

3/10/2014

Extended Eligibilities Discussion

Background:

Some staff believe that if the eligibility determination cannot be completed by the 60th day **for any reason** they must extend eligibility. The belief is also that the number of days that is identified in the Extension gives the Eligibility Determination a new due date.

The regs say eligibility can be extended for "exceptional and unforeseen circumstances beyond the control of VR". What is considered "exceptional and unforeseen" is the question?

Previous guidance from the Feds indicates that the extension does not change the actual due date of Eligibility, just gives us client permission to continue to secure the necessary information/documentation to determine eligibility.

Social Security recipients are automatically eligible and are at least in priority group 2. There should not be a situation where extended eligibility is necessary for SSA beneficiaries.

Some examples of Extended Eligibility narratives:

1. Will extend for a short time, as would like to check into extended supports for SE services for client. At this time, there may not be any vocational hours through DD, and this may not be necessary, but client will need some kind of support in a job. (Receives SS benefits).
2. No receipt of medical. Unable to reach client regarding extension.
3. At this time, would like to visit with the Region V workshop staff and client to determine if supported employment is a viable goal at this time. A voc. eval in this office suggested that client may not be ready for supported employment right now. (client receives SSI).
4. We have gotten some medical on client and could use that for eligibility but client has not done a very good job at following through with meetings and services so far. client issues have worsened quite a bit since the last time we worked with her. (client receives SSDI)
5. Client's grandparents have had several discussion with High School about long term supports being needed for client. No decision was reached. Called his grandparents to discuss extending client's eligibility until a decision would be reached.
6. Spoke with client over the phone today and we are still working on getting an appointment scheduled with client and parent so we can determine our next steps. We have received a copy of the OJE which recommended long term supports so want to meet with client. (previous consumer with MDT and impairment verification).
7. Psychological information is in, but an on the job evaluation will be set up and completed in the near future to determine work readiness. This could take up to 2 months for this to be completed.
8. There is concern about Alexandria being able to work. A voc. eval will help determine this; but the date will be Feb. 10th. A decision will be made after that time.
9. Client's overall ability to work is in question. She has not worked in over 20 years. She has completed an associate degree that took nearly 10 years to complete. We have discussed and have attempted to narrow down a job goal. (Client receives SSA)

10. Client and I have been working together to find a provider that has familiarity with the device he needs. We have finally found a provider and will need additional time for evaluations and recommendations that will assist in eligibility.

11. Client is in high school and when the new rules went into affect for high school students needing adult applications, this file was overlooked for eligibility determination within the correct timeframe. We have completed a corrective action plan to ensure this doesn't happen again. At this point, the eligibility needs to be extended to give us time to complete it.

12. waiting on counselors reports before i make him eligible (client receives SSA)

13. Client was in recently for a driver's evaluation to determine whether he would be able to drive his farm machinery. This will determine whether or not he can continue to work as a self-employed farmer. We do not have the results at this time; therefore, need to extend eligibility.

14. At this time, would like to do more on the job types of evaluation to determine whether client can work competitively, or may need supported employment. (client receives SSDI)

15. Client is working with both Service Coordination and Region V services. He is currently in a work shop. I have not been able to get information from either agency regarding client's ability to work. (Client receives SSA)

From the Regs:

Extending Eligibility:

(1) Once an individual has submitted an application for vocational rehabilitation services, ... an eligibility determination must be made within 60 days, unless--

(i) Exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

(ii) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with Sec. 361.42(e)(trial work) or, if appropriate, an extended evaluation is carried out in accordance with Sec. 361.42(f).

(a) Eligibility requirements.

(1) Basic requirements. The designated State unit's determination of an applicant's eligibility for vocational rehabilitation services must be based only on the following requirements:

(i) A determination by qualified personnel that the applicant has a physical or mental impairment. **(QE2 checks to make sure there is at least a primary Impairment on the Impairment Screen and we confirm impairment is correct in the determination).**

(ii) A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant. **(we presume)**

(iii) A determination by a qualified vocational rehabilitation counselor employed by the designated State unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. **(questions #2 & 3 of determination)**

(iv) A presumption, in accordance with paragraph (a)(2) of this section, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

If consumer receives Social Security benefits:

(3) Presumption of eligibility for Social Security recipients and beneficiaries.

(i) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is--

(A) Presumed eligible for vocational rehabilitation services under paragraphs (a)(1) and (2) of this section; and

(B) Considered an individual with a significant disability as defined in Sec. 361.5(b)(31).

Eligibility Determination:

Do you want to make the consumer: Eligible Ineligible ?

Is the following impairment information correct? Yes No

Is the following functional capacity limitation and rating information accurate? Yes No

1. Are you making this consumer eligible based on their receiving SSDI or SSI? Yes No (if no, then the following questions appear)
2. Does (Client name) require VR services to prepare for, secure, retain, or regain employment? Yes No
3. Does (Client name) need VR assistance with the planning and coordination of complex services? Yes No
4. Please select an Impairment Verification:
5. State the case specific evidence as to how this individual's impairment(s) results in an impediment to employment

** suggestion to add "explain why eligibility took longer than 60 days" for consumers where an extension was not appropriate.

Priority Determination:

1. Will the rehabilitation of (Client name) require multiple VR services over an extended period of time? Yes No
2. Summarize your analysis of the factors you considered in your rating of the functional capacities