individual in terms of his or her employment plan.

(2) Assistive technology services are defined as the systematic application engineering methodologies and scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities.

(3) Assistive technology services may be useful in areas including:

- (A) Education;
- (B) Rehabilitation;
- (C) Employment;
- (D) Transportation;
- (E) Independent living; and
- (F) Recreation.

(4) Likewise, rehabilitation engineering is the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in:

- (A) Functional areas, such as:
  - (i) Mobility;

(ii) Communications;

(iii) Hearing;

(iv) Vision; and

(v) Cognition; and

(B) Activities associated with:

(i) Employment;

(ii) Independent living;

(iii) Education; and

(iv) Integration into the community.

(b)(1) If the individual's VR counselor deems assistive technology or rehabilitation engineering services appropriate, the counselor may refer the individual for evaluation and assessment by the Access and Accommodations Section.

(2) In order to refer to the Access and Accommodations Section, the counselor will follow the procedures for evaluation and assessment found in Appendix B (Special Programs Access and Accommodations) and Appendix E (Forms Access and Accommodations).

**(c) Procedures — Assistive technology services/rehabilitation engineering.**

(1) Check for appropriate status in the case management system.

(2) Documentation of the action to be taken will be made in the case note.

(3)(A) Complete referral procedures for Access and Accommodations for an evaluation/assessment.

(B) See Forms, Appendix E, and Special Programs, Appendix B.

(4) Counselor meets with individual to discuss findings of assistive technology/rehabilitation engineering evaluation in accordance with informed choice and with similar benefits.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) Verify that the individual received the device/service and is able to use the device/service.

(B) Document in ECF.

(8)(A) Invoices for assistive technology/rehabilitation engineering services must be itemized.

(B) Each line item must correspond to the device or service authorized for the individual in his or her Access and Accommodations evaluation.

(C) Nonitemized or bundled invoices will be rejected and returned to the vendor.

(9)(A) Each line item on the invoice must correspond to an appropriate billing code from the HCPCS.

(B) Arkansas Rehabilitation Services may request further documentation to support a given billing code and reserves the right to refuse payment if the vendor cannot provide the documentation requested.

(10) Arkansas Rehabilitation Services will issue payment for assistive technology/rehabilitation engineering services according to the price indicated in the current Medicare or Arkansas Workers' Compensation fee schedule, beginning with Medicare, for a given HCPCS line item.

(11) For services covered by neither Medicare nor Arkansas Workers' Compensation, Arkansas Rehabilitation Services will pay up to fifty percent (50%) of the total charges billed for the assistive technology or rehabilitation technology.

(12) For individuals with insurance coverage for assistive technology/rehabilitation engineering services, Arkansas Rehabilitation Services will issue payment after that coverage has been applied.

(13) Refer to out-of-state policy limitations, if necessary.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"HCPCS" means Healthcare Common Procedure Coding System.

"VR" means vocational rehabilitation.

**20 CAR § 835-655. Prosthetics and orthotic devices.**

(a)(1) Prosthetics are artificial appliances used for functional or corrective reasons, or both.

(2) Orthotics means an orthopedic appliance or apparatus used to support, align, prevent, or correct deformities or to improve the function of movable parts of the body.

(3) For an original or first device, the purchase must be based on the recommendation of a specialist in the appropriate field.

(b) In cases of replacement and repair of devices, for individuals with a history of satisfactory device use, and which the basic examination report indicated no pathological change, this report may be sufficient medical basis for rendering their service.

(c)(1) All new or initial wearers and individuals who have had difficulty wearing a limb may be referred to the Access and Accommodations Section for evaluation.

(2) See Appendix C.

(d)(1) Arkansas Rehabilitation Services will purchase prosthetic and orthotic devices from certified professionals in the area of expertise by the American Board for Certification in Orthotics, Prosthetics, and Pedorthics in accordance with informed choice.

(2) Artificial arms, legs, and components must be purchased through prosthetics certified by the American Board for Certification in Orthotics, Prosthetics, and Pedorthics.

(3) A list of approved vendors will be maintained.

(4) Payments will be made according to the established Arkansas Rehabilitation Services fee schedule.

(e) In selecting the vendor, the counselor will consider:

- (1) The individual's informed choice;
- (2)(A) The proximity of the vendor to the individual.
  - (B) The vendor should be accessible to the individual for:
    - (i) Measurements;
    - (ii) Fittings;
    - (iii) Adjustments;
    - (iv) Maintenance; and
    - (v) Repair; and
- (3) The referral source, if the source is an appropriate vendor.

**(f) Procedures — Prosthetic and orthotic devices.**

- (1) Check for appropriate status in the current case management system.
- (2) Documentation of the action to be taken will be made in the case note.
- (3)(A) Complete referral procedures for Access and Accommodations.
  - (B) See Forms, Appendix E, and Special Programs, Appendix B.
- (4) Counselor will meet with individual to discuss findings of Access and Accommodations in accordance with informed choice with similar benefits.
- (5) Medical consultant's review is required and in the ECF.
- (6) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.
- (7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.
- (8)(A) When device/service is received, verify the individual received device/service and can use device.
  - (B) Document in the ECF.
- (9)(A) When billing statement is received, key required information into the case management system for payment.
  - (B) Support staff will be responsible for making payments.
  - (C) Payment will not be processed without an attached bill from the vendor.
- (10) University of Arkansas for Medical Sciences requires special payment.

(11) Refer to out-of-state policy limitations, if necessary.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-656. Hearing aid services.**

(a)(1) Hearing aid services may be considered as part of an individual's employment plan when the individual requires amplification to manage the required communication on the job.

(2) The technology involved with hearing aids changes rapidly, and it is important that counselor and client understand the:

- (A) Employment-related communication requirements; and
- (B) Available options when providing amplification.

(3)(A) The Access and Accommodations Program can provide recommendations as to listening devices and expertise regarding medical evaluations and reports.

(B) To make a referral to Access and Accommodations, see Appendix B (Special Programs, Access and Accommodations) and Appendix E (Forms, Access and Accommodations).

(b)(1) To determine eligibility, the counselor will utilize medical reports issued within the past year by a licensed otologist, otolaryngologist, or ENT.

(2) A report from the individual's primary care physician may be utilized at the counselor's discretion and with the approval of the manager.

(3)(A) In all events, the individual must have an audiological or hearing aid evaluation performed or approved by a licensed audiologist or hearing instrument specialist with national board certification.

(B) This evaluation must not be more than one (1) year old at the time of the eligibility determination.

(C) A hearing instrument specialist must have three (3) years of

experience and must have passed the NBC-HIS National Certification (see <http://www.nbc-his.com>) in order to be an approved vendor.

(c)(1) In order for an individual to be eligible for hearing aid services, the audiological or hearing aid evaluation must document significant improvement (with the addition of hearing aids) in speech reception, speech recognition, and discrimination awareness as to environmental sounds.

(2) The evaluation must demonstrate unaided hearing loss of forty-one decibels (41 dB) or greater as measured by the speech reception threshold (SRT) or pure tone average (PTA), measured at:

- (A) One-half kilohertz (0.5 kHz);
- (B) One kilohertz (1 kHz);
- (C) Two kilohertz (2 kHz); and
- (D) Three kilohertz (3 kHz).

(3) Thus, hearing loss must be at least moderate on the following hearing-loss scale, listed in decibels:

- (A) Normal: 10 to 15;
- (B) Slight: 16 to 25;
- (C) Mild: 26 to 40;
- (D) Moderate: 41 to 55;
- (E) Moderately severe: 56 to 70;
- (F) Severe: 71 to 90; and
- (G) Profound: 91+.

(d)(1) If hearing aids are indicated, the evaluation must:

- (A) Specify the suitable type of aid (analog or digital);
- (B) Provide the make and model; and
- (C) State whether the individual would benefit from monaural or binaural

aids.

(2) Hearing aid adjustments will be included as part of the Arkansas Rehabilitation Services purchase, subject to informed choice and the individual's employment plan.

(3) The evaluation must also include information on warranties, service plans, accessories, and other recommended services, if any.

(4) All hearing aids should include a telecoil unless the audiologist or hearing instrument specialist can provide justification for why the client preferred an aid without telecoil connectivity.

**(e) Procedures — Hearing aid services.**

**(1) Preliminary and diagnostic.**

(A) Documentation of the action to be taken will be made in the case note.

(B)(i) Counselor will utilize medical reports issued within the past year by a licensed otologist, otolaryngologist, or ENT.

(ii) A report from the individual's primary care physician may be utilized at counselor discretion and supervisory approval.

(iii) To the extent such diagnostic services are not covered by medical insurance available to the individual, Arkansas Rehabilitation Services may purchase the services.

(C)(i) Counselor will utilize audiological or hearing aid evaluation issued within the past year from a state-licensed audiologist or nationally certified hearing instrument specialist.

(ii) To the extent such evaluations are not covered by medical insurance available to the individual, Arkansas Rehabilitation Services may purchase the evaluations.

(D) The Arkansas Rehabilitation Services hearing aid order form will be completed by the audiologist or hearing instrument specialist in order to provide the client and counselor a written estimate of hearing aid cost, make, model, type, warranty, service plan, and related information.

(E) Counselor will meet with individual to discuss the medical reports and audiological/hearing aid evaluation.

**(2) Comparable benefits and selection of vendor.**

(A)(i) If the reports and evaluation conclude that hearing aids are

indicated for the individual's hearing loss, the counselor will discuss potential hearing aid vendors and comparable benefits.

(ii) If hearing aids are not indicated, hearing aid services will not be provided (subject to further medical and audiological evaluation of the individual, as needed).

(B)(i) Services are based on financial need and comparable benefits will be utilized.

(ii) Counselor will verify whether the individual is covered by medical insurance that pays for hearing aids in whole or in part.

(iii) Arkansas Rehabilitation Services will authorize purchase of the hearing aids recommended by the audiologist/hearing instrument specialist only after the counselor has reviewed written documentation of the amount of coverage or lack of coverage.

(iv) Any available coverage will be used as the required comparable benefit.

(v) Social Services Block Grants to defray the cost of hearing aids must also be considered.

(C)(i) For purposes of informed choice, the counselor will refer to the Arkansas Rehabilitation Services approved vendor list and discuss possible vendors with the individual.

(ii) If the evaluation from the audiologist/hearing instrument specialist recommends a type or brand of hearing aid that cannot be purchased from an approved vendor, the counselor may consider securing a W-9 from a new vendor that can fill the order.

(iii) Regardless of the vendor selected, Arkansas Rehabilitation Services will issue payment based on the criteria below.

**(3) Payment for hearing aids.**

(A)(i) Invoices for hearing aids must be itemized.

(ii) Each line item must correspond to the recommendations for the individual in the audiology/hearing aid evaluation.

(B)(i) Line items for devices not recommended for the individual in the audiology/hearing aid evaluation may be rejected if inconsistent with the individual's employment plan.

(ii) Nonitemized or bundled invoices will be rejected and returned to the vendor.

(C)(i) Each line item for a hearing aid or related device must include the appropriate billing code from the L or V sections of the HCPCS.

(ii) Arkansas Rehabilitation Services may request further documentation to support a given L or V code, and may refuse payment if the vendor cannot provide the documentation requested.

(D)(i) Used devices, if provided, must be disclosed on the invoice as "refurbished", "used", or "rebuilt".

(ii) Failure to disclose a refurbished device or to follow the Food and Drug Administration procedures may result in removal of the vendor from the Arkansas Rehabilitation Services approved vendor list.

(E)(i) Counselor will verify that the individual received the device and is able to use it.

(ii) Document in the ECF.

(iii) Counselor will key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(F) Arkansas Rehabilitation Services will issue payment for new hearing aids and related devices according to the current Arkansas Workers' Compensation fee schedule for the appropriate L or V code.

(G) For used hearing aids and related devices, Arkansas Rehabilitation Services will pay seventy percent (70%) of the price indicated for the appropriate L or V code in the Arkansas Workers' Compensation fee schedule.

(H) For hearing aids and related devices (new or used) not covered by Arkansas Workers' Compensation, Arkansas Rehabilitation Services will pay up to fifty percent (50%) of the total charges billed.

(I) For individuals with insurance coverage for hearing aids and related

devices, Arkansas Rehabilitation Services will issue payment after that coverage has been applied.

(J) Counselor may refer client for assistive technology assessment if client still experiences vocational difficulties with hearing aids.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"ENT" means ears, nose, and throat.

"HCPCS" means Healthcare Common Procedure Coding System.

"NBC-HIS" means National Board for Certification in Hearing Instrument Sciences.

**20 CAR § 835-657. Hearing aid replacement.**

(a) If an individual who is already a hearing aid user requests a replacement aid or aids, the individual must bring a report from an audiologist or hearing instrument specialist explaining why a replacement is required.

(b) Reasons for hearing aid replacement include:

(1) The individual's hearing aids are no longer working up to specifications and repairs will not restore them to that condition;

(2) The individual's hearing loss has changed significantly, requiring different amplification; and

(3) The individual's on-the-job communication needs have changed notably, requiring different amplification.

(c) Any case where the counselor believes that there may be other reasons for replacement of hearing aids must be reviewed by the manager.

(d) Hearing aid replacement will follow the steps for vendor selection and payment stated under 20 CAR § 835-657(e), procedures – hearing aid services.

(e) Replacement of cochlear implants and bone-anchored auditory implants will follow relevant portions of 20 CAR § 835-621, cochlear implant, and 20 CAR § 835-622, bone-anchored auditory implant.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-658. Wheelchairs.**

(a)(1) Arkansas Rehabilitation Services may purchase electric and manual wheelchairs and necessary repairs for the individual to proceed through the rehabilitation process.

(2) Wheelchairs will be purchased as prescribed by the treating physician.

(3) Purchases of specific wheelchairs will be consistent with the recommendation of the therapist and/or wheelchair specialist involved.

(4) All requests for power wheelchairs will be referred to the Arkansas Career Training Institute's physical therapy department.

**(b) Procedures — Wheelchairs.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) Complete referral procedures for Access and Accommodation evaluation/assessment.

(B) See Forms, Appendix E, and Special Programs, Appendix B.

(3) Counselor will meet with individual to discuss findings of the assistive technology evaluation in accordance with informed choice and with similar benefits.

(4)(A) Medical consultant's review is required and in the ECF.

(B) See Forms, Appendix E.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6)(A) If wheelchairs or other durable medical equipment are purchased, a title of retention will be completed and attached to the ECF.

(B) See Appendix E.

(7) The case management system will generate the status move after required

data is keyed for appropriate status.

(8)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Document in the ECF.

(9) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(10)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Document in ECF.

(C) When billing statement is received, key required information into the case management system for payment authorization.

(D) Support staff will be responsible for making payments.

(E) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

### **20 CAR § 835-659. Repair of wheelchairs.**

(a)(1) Repairs of wheelchairs present numerous problems, and it will not be possible to provide detailed procedures to cover every possibility.

(2) In general, all repairs should first be addressed through the vendor where the wheelchair was purchased.

(3) If this is not possible, arrangements should be made to repair the wheelchair at Arkansas Career Training Institute.

(4) The counselor and individual will make the decision based on resources and immediacy of the situation in accordance with informed choice.

#### **(b) Procedures — Repair of wheelchairs.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) Check with Access and Accommodations for parts in inventory for repair.

(B) If not, refer to durable medical equipment vendor for repairs.

(3)(A) Complete referral procedures for Access and Accommodations for an evaluation/assessment.

(B) See Forms, Appendix E, and Special Programs, Appendix B.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) The case management system will generate the status moves after required data is keyed for appropriate status.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Document in the ECF.

(8)(A) When billing statement is received, key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(9) Refer to out-of-state policy limitations, if necessary.

(10) University of Arkansas for Medical Sciences requires special payment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-660. Braces.**

(a)(1) Braces will be purchased in accordance with informed choice upon the recommendation of the specific specialist in charge, i.e., an orthopedist in orthopedic

cases or a neurologist in neurological cases.

(2) Shoes are standard accessories for all leg braces if the braces attach to the shoes.

(3) These shoes must be included in the brace purchase.

(4) Repairs may be authorized for any eligible applicant upon a basic examination only, unless the basic examination indicates other consultations are necessary.

**(b) Procedures — Braces.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) Check with the Access and Accommodations Section for parts in inventory for repair.

(B) If not, refer to durable medical equipment vendor for repairs.

(3)(A) Complete referral procedures for Access and Accommodations for an evaluation/assessment.

(B) See Forms, Appendix E, and Special Programs, Appendix B.

(4) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(5) The case management system will generate the status moves after required data is keyed for appropriate status.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Document in the ECF.

(8)(A) When billing statement is received, key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-661. Glasses and artificial eyes.**

(a) **Note.** Individuals with blindness as a primary disabling condition must be referred to the Division of State Services for the Blind.

(b)(1) Glasses, artificial eyes, and other visual services may be purchased if recommended by a current eye examination performed by an ophthalmologist or optometrist, in accordance with informed choice.

(2) Glasses may be purchased only when necessary for the individual to:

(A) Complete evaluation;

(B) Enter or complete a rehabilitation service planned training program; or

(C) Enter employment.

(3) Glasses, ornamental, and/or expensive frames will not be purchased for cosmetic reasons.

(c)(1) Prosthetic eyes may be purchased for either cosmetic effect or functional use.

(2) Plastic eyes should be purchased unless there are justifiable reasons for another type.

**(d) Procedures — Glasses and artificial eyes.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Refer individual to an ophthalmologist from the Arkansas Rehabilitation Services vendor list for an eye examination.

(3) Counselor will meet with individual to discuss findings of examination in accordance with informed choice and with similar benefits.

(4)(A) Medical consultant's review is required and attached to the ECF.

(B) See Forms, Appendix E.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6) The case management system will generate the status moves after required data is keyed for appropriate status.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Document in the ECF.

(9)(A) When billing statement is received, key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-662. Personal assistance services — Medicaid.**

(a) Personal assistance services is a range of services, provided by one (1) or more persons, designed to assist an individual with disabilities to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability.

(b) These services may be provided to an individual at any time during the rehabilitation process and may include:

(1) Attendant;

(2) Interpreter; and

(3) Reader.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-663. Attendant services.**

(a)(1) Arkansas Rehabilitation Services will purchase attendant services, in accordance with informed choice provided by one (1) or more persons, designed to assist an individual with disabilities to perform daily living activities in one (1) or more of a work, home, or community environment that the individual would typically perform if the individual did not have a disability.

(2) These services may be provided to an individual at any time during the rehabilitation process when prescribed by an attending physician.

(3) An attendant can be someone unrelated to the individual or a family member.

(4) Rules for attendant qualifications are set by the state.

(5) The individual must apply for a Medicaid waiver.

(6) Arkansas Rehabilitation Services will pay based on Medicaid rates.

(7)(A) Nonmedical services supporting activities of daily living, such as:

- (i) Movement;
- (ii) Bathing;
- (iii) Dressing;
- (iv) Toileting; and
- (v) Personal hygiene.

(B) Instrumental activities of daily living include meal preparation, money management, shopping and telephone use, etc.

(8) Disability expected to continue indefinitely and disability constitutes a substantial limitation to person's ability to function without supports existing with concurrent deficits in activities of daily living.

(9) Recertification of services annually, prescribed by an attending physician, including an adaptive functional level assessment.

(10) Weekly supports that may be needed daily but no more than eight (8) hours/day and seven (7) days a week.

(11) Supports are not long term, provided for a maximum of six (6) months per calendar year with required outcome of employment with an allowable extension of sixty (60) days, post-employment.

(12) Services will be rendered within an allowable forty-hour work week, with submission of timesheets reflecting hours worked.

(13) Maximum reimbursement one hundred sixty dollars (\$160)/day.

(14) Individuals or their representatives have decision-making authority over personal attendant services and take direct responsibility to manage their services with assistance of a system of available supports.

(15) A qualified personal attendant services agency and/or individual hires, fires, pays, and trains PAs to provide services to individuals.

**(b) Procedures — Attendant services.**

(1) Documentation of the action to be taken will be made in the case note.

(2)(A) Medical consultant's review is required and attached to the ECF.

(B) See Forms, Appendix E.

(3) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(4) The case management system will generate the status moves after required data is keyed for appropriate status.

(5) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(6)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(7)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"PA" means personal attendant.

**20 CAR § 835-664. Interpreter services.**

(a) Arkansas Rehabilitation Services may purchase interpreter services for a deaf or hearing-impaired individual involved in a rehabilitation program in accordance with informed choice.

**(b) Procedures — Interpreter services.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(3) The case management system will generate the status moves after required data is keyed for appropriate status.

(4) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(5)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(6)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-665. Reader services.**

(a) Arkansas Rehabilitation Services may purchase reader services for deaf or hearing impaired individuals and visually impaired individuals involved in a rehabilitation program in accordance with informed choice.

**(b) Procedures — Reader services.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(3) The case management system will generate the status moves after required data is keyed for appropriate status.

(4) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(5)(A) When billing statement is received, verify the individual received the service.

(B) Document in the ECF.

(6)(A) Key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-666. Motor vehicles.**

Arkansas Rehabilitation Services policy is not to purchase motor vehicles for an individual or groups of individuals.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-667. Special equipment and modification for motor vehicles.**

(a)(1) The counselor will follow the state purchasing guidelines.

(2) Purchase and installation of special equipment and/or vehicle modification may be provided to enable the individual to drive their vehicle or an immediate family member or a designated attendant to provide the individual transportation if:

(A) The individual or vehicle operator has:

(i) A current operator license;

(ii) Proof that insurance will cover equipment; and

(iii) Proof of vehicle ownership;

(B) Equipment is purchased from an approved vendor;

(C)(i) Equipment purchase and/or vehicle modification is made to enable an individual to participate in an approved full-time VR training program or employment.

(ii) Needed equipment must be established as a criterion for evaluation of progress toward the employment outcome or covered on an IPE amendment;

(D)(i) A vehicle more than five (5) years old and/or a vehicle with more than fifty thousand (50,000) miles that has been determined mechanically sound.

(ii) This requirement does not apply to vehicles less than five (5) years old or with less than fifty thousand (50,000) miles;

(E) An evaluation from the Access and Accommodations Section has been completed upon a counselor's request;

(F) The individual has been instructed in safe operation and/or use of equipment through a training course; and

(G)(i) A threshold of five thousand dollars (\$5,000) has been established for van modifications, including lift.

(ii) For an exception form refer to Appendix G.

(b)(1) In certain situations, the counselor should consider referral of the individual for a driving evaluation to determine their eligibility to drive and the necessary vehicle modifications required to operate a vehicle.

(2) This evaluation should be completed before the vehicle modifications are approved by the counselor.

(3) Driver's training is available at Arkansas Career Training Institute or Arkansas Rehabilitation Services may purchase driver training from an approved instructor or agency.

**(c) Procedures — Special equipment and modification for motor vehicles.**

(1) Documentation of the action to be taken will be made in the case note.

(2) Complete referral procedures to the Access and Accommodations Section for an evaluation/assessment.

(3) Counselor will meet with individual to discuss findings of assistive technology evaluation in accordance with informed choice and similar benefits.

(4)(A) The counselor will follow the state purchasing guidelines.

(B) See Services, 20 CAR § 835-601 et seq.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6) The case management system will generate the status move after required data is keyed for appropriate status.

(7) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(8)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Document in the ECF.

(9)(A) When billing statement is received, key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(d) **Note.** This service cannot be planned on the IPE or amendment until the assistive technology evaluation has been performed.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-668. Home modifications.**

(a)(1) Arkansas Rehabilitation Services will only provide assistance when modifying an individual's place of residence if the individual owns, is buying, or is a long-term renter or in an extended lease of the property.

(2) Modifications to the structure of the home will be consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., recommendations.

(3) In situations where the person is not the owner or buyer the individual will be responsible for providing in writing landlord approval to make modifications.

(4) Modifications to rental property will be restricted to a ramp for the purpose of access/egress.

(5) Modifications to an individual's place of residence will be limited to a one-time occurrence, whether IL or VR, regardless of the times an individual's case is reopened.

(b)(1) Except for ramps to assist with access/egress, any changes (remodeling) to the home will occur inside the structure's footprint.

(2) Additions to the home are excluded.

(3) If the individual, a family member, or caregiver is insistent on an addition to the existing structure it will be the individual's responsibility to provide payment for the addition, including all plumbing and electrical costs.

(4) Arkansas Rehabilitation Services can provide technical assistance regarding how to make the addition accessible.

(5) If the counselor is in agreement, Arkansas Rehabilitation Services can provide support in the purchase of fixtures and related items to assist with:

- (A) Toileting;
- (B) Bathing; and
- (C) Related activities of daily living.

(c)(1) Modifications to modular/mobile homes will be limited to construction of wheelchair ramps to assist with access/egress.

(2) No construction will be approved inside a mobile home as it may compromise structural integrity.

(d) The individual and or family member will be asked to be part of the solicitation of bids for Arkansas Rehabilitation Services-approved home modifications.

**(e) Procedures — Home modifications.**

(1) Check for appropriate status in the case management system.

(2) Documentation of the action to be taken will be made in the case note.

(3)(A) Complete referral procedures to the Access and Accommodations Section for an evaluation/assessment.

(B) See Forms, Appendix E, and Special Programs, Appendix B.

(4) Counselor will meet with individual to discuss findings of assistive technology evaluation in accordance with informed choice and with similar benefits.

(5) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(6) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(7)(A) When the home modification is completed the counselor will verify the individual's need has been met.

(B) Document in ECF.

(8)(A) When billing statement is received, key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

(9) Refer to out-of-state policy limitations, if necessary.

(10) Adhere to the IL procedure, including obtaining a copy of the contractor's business license.

(11) All submitted bids are to be reviewed by the Access and Accommodations Section.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

## **Subpart 7. Independent Living Rehabilitation Services**

### **20 CAR § 835-701. Independent living rehabilitation services generally.**

(a) Independent living rehabilitation services (ILRS) are any appropriate vocational rehabilitation services (as defined under Title I of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.) that will enhance the ability of an individual with a significant disability to live more independently and function within his or her family or community and, if appropriate, secure and maintain appropriate employment.

(b)(1) Services may be provided under this title to any individual whose ability to engage or continue in employment, or whose ability to function independently in the family or community is so limited by the severity of the disability that vocational or comprehensive rehabilitation services are required to significantly improve either the ability to function independently in the family or community.

(2) Priority of services under this part shall be given to individuals not served by other provisions of the Rehabilitation Act of 1973.

(c)(1) The term "comprehensive services for independent living" means any appropriate vocational rehabilitation service (as defined under Title I of the

Rehabilitation Act of 1973) and any other available service that will enhance the ability of an individual with disabilities to live independently and function within the family and community and, if appropriate, secure and maintain appropriate employment.

(2) An individual's eligibility for ILRS services is based in part on the expectation that the individual will be present and able to participate in services.

(3)(A) If/when an individual is in an institution at the time of referral or enters an institution after they have applied for services, the counselor may conclude that the person will not be available to take part in a rehabilitation program and will affect the individual's ability to meet the reasonable expectation that ILRS may significantly assist to improve his or her ability to function independently in family or community.

(B) The projected length of stay in the institution is another concern of the counselor and will need to be taken into consideration.

(C) Examples of long-term institutional stay would be:

- (i) Home placements;
- (ii) Human development centers;
- (iii) Prisons;
- (iv) Nursing homes; and
- (v) Psychiatric hospitals.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-702. ILRS case status classifications.**

(a)(1) Status 70 — Referral/applicant status.

(2) Counselor will complete Demographic, Referral (Status 00), Application, ILRS Unplanned Authorization, and Case Information forms.

(b) Status 71 — Closure from referral/ineligibility status.

(c) Status 72 — Eligibility status/IWILP.

(d)(1) Status 73 — Closure from active status (services not completed).

(2) Complete RS-600C.

(3) See Appendix E-49.

(e) Status 74 — IWILP progress/closure from active status (services provided).

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ILRS" means independent living rehabilitation services.

"IWILP" means Individualized Written Independent Living Plan.

**20 CAR § 835-703. Eligibility.**

(a)(1) Eligibility requirements will be applied without regard to sex, race, age, creed, color, national origin, or type of disability of the individual applying for services.

(2) No group of individuals will be excluded or found ineligible solely on the basis of type of disability.

(3) A person who meets basic eligibility requirements cannot be determined ineligible because of their age.

(4) Residence requirements are the same as for VR services.

(b)(1) A Title XX program provides social services for low-income families and individuals.

(2) Eligibility is determined by two (2) factors:

(A) Monthly income of the family; and

(B) Size of the family living on this income.

(3) Income requirements do not include:

(A) Money borrowed;

(B) Gifts;

(C) Educational grants;

(D) Food stamps; or

(E) Earnings of a child under fourteen (14).

(4) Clients must be eligible for Title XX to receive services except:

(A) Counseling and guidance;

(B) Placement and follow-up; and

(C) Initial diagnostic study.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-704. Responsibility for determining eligibility.**

(a) Arkansas Rehabilitation Services has the sole responsibility for determining the eligibility of individuals for ILR services.

(b) This responsibility remains within the agency and will not be delegated to any other agency or individual.

(c) The Commissioner of Arkansas Rehabilitation Services has delegated the primary duty for this determination to the counselor.

(d) The counselor is required to establish documentary evidence to support the decision and must execute a Certificate of Eligibility/Ineligibility for ILR Services.

(e) In every case, the Certificate of Eligibility/Ineligibility for ILR Services must be completed prior to authorization of case service funds except for diagnosis.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ILR" means independent living rehabilitation.

**20 CAR § 835-705. Basic eligibility requirements for ILR services.**

(a) The counselor is required to show the following conditions exist for each individual determined eligible for ILR services:

(1) The individual has a significant physical or mental disability with resulting functional limitations in activities;

(2) These significant limitations constitute a substantial impediment to function independently in family or community or to engage or continue in employment; and

(3) There is a reasonable expectation that ILR services may significantly assist

the individual to improve his or her ability to function independently in family or community or to engage or continue in employment and maintain independent functioning.

(b) The following paragraphs define the basic criteria:

(1) "Significant physical or mental impairment" means a physical or mental condition that seriously limits one (1) or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of ability to function independently in family or community or to engage or continue in employment; and

(2) "Substantial impediment to function independently" means:

(A) An individual's ability to live an independent life is significantly restricted, there is a loss of independence, or an individual needs special help to be independent; and

(B) Services provided will:

(i) Reduce or correct the resulting functional limitations of the disability;

(ii) Overcome the obstacles to independence; and/or

(iii) Significantly assist the individual to improve his or her ability to function independently in family or community or to engage or continue in employment and maintain independent functioning.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ILR" means independent living rehabilitation.

**20 CAR § 835-706. Economic need and comparable benefits.**

(a) Services are based on financial need, and comparable benefits will be utilized.

(b) Services are intended to be comprehensive and one-time services to enable individuals to live and function independently in the:

(1) Home;

(2) Family; or

(3) Community.

(c) In all cases, comparable benefits must be considered.

(d)(1) If assistive technology is needed, referral to the Access and Accommodations Section is required for consideration of comparable benefits.

(2) Refer to Appendix B.

(3) Note for hearing aids and related services: Title XX SSBG must be considered as the priority funding source if available.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "SSBG" means Social Services Block Grant Program.

**20 CAR § 835-707. Certification of eligibility/ineligibility.**

(a) The counselor is required to complete the ILRS Certificate of Eligibility/Ineligibility for services in the individual's ECF.

(b) The certificate shall contain the:

(1) Individual's name;

(2) Eligibility date; and

(3) Signature of the counselor.

(c) The counselor shall complete a case note.

(d)(1) The certificate must be completed simultaneously with an individual's acceptance for services.

(2) See Forms, Appendix E.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"ILRS" means independent living rehabilitation services.

**20 CAR § 835-708. Ineligibility.**

(a)(1) When it has been determined that an individual is ineligible for ILR services, the counselor is required to initiate a Certificate of Eligibility/Ineligibility to close the ECF.

(2) Ineligibility certification will be made only after full participation with the individual or, as appropriate, parent, guardian, or representative after an opportunity for consultation.

(3) This certificate will be dated and signed by the counselor and the individual, their parent/guardian, or their representative.

(4) In such cases, the counselor will notify the individual in writing of the action taken.

(5) When appropriate, referral will be made to other agencies and facilities.

(6) The individual may appeal the ineligibility determination.

(b)(1) Arkansas Rehabilitation Services will provide the individual with information on the means by which an appeal can occur, including informal and formal due process procedures, such as:

(A) Administrative review;

(B) Mediation; and

(C) Review by an impartial hearing officer.

(2) The counselor will also provide the individual with information regarding services available from the Client Assistance Program and how to contact the Client Assistance Program.

(c) The basic reasons for ineligible determinations are:

(1) The diagnostic evaluation fails to establish a significant disability;

(2) There is no functional limitation to independent living;

(3) There is no potential for independent living because:

(A) The prognosis is unfavorable;

(B) Services were refused or unavailable; or

(C) The individual:

- (i) Is uncooperative;
- (ii) Is institutionalized;
- (iii) Dies; or
- (iv) Cannot be located; and

(4) The counselor should be sure the individual understands the purpose of the program and the services that are available.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-709. ILRS individualized plan.**

(a)(1) The counselor must complete a plan for services.

(2) The ILRS plan must contain:

(A) A specific independent living services goal consistent with informed choice;

(B) Criteria for evaluation of progress toward the ILRS goal;

(C) Specific ILRS services;

(D) Projected timelines for initiation and duration of services;

(E) Entity to provide services and methods for procurement; and

(F) Responsibilities of the individual.

(b)(1) The services, service providers, and all activities selected by the individual must be necessary to meet the ILRS goal.

(2) The individual or representative must sign and date the ILRS plan.

(3) The individual or representative must be given a copy of the ILRS individualized plan.

(4)(A) The counselor is the approving authority.

(B) Therefore, the counselor's signature indicates approval of the ILRS individualized plan.

**(c) Procedures — ILRS individualized plan.**

(1) The counselor will inform the individual of the options available for development of an individualized living rehabilitation services plan.

(2) The counselor will inform the individual of the required components of the ILRS plan.

(3) The case management system will generate the status move after required data is keyed for Status 72 (ILS).

(4) Document the counseling provided at ILRS plan development in the case note.

**(d) Termination of services under an ILRS individualized plan.**

(1) When it has been determined that an individual cannot meet the projected goals, the counselor is required to initiate an amendment to the ILRS plan.

(2) The reasons for initiating an amendment are:

(A) The individual does not follow through with the planned program or is uncooperative; or

(B) The individual:

(i) Dies;

(ii) Becomes institutionalized;

(iii) Leaves the state; or

(iv) Becomes too ill to continue the program.

(3) The decision to close the case should be made only with the full participation of the individual or, as appropriate, the parents, guardian, or other representative, unless the individual is no longer in the state, his or her whereabouts are unknown, or deceased.

(4) The individual or representative's participation in the decision shall be recorded in the ILRS plan.

(5) The rationale will be recorded on an amendment to the ILRS plan certifying that the provision of ILR services has demonstrated that the individual is not capable of functioning more independently in family or community.

(6) The date of annual review will also be recorded on the amendment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ILR" means independent living rehabilitation.

"ILRS" means independent living rehabilitation services.

"ILS" means independent living services.

**20 CAR § 835-710. Reopening a case.**

(a) A person with a significant disability may reapply for ILR services at any time after thirty (30) days of closure.

(b) In such a situation, the counselor must process the case in a manner similar to an individual applying for the first time.

(c) Every effort should be made to review and arrive at a decision on the basis of the present rather than previous conditions.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ILR" means independent living rehabilitation.

**20 CAR § 835-711. Review of ineligibility decision.**

(a) Review within twelve (12) months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome.

(b) This review need not be conducted in situations in which the:

- (1) Individual has refused it;
- (2) Individual is no longer present in the state;
- (3) Individual's whereabouts are unknown; or
- (4) Individual's medical condition is rapidly progressive or terminal.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-712. Services.**

Services:

(1) Counseling services, including psychological and psychotherapy, and related services;

(2) Housing service, including appropriate accommodations to and modifications of any space utilized to serve, or occupied by individuals with significant disabilities;

(3) Mobility training and provision of needed prostheses and other appliances and devices;

(4) Transportation, including referral and assistance for such transportation;

(5) Services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

(6) Consumer information programs on rehabilitation and IL services available under the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under the Rehabilitation Act of 1973;

(7) Education and training necessary for living in the community and participating in community activities;

(8) Referral services;

(9) Rehabilitation technology;

(10) Training to develop skills for youth who are individuals with significant disabilities to:

(A) Promote self-awareness and esteem;

(B) Develop advocacy and self-empowerment skills; and

(C) Explore career options; and

(11) Information and referral, IL skills training, peer counseling, individual and systems advocacy.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IL" means independent living.

**20 CAR § 835-713. Motor vehicle modification policy.**

(a)(1) Administrative exception must be obtained to provide vehicle modification or van lifts for ILRS cases.

(2) For an exception refer to Appendix G.

(3) If an administrative exception is granted the following procedures are to be used.

**(b) Modification for motor vehicles.**

(1) Purchase and installation of special equipment and/or vehicle modification may be provided to enable the individual to drive their vehicle, or to enable an immediate family member or a designated attendant to provide the individual transportation, if:

(A) The individual or vehicle operator has:

(i) A current operator license;

(ii) Proof that insurance will cover equipment; and

(iii) Proof of vehicle ownership;

(B) Equipment is purchased from an approved vendor;

(C)(i) Equipment purchase and/or vehicle modification is made to enable an individual to participate in an approved full-time VR training program or employment.

(ii) Needed equipment must be established as a criterion for evaluation of progress toward the employment outcome or covered in an amendment;

(D)(i) A vehicle more than five (5) years old and/or a vehicle with more than fifty thousand (50,000) miles has been determined mechanically sound.

(ii) This requirement does not apply to vehicles less than five (5) years old or with less than fifty thousand (50,000) miles;

(E)(i) An assistive technology evaluation from the Assistive Technology at Work program has been completed upon a counselor's request.

(ii) The evaluation must include an equipment description or specification;

(F) The individual has been instructed in safe operation and/or use of equipment through a training course; and

(G)(i) A threshold of five thousand dollars (\$5,000) has been established for van modifications, including lift.

(ii) For an exception refer to Appendix G.

(2) The counselor will follow the state purchasing guidelines.

(3) Arkansas Rehabilitation Services will purchase one (1) van lift and/or van modification per individual regardless of the times a case is reopened.

(4) Arkansas Rehabilitation Services retains title to special equipment until the case is closed.

(5) It is the individual and/or family's responsibility to repair the lift and other adaptive equipment after warranty expiration.

(6) Driver's training is available at Arkansas Career Training Institute, or Arkansas Rehabilitation Services may purchase driver training from an approved instructor or agency.

**(c) Procedures — Modification for motor vehicles.**

(1) This service cannot be planned on the ILRS plan or amendment until an assistive technology evaluation has been performed.

(2) Documentation of the action to be taken will be made in the case note.

(3) Complete referral procedures to the Access and Accommodation Section for an evaluation/assessment.

(4) Secure the Access and Accommodation evaluation/assessment recommendation.

(5) Counselor will meet with individual to discuss findings of assistive technology evaluation in accordance with informed choice and with similar benefits.

(6)(A) The counselor will follow the state purchasing guidelines.

(B) See Services, 20 CAR § 835-601 et seq.

(7) Refer to the Arkansas Rehabilitation Services vendor list or secure W-9 from new vendor.

(8) The case management system will generate the status move after required data is keyed for appropriate status.

(9) Key required information into the case management system for Arkansas Rehabilitation Services purchase authorization.

(10)(A) When device/service is received, verify the individual received device/service and can use device.

(B) Individual will sign the Receipt/Release for Equipment and Title Agreement Instructions (see Appendix E-81).

(C) Document in ECF.

(11)(A) When billing statement is received, key required information into the case management system for payment.

(B) Support staff will be responsible for making payments.

(C) Payment will not be processed without an attached bill from the vendor.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"ILRS" means independent living rehabilitation services.

## **Subpart 8. Closure**

### **20 CAR § 835-801. Cases closed from Status 00/02 — Closed not rehabilitated before/during evaluation.**

(a)(1) Arkansas Rehabilitation Services will not close the case record of a referral or applicant prior to making an eligibility determination unless the applicant:

(A) Declines to participate; or

(B) Is unavailable to complete an assessment for determining eligibility and priority for services.

(2) Arkansas Rehabilitation Services will make a reasonable number of attempts to contact the applicant (at least one (1) in writing) or the applicant's representative to encourage the applicant's participation.

(3) 34 C.F.R. § 361.44.

**(b) Procedures — Closed not rehabilitated before/during evaluation.**

(1)(A) Complete Certificate of Eligibility/Ineligibility.

(B) See Forms, Appendix E.

(2) The case management system will generate the status move after required data is keyed for Status 08.

**(3) Note.**

(A) An annual review is required on a case that has been closed as incapable of achieving an employment outcome due to the severity of disability.

(B) This review need not be conducted in situations in which the:

(i) Individual has refused;

(ii) Individual no longer resides in the state;

(iii) Individual's whereabouts are unknown; or

(iv) Individual's medical condition is rapidly progressive or terminal.

(C) 34 C.F.R. § 361.43(e).

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-802. Closed not rehabilitated during/after evaluation (Status 08).**

(a)(1) An individual's record of services is closed from application or trial work experience/extended evaluation when the VR eligibility conditions are not met or intervening reasons prevent eligibility determination.

(2) The ineligibility determination must be made based on clear and convincing

evidence that the individual cannot benefit from services in terms of an employment outcome due to severity of disability.

(3) The counselor must include a formal certification statement indicating ineligibility for VR services in the individual's record of services.

(b)(1) A Certificate of Eligibility/Ineligibility will be dated and signed by the counselor.

(2) Ineligibility determination will be made only after full participation and an opportunity for consultation with the individual or, if appropriate, the individual's representative.

(3) In such cases, the counselor will notify the applicant in writing of the action taken, or by other appropriate modes of communication consistent with the informed choice of the individual, including the reasons for the ineligibility determination.

(4) When appropriate, referral will be made to other agencies and programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128.

(c)(1) The individual may appeal the ineligibility determination.

(2) The counselor will provide the individual with information on the means by which an appeal can occur, including informal and formal due process procedures, such as:

(A) Administrative review;

(B) Mediation; and

(C) Review by an impartial hearing officer.

(3) The counselor will also provide the individual with information regarding services available from the Client Assistance Program and how to contact the Client Assistance Program.

(4) 34 C.F.R. § 361.41.

**(d) Procedures — Closed not rehabilitated during/after evaluation.**

(1) Cancel or pay any outstanding encumbrance.

(2)(A) Complete Certificate of Eligibility/Ineligibility if closed Status 08 from

Status 02.

(B) See Forms, Appendix E.

(3) When appropriate, referral will be made to other agencies and programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act of 2014.

(4) The case management system will generate the status move after required data is keyed for Status 08, closure.

(5) **Note.**

(A) An annual review is required on a case that has been closed as incapable of achieving an employment outcome due to the severity of disability.

(B) This review need not be conducted in situations in which the:

(i) Individual has refused it;

(ii) Individual no longer resides in the state;

(iii) Individual's whereabouts are unknown; or

(iv) Individual's medical condition is rapidly progressive or terminal.

(C) 34 C.F.R. § 361.43(e).

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-803. Closed rehabilitated (Status 26).**

(a) An individual's record of service will be closed as successfully rehabilitated when the individual has achieved an employment objective consistent with informed choice, substantiality of services has been documented in the case notes, and the following requirements have been met:

(1) The individual has achieved the employment outcome described in the IPE;

(2) The employment outcome is consistent with the individual's:

(A) Strengths;

(B) Resources;

- (C) Priorities;
- (D) Concerns;
- (E) Abilities;
- (F) Capabilities;
- (G) Interests; and
- (H) Informed choice;

(3) The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice;

(4) The individual has maintained the employment outcome for a period of at least ninety (90) days;

(5) The individual and the VR counselor consider the employment outcome to be satisfactory; and

(6)(A) The individual is informed through appropriate modes of communication of the availability of post-employment services.

(B) 34 C.F.R. § 361.56.

(b) Additional information is required and must be included in the closure document:

- (1) Name and address of the employer;
- (2) Type of work performed (occupation);
- (3) Gross weekly earning and hours worked per week;
- (4) Medical insurance coverage at closure;
- (5) Public assistance at closure;
- (6) The individual is compensated at or above minimum wage;
- (7) The wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by nondisabled individuals; and
- (8) How did the services provided contribute substantially to the individual's achievement of the employment outcome consistent with informed choice.

(c) **Note.** An individual will not be closed "rehabilitated" more than once in any fiscal year.

(d) **Procedures — Closed rehabilitated (Status 26).**

(1) Pay or cancel any outstanding encumbrance.

(2) The counselor must demonstrate through documentation in a summary case note that substantial services provided under the individual's IPE contributed to the achievement of the employment outcome.

(3) If there is a need for an IPE goal change, an amendment must be completed ninety (90) days prior to closure.

(4) Case must be in Status 22 for ninety (90) days.

(5) If the counselor has information concerning employment of the individual, but cannot obtain the individual's signature that is required on the closure amendment, the counselor may close the case by using the method described in the next subdivision.

(6)(A) A minimum of three (3) written attempts (two (2) letters and one (1) registered letter) must be made to contact the individual is required.

(B) See forms section.

(7)(A) The receipt verification (card) signed by the client must be attached to the ECF.

(B) If the card is not signed by the client, the case cannot be closed Status 26.

(8)(A) Complete VR Case and Closure/Amendment Information Form.

(B) See Forms, Appendix E.

(9) The VR Case and Closure/Amendment Information Form will be generated in the case file and a copy will be given to the individual.

(10) If the individual received services at Arkansas Career Training Institute, the VR Case and Closure/Amendment Information Form will be available through the case management system for the center counselor's review.

(11) The case management system will generate the status move after required data is keyed for Status 26.

(12)(A) The individual will complete the Consumer Satisfaction Survey form.

(B) This form can be:

(i) Given to the individual;

- (ii) Mailed;
- (iii) Emailed; or
- (iv) Accessed online.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-804. Closed not rehabilitated (Status 28).**

(a)(1) Cases closed not rehabilitated in Status 28 can only be closed from Statuses 18 – 24.

(2) An individual's record of services will be closed as not rehabilitated when it is determined that suitable employment cannot be achieved or that employment resulted without benefit derived from VR services.

(3) The counselor will also provide the individual with information regarding services available from the Client Assistance Program and how to contact the Client Assistance Program.

**(b) Procedures — Closed not rehabilitated (Status 28).**

(1) Pay or cancel any outstanding encumbrance.

(2) The counselor must document in the case notes the reason for closure.

(3)(A) Complete the VR Case and Closure/Amendment Information Form.

(B) See Forms, Appendix E.

(4) The VR Case and Closure/Amendment Information Form will be generated in the case file and a copy will be given to the individual.

(5) If appropriate, the individual will be referred to other agencies, programs, or Workforce Innovation Opportunity Act of 2014, Pub. L. No. 113-128, one-stop partners.

(6) The case management system will generate the status move after required

data is keyed for Status 28.

(7)(A) The individual will complete the Consumer Satisfaction Survey form.

(B) This form can be:

- (i) Given to the individual;
- (ii) Mailed;
- (iii) Emailed; or
- (iv) Accessed online.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-805. Closed not rehabilitated (Status 30).**

(a)(1) Cases closed not rehabilitated in Status 30 can only be closed from Status 10 or 12.

(2) An individual's record of services will be closed as not rehabilitated when it is determined that:

- (A) The vocational objective is not feasible;
- (B) The counselor and individual cannot agree on a rehabilitation plan;
- (C) Progress toward rehabilitation cannot be made for one reason or another;
- (D) The individual has moved to another state; or
- (E) The individual is no longer available for services.

(3) The counselor will also provide the individual with information regarding services available from the Client Assistance Program and how to contact the Client Assistance Program.

**(b) Procedures — Closed not rehabilitated (Status 30).**

- (1) Pay or cancel any outstanding encumbrance.
- (2) The counselor must document in the case notes the reason for closure.
- (3) Complete the VR Case and Closure/Amendment Information Form (see

Forms, Appendix E).

(4) The VR Case and Closure/Amendment Information Form will be generated in the case file and a copy will be given to the individual.

(5) The individual will be referred to other agencies, programs, or Workforce Innovation Opportunity Act of 2014, Pub. L. No. 113-128, one-stop partners.

(6) The case management system will generate the status move after required data is keyed for Status 30.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-806. Post-employment (Status 32).**

(a)(1) Status 32 is used when the need for post-employment services has been identified.

(2) Post-employment services may be provided after the individual has been closed as rehabilitated (Status 26) and needs services to maintain employment.

(3) The case must be in active status for post-employment (Status 32) before any services may be provided.

(4) Cases can only be placed in Status 32 after being closed in Status 26.

(b)(1) The counselor and individual must agree on the services planned to maintain the individual in employment.

(2) The purpose of this status is to avoid the necessity of reopening a case in order to provide a minor service that can be provided:

(A) Quickly;

(B) Expeditiously;

(C) At a minimum cost; and

(D) With little counselor effort.

(3) For example, these may include:

(A) Minor repair to a prosthesis or a small amount of retraining in the use

of a prosthesis;

(B) Weekly or biweekly counseling and guidance; or

(C) A spinal cord-injured individual who suffers from an acute kidney infection and needs immediate medical treatment.

(c)(1) If the counselor is aware of the need for post-employment services at the time of the Status 26 closure, all planned and anticipated services must be documented in the ECF.

(2) If a need for post-employment services is determined several weeks after the Status 26 closure, an IPE amendment must be completed.

(d)(1) Post-employment services are expected to be a minor, one-time service and not provided in excess of eighteen (18) months.

(2) 34 C.F.R. § 361.5(b)(42).

**(e) Procedures — Post-employment (Status 32).**

(1) The counselor must document in the case notes the need for post-employment services.

(2) If post-employment services are to be identified after the Status 26 closure and documented in the ECF (see Forms, Appendix E), reopen the case directly into Status 32 by keying in the Social Security number.

(3) The VR Case and Closure/Amendment Information Form will be generated in the case file and a copy will be given to the individual.

(4) A case note entry must document progress.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-807. Closed from post-employment (Status 34).**

(a)(1) Decisions to terminate post-employment services should be:

- (A) Made in consultation with the individual; and
- (B) Documented in the amended IPE.

(2) The counselor will work with the individual to achieve a satisfactory level where post-employment support is no longer necessary.

(3) It also requires the counselor's professional judgment as to the individual's employment stability.

(b) In making these decisions, the following factors should be considered:

(1) Satisfactory resolution of the problem requiring post-employment services;

(2) The individual's attainment of sufficient independence to function without continuing post-employment services or a counselor's professional judgment to discontinue services;

(3) Employment appears secure as determined by suitable work performance, job satisfaction, and acceptance in the employment setting with respect to employee benefits and opportunities for job development and advancement; and

(4) Employment continues at a suitable level in relation to the individual's potential and the locality and labor market, or potential can be realized by the individual's initiative.

**(c) Procedures — Closed from post-employment (Status 34).**

(1) Pay or cancel any outstanding encumbrances.

(2) The counselor must document in the case notes the reason for closure and result of post-employment services.

(3) The case management system will generate the status move after required data is keyed for Status 34.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-808. Closed from post-employment to be reopened (Status 36).**

(a) The counselor will close an individual's case in Status 36 when the counselor determines to reopen the individual's record of services to provide necessary VR services.

**(b) Procedures — Closed from post-employment to be reopened (Status 36).**

- (1) Pay or cancel any outstanding encumbrances.
- (2) The counselor must document in the case notes the reason for closure.
- (3) The case management system will generate the status move after required data is keyed for Status 36.
- (4) Initiate a new application (RS-4) and follow procedures for a new referral.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-809. Closed from service delayed/order of selection (Status 38).**

(a) This status is used to identify individuals eligible for VR who will not advance to Status 12 and whose names are being removed from the service delayed/order of selection list (Status 04).

**(b) Procedures — Closed from service delayed/order of selection (Status 38).**

- (1) Pay or cancel any outstanding encumbrances.
- (2) The counselor must document in the case notes the reason for closure.
- (3) The case management system will generate the status move after required data is keyed for Status 38.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-810. Closed from post-employment (Status 39).**

(a) An individual will be closed from post-employment when the individual cannot maintain employment.

**(b) Procedures — Closed from post-employment (Status 39).**

- (1) Pay or cancel any outstanding encumbrances.
- (2) The counselor must document in the case narrative the reason for closure.
- (3) The case management system will generate the status move after required data is keyed for Status 39.

**Authority.** Arkansas Code § 20-79-204.

**Subpart 9. Caseload Management**

**20 CAR § 835-901. Caseload management generally.**

(a) Thereafter, the counselor is accountable for the case management system each time there is a status change.

**(b) Case status classifications.**

- (1) Referral status: Status 00, referral.
- (2) Application status: Status 02, applicant.
- (3) Trial work experience: Status 06, evaluation status.
- (4) Closures from referral (Status 00)/applicant (Status 02): Status 08, closed before, during, or after evaluation.

(5) Closures from trial work experience: Status 08, closed after evaluation.

**(c) Active statuses.**

- (1) Preservice statuses:
  - (A) Status 04, service delayed/order of selection;
  - (B) Status10, Certificate of Eligibility/Ineligibility completed; and

(C) Status 12, IPE completed.

(2) Service statuses:

(A)(i) Status 18, receiving service status.

(ii) Counseling and guidance, physical restoration, training, etc.;

(B) Status 20, ready for employment;

(C) Status 22, in employment; and

(D) Status 24, service interrupted.

(3) Closures from active status:

(A) Status 26, closed rehabilitated (after ninety (90) days in Status 22);

(B) Status 28, closed not rehabilitated after IPE initiated (Statuses 18 through 24);

(C) Status 30, closed not rehabilitated before IPE initiated (Statuses 10 through 12);

(D) Status 32, post-employment; and

(E) Status 38, closed from service delayed/order of selection (closed from Status 04).

(d) **Closure from post-employment services.**

(1) Status 34, employment maintained.

(2) Status 36, placed back in Status 02.

(3) Status 39, other.

(e)(1) The United States Rehabilitation Services Administration designed the VR Caseload Status System to aid the tracking of individuals as they progress through the service system.

(2) Because the United States Rehabilitation Services Administration uses a closed-case reporting system, only those status codes specifying the point in the VR process where the counselor closed an individual's case would apply (closure codes 08, 26, 28, 30, and 38).

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

"VR" means vocational rehabilitation.

**20 CAR § 835-902. Status 00 — Referral.**

(a) Status 00 represents an individual who has been referred to VR with minimum information provided to the counselor.

(b) The individual has not made a request for services, but the counselor must place the individual in Status 00 if sufficient demographic information is available.

(c) Sufficient demographic information is:

- (1) Name;
- (2) Social Security number;
- (3) Address; and
- (4) Referral source.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-903. Status 02 — Applicant.**

(a)(1) Status 02 represents an individual's entrance into the VR process.

(2) When an individual signs a document requesting VR services, the counselor must place the individual into Status 02.

(3) At that point, the individual is considered an applicant after completing an agency application form.

(4) However, the counselor may place an individual into Status 02 if the individual requests services with a signed letter and minimum basic referral information.

(b)(1) The counselor must place every case in Status 02 before authorizing a diagnostic service or services.

(2) While the individual is in Status 02, the counselor investigates and secures

sufficient information to determine eligibility for VR services or a decision to use trial work experience.

(3) An individual can only remain in Status 02 for sixty (60) days unless the counselor and applicant agree to a specific extension of time.

(4) If needed, under the heading of "60-Day Extension" in the case note, record the:

(A) Dates of the extension; and

(B) Specific reasons for the need for an extension of time to determine eligibility.

(c) **Example (sixty-day extension).** This client will be placed in Status 02 for an additional thirty (30) days April 1 – 30 due to the fact that more testing and medical records are needed in order to determine eligibility.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-904. Status 04 — Service delayed/order of selection.**

(a) If under the order of selection the counselor moves an applicant into Status 04 when the preliminary assessment justifies writing a Certificate of Eligibility/Ineligibility.

(b) However, the individual cannot receive services because the individual does not meet the order of selection priorities.

(c) Status 04 identifies the individuals who are on a waiting list for services until such time as the agency has sufficient funds available to provide services.

(d) Placement of the individual's name on the waiting list for services indicates there will be a delay in the initiation of services for which the individual is otherwise entitled to receive.

(e) An individual leaving this status will be moved to Status 12 to signify that services will be provided without further delay or will be closed Status 38 at end of fiscal year.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-905. Status 06 — Trial work experience.**

(a) When the individual's eligibility for VR services cannot be readily certified, the counselor moves the individual into Status 06.

(b) The counselor may provide services to the individual to determine there is clear and convincing evidence that the individual:

(1) Can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(2) Is incapable of benefiting from vocational rehabilitation services due to the severity of disability.

(c) The case management system will only allow eighteen (18) months in Status 06.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-906. Status 08 — Closed from evaluation.**

Status 08 identifies all individuals not accepted for VR services whether closed from:

(1) Referral (Status 00);

(2) Applicant (Status 02); or

(3) Trial work experience.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-907. Status 10 — Certification of eligibility/ineligibility.**

The counselor moves an applicant into Status 10 when the preliminary assessment justifies writing a Certificate of Eligibility/Ineligibility.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-908. Status 12 — Individualized plan for employment.**

After the counselor completes the comprehensive assessment and the counselor and individual or representative agree on an IPE, the individual is moved into Status 12.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-909. Status 18 — Receiving service status.**

(a) Status 18 is used when the individual begins receiving services.

**(b) Counseling and guidance.**

(1) The counselor moves an individual into Status 18 after completing an IPE, which outlines counseling and guidance services are necessary to prepare the individual for employment.

(2) The service is necessary to prepare the individual for employment, or a breakdown has occurred in the progress of the case after other services have been initiated and the counselor has determined that substantial counseling and guidance are essential to successful rehabilitation.

**(c) Physical and/or mental restoration.**

(1) The counselor moves an individual into Status 18 when the individual receives physical and/or mental restoration services as the primary service.

(2) Restoration services include:

(A) Medical, surgical, psychiatric, or therapeutic treatment;

(B) The fitting of prosthetic appliances;

- (C) Hospitalization;
- (D) Convalescent care; or
- (E) Nursing services.

**(d) Training.**

(1) The counselor moves an individual into Status 18 when training services are needed to prepare an eligible individual for work.

(2) These services are individualized and are jointly developed by the individual and counselor through the process of informed choice.

(3) Vocational training includes the following broad categories:

- (A) On-the-job training;
- (B) Short-term specialized training;
- (C) Vocational/technical;
- (D) Community college; and
- (E) College/university.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-910. Status 20 — Ready for employment.**

Status 20 is used when VR services have prepared the individual for gainful employment and the individual:

- (1) Is ready to begin placement activities; or
- (2) Has been placed but has not yet begun employment.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-911. Status 22 — Employed.**

(a) Status 22 is used when the individual begins employment.

(b) To ensure adequacy of employment in accordance with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice, the individual must remain employed in Status 22 for a minimum of ninety (90) days before the counselor can close the individual's case as achieving an employment outcome (Status 26).

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-912. Status 24 — Services interrupted.**

(a) Status 24 is used when VR services are interrupted while in Status 18, 20, or 22.

(b) The individual will remain in Status 24 until:

(1) The individual is able to return to one (1) of the above-mentioned statuses; or

(2) The individual's case is closed in Status 28.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-913. Status 26 — Closed rehabilitated.**

(a) Status 26 is used when the individual has:

(1) Achieved a suitable employment outcome described in the individual's IPE;  
and

(2) Been maintained for a minimum of ninety (90) days in Status 22.

(b) An individual will not be closed in Status 26 more than once in any federal fiscal year.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-914. Status 28 — Closed not rehabilitated after IPE initiated.**

Status 28 is used to close an individual's case from Statuses 18 through 24 when it has been determined the individual does not meet the criteria for Status 26 closure.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-915. Status 30 — Closed not rehabilitated before IPE initiated.**

Status 30 is used to close a case from either Status 10 or 12.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-916. Status 32 — Post-employment service.**

(a)(1) Status 32 is used when the need for post-employment services has been identified and planned to maintain the individual in employment.

(2) The purpose of this status is to avoid the necessity of reopening a case in order to provide a relatively minor service.

(b) Post-employment services are expected to be of a one-time nature and not provided in excess of eighteen (18) months.

(c) Cases in Status 32 cannot be transferred.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-917. Status 34 — Closed from post-employment.**

Status 34 is used to close an individual's case when the individual maintains employment through the completion of planned services provided in Status 32.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-918. Status 36 — Closed from post-employment to be reopened.**

(a) Status 36 is used to close an individual's case from post-employment when the counselor determines the need to reopen the individual's case to provide necessary VR services.

(b) The case will be reopened in Status 02.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-919. Status 38 — Closed from service delayed/order of selection.**

Status 38 is used to identify individuals eligible for VR:

- (1) Who will not advance to Statuses 12 to 24; and
- (2) Whose names are being removed from the service delayed/order of selection list (Status 04).

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-920. Status 39 — Closed from post-employment/other reasons.**

Status 39 is used to close an individual for any other reason for termination from post-employment services.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-921. Transfer of cases.**

(a) Cases transferred will retain their status and the date of the transfer.

**(b) Procedures — Cases transferred out.**

(1) A transfer will be made when an individual on a counselor's caseload either permanently moves or requests another counselor within or out of that counselor's district.

(2) The client should contact the current counselor to initiate the case transfer.

(3)(A) The transferring counselor prior to the transfer will discuss the case with the receiving counselor as well as notifying the managers to ensure that case information is current and prepared for transfer.

(B) Both counselors, the managers, and the client should be in agreement before the case is transferred.

(4) Discuss the transfer with the client, providing in writing the receiving counselor's:

(A) Name;

(B) Field office address; and

(C) Phone number.

(5) Status 22 cases will be transferred only if the counselor believes this would be in the individual's best interest.

(6) Transfers will not be made during the same month the case is accepted and/or the IPE is completed and/or services are initiated.

(7) Contact the appropriate case management administrator to transfer ECF in the case management system.

(8) Document in case note under "TRANSFER OUT" a case summary for transfer.

**(c) Procedures — Cases transferred in.**

(1) After the case has been transferred in the case management system, the receiving counselor will meet with the individual.

(2) Document in the case note under "TRANSFER IN" a case summary for transfer.

(d) **Cases transferred in from other state rehabilitation agencies.**

(1) Cases cannot be transferred from other state rehabilitation agencies.

(2) Individuals moving from another state and requesting services from Arkansas Rehabilitation Services will be treated the same as a new referral.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"IPE" means individualized plan for employment.

**20 CAR § 835-922. Opening closed cases.**

(a)(1) If an individual whose case has been closed requests services the counselor will follow the same procedures for new applicants (Status 02).

(2) Counselors cannot reopen cases for thirty (30) days after closure.

(b) **Exception.**

(1) When necessary to reopen a case before the thirty (30) days from the closure date the counselor will submit a memorandum to the Chief of Field Services through the manager requesting the closure to be voided.

(2) The Chief of Field Services will notify the counselor through the District Manager that the closure has been voided so the necessary services can be provided.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-923. Annual review of closed cases — Ineligible.**

Refer to Closure, 20 CAR § 835-801 et seq.

**Authority.** Arkansas Code § 20-79-204.

## **Subpart 10. Record of Services Development, Maintenance, and Retention**

### **20 CAR § 835-1001. Record of services.**

(a)(1) In accordance with federal and state rules and regulations, Arkansas Rehabilitation Services will maintain case record documentation on each applicant or eligible individual.

(2) 34 C.F.R. § 361.47.

(b)(1) A record of services will be established for each individual placed in Status 00 or Status 02 and maintained until such time when it may be destroyed.

(2) Certain Arkansas Rehabilitation Services forms, in addition to correspondence, reports, etc., are required for each record of services to ensure adequate casework during the rehabilitation process.

**Authority.** Arkansas Code § 20-79-204.

### **20 CAR § 835-1002. Electronic case file (ECF).**

(a) The individual's electronic case file (ECF) is the official record of services.

(b) The ECF will contain all relevant correspondence, reports, forms, financial records, and documentation of the individual's rehabilitation program.

(c) The ECF will be maintained uniformly across the state.

(d) The case management system will file chronologically by the most recent date:

- (1) Intake;
- (2) Assessment;
- (3) Eligibility;
- (4) IPE;
- (5) Progress report;
- (6) Authorizations;
- (7) Correspondence;

- (8) Closure; and
- (9) Case reviews.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-1003. Record of services (ECF) documentation.**

(a)(1) The primary purpose of documentation is to facilitate the counseling relationship by bringing into focus all the pertinent data about the individual.

(2) This enables the counselor to:

- (A) Understand the individual;
- (B) Counsel and help plan future adjustment;
- (C) Help secure necessary medical, educational, and other rehabilitation services; and
- (D) Assist in locating suitable employment.

(b)(1) Proper documentation provides the information needed to establish a professional relationship with the individual.

(2) During early contacts with the individual, the documentation should emphasize:

- (A) History;
- (B) Present adjustment and environmental situation; and
- (C) The objective measures of, or reports on, physical and mental capacities.

(3) This provides an informational basis for the counseling relationship and provides substantiation for planned programs of services.

(c)(1) Documentation should be clear, objective, and limited to information that is significant and pertinent to the individual's vocational rehabilitation needs.

(2) Documentation should lead to a plan of action by including:

- (A) Evaluation summaries;

- (B) Work history;
- (C) Medical/behavior assessments; and
- (D) Other relevant resources.

(d)(1) The processing of work in accordance with existing policies and procedures is the counselor's responsibility.

(2) Case processing, filing, reporting, and recording must be performed with extreme care.

(3) Case documentation includes:

- (A) Agency forms;
- (B) Medical information;
- (C) Case narratives;
- (D) Post-operative reports;
- (E) Training reports; and
- (F) Other pertinent information related to the individual's rehabilitation

program.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

**20 CAR § 835-1004. Individual record of services — ECF procedures.**

(a) Intake:

- (1) Social Security card;
- (2) Driver's license/ID;
- (3) Application for services;
- (4) Informed consent (if under age eighteen (18));
- (5) Release of information form;
- (6) Conflict of interest form;
- (7) Copy of voter registration form or declination form; and
- (8) Substance abuse policy signature form.

(b) Assessment:

- (1) Copies of existing medical or mental health information;
- (2) Medical records/reports (Arkansas Rehabilitation Services/Arkansas Career Training Institute);
- (3) RIDAC referral form;
- (4) RIDAC/Arkansas Rehabilitation Services/Arkansas Career Training Institute medical and psychological reports;
- (5) RIDAC medical consultation form;
- (6) RIDAC psychological consultation form;
- (7) Local medical consultant form;
- (8) Memo from Arkansas Career Training Institute staff physician;
- (9) Neuropsychological reports;
- (10) Consultations;
- (11) Sixty-day assessment;
- (12) Copies of school transcripts;
- (13) Copies of psycho-educational testing conducted in schools or in the private sector;
- (14) IEP information;
- (15) Copies of medical reports;
- (16) Assistive technology reports; and
- (17) Recommendations for special accommodations or equipment.

(c) Eligibility:

- (1) VR Certificate of Eligibility/Ineligibility;
- (2) ILRS Certificate of Eligibility/Ineligibility;
- (3) Assessment for determining priority category (scope of case study);
- (4) Order of selection notification letter, if applicable;
- (5) Income verification;
- (6) Financial resource form; and
- (7) Award letter or verification (if Supplemental Security Income/Social Security Disability Insurance recipient).

(d) IPE:

- (1) Individualized plan for employment (IPE);
- (2) Individualized written client plan (Arkansas Career Training Institute);
- (3) Amendments;
- (4) Annual reviews completed; and
- (5) Exception to service provision policy.

(e) Authorizations:

- (1) Authorizations (Arkansas Rehabilitation Services/Arkansas Career Training Institute);
- (2) Attached billing statements/invoices; and
- (3) CRP statements of account and Community Program Development Section verification payment forms.

(f) Correspondence:

- (1) Referrals, internal and external;
- (2) Arkansas Career Training Institute, CRP, SE, employment services/job placement, and job services-VR only referral forms;
- (3) Copies of letters and emails;
- (4) Transition referral forms;
- (5) Letters to clients/client follow-up information form;
- (6) Referrals from Social Security;
- (7) Medical release request forms and letters;
- (8) Copies of forms mailed to client:
  - (A) Due Process Forms;
  - (B) Receipt/Release of Tools and Equipment; and
  - (C) Consumer Satisfaction Surveys;
- (9) Internal memos and policy requests;
- (10) Small business referral information; and
- (11) Employment services/job placement referral forms.

(g) Progress reports:

- (1) Arkansas Career Training Institute vocational training monthly report

forms;

- (2) Training progress reports;
  - (3) Letters from trainee forms;
  - (4) Counseling reports;
  - (5) PT, OT, ST reports (Arkansas Rehabilitation Services/Arkansas Career Training Institute);
  - (6) Social services reports;
  - (7) Supported employment monthly progress reports forms;
  - (8) Employment services/job placement closure forms;
  - (9) CRP monthly progress reports for work adjustment and extended services;
  - (10) Responsibilities of college students;
  - (11) Documentation of job development and placement activities; and
  - (12) Job services-VR only monthly progress reports forms.
- (h) Closure:
- (1) Certificate of Eligibility/Ineligibility;
  - (2) VR Case and Closure/Amendment Information Form; and
  - (3) Documentation of registered letter to client prior to closure.
- (i) Case review:
- (1) Case reviews;
  - (2) Peer reviews;
  - (3) Statewide case reviews;
  - (4) United States Rehabilitation Services Administration reviews; and
  - (5) Periodic on-site quality assurance team reviews.
- (j) Items listed under case review may not be included in every case.
- (k) This is not a comprehensive list.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "CRP" means community rehabilitation program.

"ID" means identification.

"ILRS" means independent living rehabilitation services.

"PT" means physical therapy.

"OT" means occupational therapy.

"RIDAC" means Rehabilitation Initial Diagnosis and Assessment for Clients.

"SE" means supported employment.

"ST" means speech therapy.

"VR" means vocational rehabilitation.

**20 CAR § 835-1005. Record retention.**

(a)(1) With the exception of certain files in Status 00, Arkansas Rehabilitation Services will retain all records of services for a period of seven (7) years.

(2) See 34 C.F.R. § 80.42, Arkansas Code § 25-18-601, and the current Arkansas General Records Retention Schedule, 25 CAR pt. 60.

(b) The seven-year retention period will commence upon case closure, defined as files assigned Statuses 08, 26, 28, 30, 34, 36, 38, 39, 73, and 74.

(c) Files associated with closed cases will be destroyed after the seven-year period.

(d) Files in Status 00 (new referrals) may be destroyed if the case does not progress beyond the referral stage by the end of one hundred eighty (180) days from the time the file was opened.

**Authority.** Arkansas Code § 20-79-204.

## **Subpart 11. Release and Confidentiality of Information**

### **20 CAR § 835-1101. General duty to safeguard confidentiality.**

(a) Arkansas Rehabilitation Services employees are responsible for protecting the confidentiality of a client's or applicant's record of services, including all identifying information contained in:

- (1) Reports;
- (2) Lists; and
- (3) Other paper or electronic documents.

(b) Likewise, Arkansas Rehabilitation Services employees are responsible for preventing unauthorized access to client records.

(c) All Arkansas Rehabilitation Services employees must:

- (1) Respect the confidential nature of such records; and
- (2) Refrain from conversations that might reveal information concerning individuals receiving services from Arkansas Rehabilitation Services to unauthorized persons.

**Authority.** Arkansas Code § 20-79-204.

### **20 CAR § 835-1102. Records treated as confidential.**

(a)(1) This section applies to "personal information", as that term is used in 34 C.F.R. § 361.38 and related regulations.

(2) "Personal information" includes:

- (A) Photographs;
- (B) Lists of names;
- (C) Medical, psychological, and diagnostic data; and
- (D) Any other notes, reports, or documentation maintained by Arkansas

Rehabilitation Services in a client's record of services.

(3) For purposes of this section, "client" includes both eligible individuals and applicants.

(b) Subject to the more specific guidelines below, Arkansas Rehabilitation Services will release or disclose confidential personal information in four (4) situations:

(1) When authorized by the client, so long as such disclosure would not be harmful to the client;

(2) In response to a valid subpoena, judicial or administrative order, warrant, or other demand in connection with an active law enforcement investigation, or demand by an agency authorized to investigate fraud or abuse (unless expressly prohibited by federal or state law);

(3) For purposes of audit, evaluation, or research, so long as the personal information so disclosed would be used for purposes directly connected to the administration of VR services or would significantly improve the quality of life for Arkansas Rehabilitation Services clients; or

(4) When necessary in order to protect the client or others if the client poses a threat to his or her safety or to the safety of others.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "VR" means vocational rehabilitation.

**20 CAR § 835-1103. Release to the client or the client's representative.**

(a) If requested in writing by a client or a client's representative, Arkansas Rehabilitation Services will generally make all personal information in that client's record of services directly accessible to the client or the client's representative.

(b) Medical, psychological, or other information that Arkansas Rehabilitation Services determines may be harmful to the client must be provided to a third party of the client's choosing, unless the client has a court-appointed representative, in which case Arkansas Rehabilitation Services will release the potentially harmful information only to the court-appointed representative.

(c) If Arkansas Rehabilitation Services obtains personal information from another agency or organization, release of that information will be governed by conditions for

release that the other agency or organization has established.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 853-1104. Release for purposes of audit, evaluation, or research.**

(a) Arkansas Rehabilitation Services may release personal information to an organization, agency, or individual engaged in audit, evaluation, or research, but only:

- (1) For purposes directly connected with administration of Arkansas Rehabilitation Services' vocational rehabilitation program; or
- (2) In order to significantly improve quality of life for Arkansas Rehabilitation Services clients.

(b) Before release of personal information under this section, the organization, agency, or individual must:

- (1) Sign a written confidentiality agreement;
- (2) Assure Arkansas Rehabilitation Services that the information will be used only for the purposes for which it is provided;
- (3) Assure Arkansas Rehabilitation Services that the information will be released only to persons officially connected with the audit, evaluation, or research;
- (4) Assure Arkansas Rehabilitation Services that the information will not be released to the involved client;
- (5) Assure Arkansas Rehabilitation Services that the information will be managed in a manner to safeguard confidentiality; and
- (6) Assure Arkansas Rehabilitation Services that the final product will not reveal any personal identifying information without the informed written consent of the involved individual or the individual's representative.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1105. Release to other programs or authorities.**

(a) If requested in writing by the client or the client's representative, and supported by a written agreement between Arkansas Rehabilitation Services and the third-party agency, Arkansas Rehabilitation Services may release personal information to another agency or organization.

(b) Information released to a third-party agency:

(1) Must be used for that agency's program purposes and necessary for those purposes; and

(2) May only be released to the extent the information could have been disclosed to the client or the client's representative.

(c) Medical or psychological information that Arkansas Rehabilitation Services determines may be harmful to the client may be released if the other agency or organization provides assurances that the information will:

(1) Be used only for the purpose for which it is being provided; and

(2) Not be further released to the individual.

(d) However, Arkansas Rehabilitation Services must release personal information if required by federal law or regulations.

(e) Arkansas Rehabilitation Services may also release personal information to a third-party agency in order to protect the client or others, if the client poses a threat to his or her safety or to the safety of others.

**Authority.** Arkansas Code § 20-79-204.

## **Subpart 12. Refunds/Contributions**

### **20 CAR § 835-1201. Current year refunds.**

(a) The vendor should make the refund check payable to the Arkansas Rehabilitation Services.

(b) The check should carry the name of the individual.

(c) The refund and memorandum giving full information about the refund will be

sent to the Chief of Field Services.

(d) A cancellation for the refunded amount will be keyed in the case management system.

(e) The amount will automatically be added into the counselor's allotment.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1202. Prior year refunds.**

(a) The vendor should make the check payable to Arkansas Rehabilitation Services.

(b) The check should carry the name of the individual.

(c) All refunds will be sent to the Chief of Field Services or his or her designee.

(d) The refund and a memorandum giving full information about the refund will be sent to the Chief of Field Services or his or her designee.

(e) All prior year refunds are placed into the State Kidney Disease Commission allotment as required by state law.

(f) Prior year refunds do not require cancellations.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1203. Individual's contribution.**

(a) Individual contributions are to be paid to the vendor.

(b) If an individual contributes to Arkansas Rehabilitation Services toward the cost of any services or goods, an Arkansas Rehabilitation Services authorization will be written for the remaining amount.

(c) The contribution amount will be recorded in the IPE.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-1204. Warrant (check) pickup policies and procedures.**

(a)(1) The coding of agency vendor warrants for hard copy pickup is a “by exception only” procedure that requires the Commissioner of Arkansas Rehabilitation Services’ approval via the Chief Fiscal Officer.

(2) The vast majority of warrants are processed and mailed out through the State Treasury to the address listed on the vendor’s W-9 form.

(3) Warrant pickups should be limited to situations that require hand delivery, such as program stipend or scholarships presented at awards ceremonies, or other similar situations.

(4) Again, ultimate approval of each case rests with the commissioner of the agency.

(b)(1) A justification memo from the manager requesting to the commissioner is required.

(2) The memo should explain fully the requirement and sufficient justification to support approval.

(3) All memos should be routed to the Chief Fiscal Officer for review prior to submission to the commissioner.

**Authority.** Arkansas Code § 20-79-204.

**Subpart 13. Prior Approval**

**20 CAR § 835-1301. Prior approval generally.**

(a) “Prior approval” is defined as the rehabilitation program and other record of services materials are reviewed and approved by a manager or his or her designee before the services planned for are initiated.

(b) The manager or his or her designee will review all cases requiring prior approval.

(c) A counselor may request prior approval on:

(1) A particular case;

- (2) Types of cases; or
- (3) All cases.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1302. Prior approval — New counselors.**

(a) A manager's or designee's prior approval is required on all cases during a new counselor's twelve-month probationary period.

(b) Approval will be indicated on all:

- (1) Authorizations for diagnostic services exceeding two hundred dollars (\$200);
- (2) Authorizations for other services;
- (3) Certificates of eligibility;
- (4) Orders of selection;
- (5) IPEs and any amendments;
- (6) Status 08 closures from Status 02 and Status 06;
- (7) Status 26 and Status 32 closures;
- (8) Status 28 closures;
- (9) Status 30 closures; and
- (10) Status 38 closures.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**Subpart 14. Due Process**

**20 CAR § 835-1401. Due process steps and procedures.**

(a) Due process begins once an applicant/client makes a request verbally or in writing for review of a determination affecting the provision of vocational rehabilitation

services.

(b) Due process will normally progress in the following sequence:

STEPS	PROCEDURES
1	Applicant/client will discuss the issue(s) with the counselor. A written determination will be issued to the client. The counselor will advise the applicant/client of the Client Assistance Program (CAP).
2	If dissatisfied with the determination, the applicant/client can ask for administrative review from a District Manager.
3	Mediation is available after administrative review, but participation is voluntary on the part of the applicant/client and Arkansas Rehabilitation Services.
4	If dissatisfied with the decision on administrative review (or if mediation was unsuccessful), the applicant/client can ask for an impartial hearing.
5	The applicant/client may file a civil action if dissatisfied with the result of the impartial hearing.

(c) Unless the parties agree to an extension of time, any impartial hearing must be held within sixty (60) calendar days of the date that the client/applicant requests review of the determination in question.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1402. Impact on provision of services.**

(a) Arkansas Rehabilitation Services shall not suspend, reduce, or terminate services (including evaluation and assessment services and IPE development) being provided to the applicant/client pending a resolution through due process.

(b) However, services may be suspended, reduced, or terminated if those services were obtained through misrepresentation, fraud, collusion, or criminal conduct on the

part of the individual or the individual's representative.

(c) Services may also be suspended, reduced, or terminated if the applicant/client, or their representative, so requests.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "IPE" means individualized plan for employment.

**20 CAR § 835-1403. Notification of rights.**

(a) The applicant/client will be notified of their rights at each of the due process steps.

(b) In addition to the procedural safeguards discussed elsewhere in this section, the applicant/client is entitled to the following rights during due process:

(1)(A) The right to be represented by:

(i) An attorney;

(ii) The Client Assistance Program;

(iii) A parent or guardian, friend, relative; or

(iv) Any other representative of the client/applicant's choice.

(B) However, Arkansas Rehabilitation Services will not reimburse attorneys' fees or the fees of any other representative;

(2) The right to:

(A) Present evidence and witnesses; and

(B) Cross-examine all witnesses and other relevant sources of information and evidence;

(3) The right to object to the introduction of:

(A) Evidence;

(B) Witnesses; and

(C) Other sources of information;

(4)(A) The right, at any stage of due process, to reasonable accommodations, such as an interpreter or reader, if notice of the accommodation is given to Arkansas

Rehabilitation Services at least three (3) business days prior to the:

- (i) Administrative review;
- (ii) Mediation; or
- (iii) Impartial hearing.

(B) Arkansas Rehabilitation Services reserves the right to propose an alternative, reasonable accommodation; and

(5)(A) The right, following an impartial hearing, to a written report of the grounds for the decision.

(B) The hearing officer will provide this report to all parties within thirty (30) days of the hearing's conclusion.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1404. Step 1 — Determination of counselor.**

(a)(1) Whenever a determination is made by Arkansas Rehabilitation Services that affects the provision of vocational rehabilitation services, the applicant/client can request a review of that determination.

(2) See generally 34 C.F.R. § 361.57 and Arkansas Code § 20-79-215.

(3) The applicant/client can make this request verbally or in writing, but must do so within thirty (30) days of the determination to initiate due process.

(4) It is the responsibility of Arkansas Rehabilitation Services staff to immediately notify the appropriate District Manager if staff have a reasonable belief that an applicant/client seeks review of a determination.

(5) If a verbal request is received, Arkansas Rehabilitation Services staff will ensure the correct form is completed, which may require assisting the applicant or client with the form.

(6) However it is completed, the form (Request for Administrative Review) must include both the:

- (A) Date of the determination in question; and
- (B) Date of the request for review.

(b)(1) The counselor will advise the applicant/client of the Client Assistance Program.

(2) All forms documenting a request for review will immediately be given to the District Manager.

(3) If the issue cannot be resolved between the client/applicant and the counselor, the District Manager will follow the procedures in Step 2.

**Authority.** Arkansas Code § 20-79-204.

**20 CAR § 835-1405. Step 2 — Administrative review.**

(a)(1) The District Manager/Director of the Arkansas Career and Technology Institute will hold an administrative review within ten (10) calendar days of the applicant/client's request for review of the counselor's determination.

(2) Subject to the ten-day limitation, the administrative review will be scheduled at a date, time, and place convenient to the applicant/client, during business hours at the local Arkansas Rehabilitation Services field office.

(3) If possible, the date and time will be agreed upon by the applicant/client and the Arkansas Rehabilitation Services supervisory staff member conducting the review.

(4) The supervisory staff conducting the review must:

(A) Have no previous knowledge of the details of the determination in question;

(B) Conduct the administrative review in an unbiased way; and

(C) Have a broad working knowledge of Arkansas Rehabilitation Services policies and procedures and the state plan for VR services.

(5) If the applicant/client fails to appear for the administrative review or is more than thirty (30) minutes late, the matter may be dismissed at the discretion of the supervisory staff.

(6)(A) An administrative review may be rescheduled if the applicant/client notifies Arkansas Rehabilitation Services staff that they are no longer available.

(B) Rescheduling an administrative review in this manner does not extend the sixty-day time period for completion of an impartial hearing, unless the parties agree otherwise.

(b) The applicant/client will receive a written decision from the supervisory staff member within five (5) business days following completion of the administrative review.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “VR” means vocational rehabilitation.

**20 CAR § 835-1406. Step 3 — Mediation (optional).**

(a)(1) Mediation is available to the applicant/client before an impartial hearing is requested.

(2) Mediation is not used to deny or delay the right of an individual to a hearing or to deny any other right afforded by law or Arkansas Rehabilitation Services policy.

(b)(1) Mediation is a voluntary process that allows the parties to resolve disputes regarding the provision of vocational rehabilitation services.

(2) Mediation is informal, nonadversarial, and the parties may present whatever evidence they wish in support of their position in a neutral setting.

(3) The mediation process relies on the good-faith efforts of the participants to reach their own agreement as to how the dispute should be resolved.

(c)(1) Although mediation does not involve fact-finding or the strict weighing of evidence, mediation participants should be prepared to:

(A) Describe the factual background behind the dispute; and

(B) Discuss their desired outcome.

(2) Discussions that occur during the mediation process:

(A) Are confidential; and

(B) May not be used as evidence in any subsequent hearing or civil proceedings.

(3) The parties will be required to sign a confidentiality statement prior to commencement of the mediation.

**(d) Mediation procedures.**

(1) Arkansas Rehabilitation Services will notify applicants, clients, or their representatives in writing of the opportunity for mediation when:

(A) An individual applies for vocational rehabilitation services;

(B) Order of selection is utilized;

(C) An individualized plan for employment is developed; or

(D) The individual is determined ineligible for services/services are reduced, suspended, or terminated.

(2)(A) Mediation is voluntary for both parties.

(B) At any time during the mediation process, either party or the mediator may elect to terminate the mediation.

(C) If mediation is terminated, either party may continue to an impartial hearing.

(D) However, terminating a mediation does not extend the sixty-day time period for completion of an impartial hearing, unless the parties agree otherwise.

**(e) Request for mediation.**

(1)(A) The supervisory staff member who conducted the administrative review will provide the applicant/client with an "Information on Mediation" handout when the staff member renders the written administrative decision.

(B) If interested in mediation, the applicant/client will complete and submit the Request for Mediation form to the District Manager.

(C) The District Manager will submit the Request for Mediation to the Chief of Field Services or designated deputy.

(D) The Chief of Field Services or designated deputy will review the relevant documentation and determine, within five (5) business days of receiving the Request for Mediation, whether Arkansas Rehabilitation Services consents to mediation.

(2) If Arkansas Rehabilitation Services does not consent to mediation, a certified letter will be sent to the applicant/client informing them of their right to

request an impartial hearing.

(3)(A) If Arkansas Rehabilitation Services consents to mediation, the agency's Program Planning Development and Evaluation Section will coordinate the mediation session and inform the applicant/client of their due process rights.

(B) The Program Planning Development and Evaluation Section is responsible for all mediation forms after a request is received.

(C) As expeditiously as possible (and keeping in mind the sixty-day deadline to complete any impartial hearing), Program Planning Development and Evaluation Section staff will communicate with the applicant/client, Arkansas Rehabilitation Services staff, and mediator to establish the date, place, time, and participants for the mediation.

(D) The Program Planning Development and Evaluation Section staff completes the Mediation Scheduling and Agreement to Mediate forms.

(f) **Mediation withdrawal.** An applicant/client may withdraw from the mediation process at any time by completing the Cancellation of an Appeal form.

(g) **Selection and role of mediator.**

(1)(A) The mediation will be conducted by a qualified and impartial mediator, as defined in 34 C.F.R. § 361.5(b)(43).

(B) The mediator will be selected from a list of qualified and impartial mediators maintained by the State of Arkansas.

(C) Selection will be:

(i) By agreement between Arkansas Rehabilitation Services and the applicant/client or their representative;

(ii) On a random basis; or

(iii) By a procedure established by the State of Arkansas for assigning qualified, impartial mediators.

(2)(A) Program Planning Development and Evaluation Section staff will present no more than five (5) names of mediators and their qualifications to the applicant/client.

(B) The applicant/client, or their representative, may choose the mediator

from those names.

(C) If the applicant or client does not have a preference, the mediator will be randomly selected from the entire list of qualified and impartial mediators.

(D) In mediation, decision-making authority rests with the parties agreeing to mediate.

(3) The role of the mediator includes, but is not limited to:

- (A) Assisting the parties to identify issues;
- (B) Facilitating communication;
- (C) Focusing the parties on their interests;
- (D) Maximizing the exploration of alternatives; and
- (E) Helping the parties reach voluntary agreements.

(4) The mediator may offer options for the parties to consider as to settlement terms but will not impose settlement terms on the parties.

**(h) Mediation day — Reaching an agreement.**

(1) The mediator will:

- (A) Introduce himself or herself and the parties involved;
- (B) Discuss the mediator's neutrality in the process; and
- (C) Confirm the confidentiality of the proceedings.

(2) Generally, the mediation will proceed as follows:

(A)(i) Opening statements.

(ii) Both parties will be afforded the opportunity to explain their positions on why this session is being held;

(B) The mediator will provide an opportunity for witnesses and/or evidence to be presented;

(C)(i) At any time during the process, the mediator may ask questions for clarification or to obtain more information.

(ii) The mediator may allow the parties to ask clarifying questions of each other;

(D) The mediator will provide a summary or feedback to the parties;

(E) The mediator will facilitate the parties' communication to develop

options for a settlement, which may require the mediator to hold private caucuses with the separate parties; and

(F) The mediator will produce a written formal agreement with the assistance of the parties.

(3)(A) All parties must have a clear understanding of what each will do in carrying out the agreement.

(B) The mediator will compose the agreement and ask the parties to sign a Final Mediation Agreement Form before leaving the mediation.

(C) The agreement will be implemented as soon as possible, and copies will be provided to all parties.

(4) Although information exchanged at the mediation is confidential, Arkansas Rehabilitation Services staff may enter the mediation agreement and supporting documents in the applicant/client's case file, which is itself subject to confidentiality protections.

(5) After the agreement is reached, the Program Planning Development and Evaluation Section will send the Arkansas Rehabilitation Services Mediation Feedback Survey form to:

(A) The applicant/client and their representative;

(B) Arkansas Rehabilitation Services staff involved; and

(C) The mediator.

(6) The parties' signed Final Mediation Agreement Form ends the due process steps and resolves the determination under review.

(i) **No agreement reached.** If mediation does not result in a final agreement between the parties, the applicant or client may request an impartial hearing by submitting a Request for an Impartial Hearing form within five (5) calendar days of the completion of the mediation.

**Authority.** Arkansas Code § 20-79-204.

#### **20 CAR § 835-1407. Step 4 — Impartial hearing.**

(a)(1) Each applicant/client has the right to a review, through an impartial hearing, of determinations made by Arkansas Rehabilitation Services personnel that affect the provision of vocational rehabilitation services to applicants/clients.

(2) The impartial hearing will be completed no later than sixty (60) calendar days from the date of initial request for review, unless the parties agree to an extension of time.

(b)(1) The impartial hearing will be conducted by an impartial hearing officer (IHO).

(2) The Program Planning Development and Evaluation Section will maintain a list of qualified impartial hearing officers who are knowledgeable in laws and regulations relating to the provision of vocational rehabilitation services.

(3) The individuals on this list will be identified jointly by the Commissioner of Arkansas Rehabilitation Services and the State Rehabilitation Council.

(4) The individuals will not be employees of a public agency or members of the State Rehabilitation Council.

(5) The IHO will be selected on a random basis from the list of qualified impartial hearing officers.

**(c) Impartial hearing procedures.**

(1)(A) An applicant/client or their representative may request the impartial hearing by submitting a Request for Impartial Hearing form.

(B) The form must be submitted to the Program Planning Development and Evaluation Section no later than five (5) calendar days after the administrative review decision is issued or the mediation is completed.

(C) The applicant/client may seek an extension of time to submit the Request for Impartial Hearing by notifying Arkansas Rehabilitation Services of the reason for the extension within five (5) calendar days of the administrative review decision/completion of mediation.

(D) The commissioner will determine whether to grant the request.

(2) When the commissioner receives a request for an impartial hearing, the Program Planning Development and Evaluation Section will gather information from the

applicant/client's ECF.

(3)(A) The ECF will contain a memorandum summarizing the basis for the administrative review decision.

(B) It will also contain a statement of issues and a summary of all facts supporting the administrative review decision.

(C) The memorandum will be sent to the:

(i) Applicant/client;

(ii) Appropriate Arkansas Rehabilitation Services staff member; and

(iii) Program Planning Development and Evaluation Section.

(4) The counselor shall notify applicants/clients in writing that they or their representatives have the right to review the client's ECF at the local Arkansas Rehabilitation Services field office.

(d) **Impartial hearing withdrawal.** An applicant/client may withdraw from the hearing process at any time by completing a Cancellation of an Appeal Form.

(e) **Request for witnesses.**

(1) The applicant/client and/or their representative will be advised via certified mail, return receipt requested, that he or she has ten (10) days from the date of signature on the certified return receipt to request witnesses from Arkansas Rehabilitation Services or to notify Arkansas Rehabilitation Services of the witnesses the applicant/client will call.

(2) The request or notice must be given in writing.

(3) Also within ten (10) days of the signature on the certified return receipt, Arkansas Rehabilitation Services must notify the applicant/client, in writing, of any witnesses Arkansas Rehabilitation Services will call at the hearing.

(f) **Scheduling the hearing.**

(1)(A) The Program Planning Development and Evaluation Section will coordinate with the applicant/client, Arkansas Rehabilitation Services staff, and the impartial hearing officer to schedule the hearing.

(B) The Program Planning Development and Evaluation Section shall issue a letter advising the applicant/client of the time, date, and place of the hearing and the

name of the IHO who will conduct the hearing.

(2)(A) The hearing will normally be held in the local Arkansas Rehabilitation Services field office.

(B) It may be held in another location if requested by either party and approved by the commissioner.

**(g) Rescheduling and nonattendance.**

(1) A request for rescheduling by either Arkansas Rehabilitation Services staff or the applicant/client prior to the date of the hearing must be submitted to the commissioner, who will determine if good cause exists to grant such a request.

(2) A hearing may also be rescheduled (and the sixty-day deadline for completing the hearing extended) by mutual agreement.

(3) If the applicant/client fails to appear for the hearing, and does not provide notice prior to the date of the hearing, the matter may be dismissed at the discretion of the IHO.

(4) If an emergency arises, the applicant/client must justify in writing his or her reasons for nonappearance.

(5) The IHO will review the emergency justification and decide whether to dismiss the matter or reschedule the hearing.

**(h) Arkansas Rehabilitation Services responsibilities.**

(1) The appropriate Arkansas Rehabilitation Services staff will present the agency's case.

(2) This staff usually includes the:

(A) Counselor;

(B) District Manager; and

(C) Legal counsel representing the agency.

(3) Arkansas Rehabilitation Services may request representation by the Attorney General's office.

(4) Arkansas Rehabilitation Services may offer witnesses and documentary evidence.

(5) The applicant/client and their representative will be given an opportunity to

object and cross-examine as needed, subject to the rulings of the IHO.

(6) Arkansas Rehabilitation Services likewise will have the opportunity, subject to the rulings of the IHO, to object and cross-examine.

**(i) Confidentiality requirements.**

(1)(A) In light of laws protecting the disclosure of information related to vocational rehabilitation applicants/clients, the impartial hearing will be closed.

(B) See 34 C.F.R. § 361.38 and Arkansas Code § 20-79-216.

(2)(A) To ensure the confidentiality of the hearing, before taking testimony or evidence the IHO will inquire if there is anyone present with whom the applicant/client is not familiar.

(B) Should the applicant/client answer in the affirmative, the person in question will identify himself or herself and state the reason for attending the hearing.

(3)(A) Should the applicant/client object to the person's attendance at the hearing, the IHO will decide whether the person may remain.

(B) A ruling that the person may remain at the hearing will not prejudice a later objection, by either party, as to the relevance of the person's testimony.

**(j) Conduct of the hearing.**

(1)(A) The hearing will be conducted by the IHO.

(B) The IHO's responsibility is to:

(i) Maintain a professional atmosphere; and

(ii) Ensure the proceedings are conducted in a fair and impartial manner.

(C) The IHO will explain hearing procedures and swear in witnesses.

(D) The IHO shall allow both parties the opportunity to be heard and to present their evidence and testimony.

(E) The applicant/client may have an attorney or representative present testimony on their behalf.

(F) The applicant/client may have an interpreter or personal care attendant present, subject to the three-business-day notice requirement discussed in the notification of rights section, 20 CAR § 835-1403, above.

(2)(A) The IHO will make an opening statement at the outset of the hearing.

(B) The opening statement will include:

(i) An introduction of the IHO;

(ii) Assurances of impartiality and confidentiality;

(iii) A brief description of the IHO's role and authority with respect to the hearing; and

(iv) A summary of the determination under review.

(3)(A) The IHO can pose questions at any time during the proceedings.

(B) Questioning of all parties will be confined to the issue or issues involved.

(4)(A) The IHO is to ensure only relevant information is permitted at the hearing.

(B) Arkansas Rules of Evidence will serve as general guidance as to the admissibility of evidence.

(5)(A) The IHO shall not fraternize with either party prior to or during the hearing.

(B) The IHO is restricted from communicating with either party privately.

(6) The IHO may need to explain that all facts are to be heard by both parties to assure impartiality.

(7) The IHO should provide for reasonable recesses in lengthy hearings.

**(k) Parties' opening statements.**

(1) Both parties will state:

(A) Their names;

(B) Whom they represent; and

(C) Their addresses.

(2) The applicant/client's opening statement will be a summary of:

(A) His or her reasons for requesting a hearing; and

(B) The issues related to the underlying determination.

(3) The Arkansas Rehabilitation Services opening statement will be a summary of:

- (A) The applicant's/client's rehabilitation case; and
- (B) The reasons for the determination under review.

(l)(1) Questions that might be directed to Arkansas Rehabilitation Services:

- (A) If records, reports, and files were requested, were they made available;
- (B) Are copies available for the record;
- (C) Are all appropriate personnel in attendance; and
- (D) Was applicant/client informed in writing that he or she has the right:
  - (i) To bring counsel or a representative;
  - (ii) To provide witnesses;
  - (iii) To examine all Arkansas Rehabilitation Services records upon which the agency based its decisions; and
  - (iv) To request certain Arkansas Rehabilitation Services personnel be present at the hearing and of their right to cross examine the agency witnesses.

(2) The role of the IHO includes:

- (A) Hearing both sides;
- (B) Limiting evidence presented at the hearing to relevant information;
- (C) Making a decision based on evidence presented; and
- (D) Engaging in fact finding.

(m) Questions that might be directed to the applicant/client:

- (1) Have you had an opportunity to examine your VR record of services, reports, and files regarding your rehabilitation status;
- (2) Have you had an opportunity for an informal administrative review by the District Manager;
- (3) Have you had an opportunity to call witnesses; and
- (4) Has Arkansas Rehabilitation Services assured you that your rehabilitation status would not change until all proceedings were completed.

(n) **IHO's decision.**

(1) The IHO will prepare a report and decision based on a comprehensive review of the information presented at the hearing, as well as provisions of:

(A) The approved state plan;  
(B) The Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., and federal vocational rehabilitation regulations; and  
(C) State regulations and policies that are consistent with federal requirements.

(2) The report will consist of:  
(A) An Introduction;  
(B) Findings of Fact;  
(C) Conclusions of Law; and  
(D) A Decision.

(3) The IHO's written report must be provided to the applicant/client and Arkansas Rehabilitation Services within thirty (30) calendar days of the completion of the hearing.

(4) The decision stated in the IHO's report will be final, except that any party to the hearing may bring a civil action as described under Step 5, 20 CAR § 835-1408, below.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** "ECF" means electronic case file.

"VR" means vocational rehabilitation.

**20 CAR § 835-1408. Step 5 — Availability of civil action.**

(a) Any party who disagrees with the findings and decision of the IHO has a right to bring a civil action with respect to the determination under review.

(b) The action may be brought in any:

(1) District court of the United States without regard to the amount in controversy; or

(2) State court of competent jurisdiction.

**Authority.** Arkansas Code § 20-79-204.

**Codification Notes.** “IHO” means impartial hearing officer.

#### **Appendix A. Self-Employment/Small Business Program**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/270/20CARpt.835AppendixA.pdf>

#### **Appendix B. Special Programs**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/271/20CARpt.835AppendixB.pdf>

#### **Appendix C. Community Rehabilitation Programs**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/272/20CARpt.835AppendixC.pdf>

#### **Appendix D. Definitions**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/273/20CARpt.835AppendixD.pdf>

#### **Appendix E. Assessment for Determining Priority Category for Services**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/274/20CARpt.835AppendixE.pdf>

**Appendix F. Substance Free Policy**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/275/20CARpt.835AppendixF.pdf>

**Appendix G. Exceptions to Service Provision Policy**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/276/20CARpt.835AppendixG.pdf>

**Appendix H. Pre-Employment Transition Services**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/277/20CARpt.835AppendixH.pdf>

**Appendix I. Rates of Payment for Purchased VR Services**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/278/20CARpt.835AppendixI.pdf>