



IOWA VOCATIONAL REHABILITATION SERVICES

Policy No. 200	Subject: Eligibility
Section: Eligibility	Revised: 12/2022
Signature: Eric Evans, Bureau Chief	Version: FINAL

1. DEFINITIONS

- a. "Assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate in each case:
- A review of existing data to determine if an individual is eligible for vocational rehabilitation services, and to assign priority for the order of selection;
 - To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and waiting list assignment;
 - To the extent additional data are necessary to make a determination of the employment outcomes and nature and scope of vocational rehabilitation services to be included in the Individualized Plan for Employment (IPE) of an eligible individual; and
 - A comprehensive assessment means an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological and other pertinent vocational, educational, cultural, social, recreational, and rehabilitation needs of the individual.
- b. "Individual with a disability" means an individual:
- Who has a physical or mental impairment;
 - Whose impairment constitutes or results in a substantial impediment to employment; and

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- iii. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (34 CFR 361.5(c) (27))

2. SCOPE OF SERVICES

- a. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an applicant is presumed to have a goal of an employment outcome and is presumed to be able to benefit. The completion of the application process for VR services is sufficient evidence of the individual's intent to achieve an employment outcome.
- b. Ineligibility
 - i. If IVRS determines that an applicant is ineligible for vocational rehabilitation services, or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, IVRS must:
 - 1. Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;
 - 2. Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements and means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of IVRS personnel determinations;
 - 3. Provide the individual with a description of services available from the Client Assistance Program and information on how to contact that program;
 - 4. Refer the individual to other programs that are part of the One-Stop Delivery System under WIOA that can address the individual's training or employment-related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is

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based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome. If this occurs, review within 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. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

ii. Trial Work:

Prior to an individual being determined unable to benefit due to the severity of an individual's disability and is thus ineligible for IVRS services, IVRS must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations through trial work experiences.

Any trial work experience requires RSB Bureau Chief approval.

Trial work experiences are assessments intended to assure individuals with significant disabilities have an opportunity to demonstrate their capacities through real work experiences conducted in competitive work situations consistent with the informed choice and rehabilitation needs of the individual. Trial work experiences in competitive integrated settings, rather than simulated or mock experiences in sheltered environments, provide IVRS with the best and most comprehensive evidence of an individual's capacity to achieve competitive integrated employment. IVRS should exhaust all opportunities to provide these experiences through actual work experiences integrated in the community before considering non-integrated settings.

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Trial work experiences must provide an opportunity for a sufficient variety of experiences over a sufficient period of time. IVRS defines “sufficient period of time” as up to 24 months. The trial work experience ends once IVRS has clear and convincing evidence of whether the individual can or cannot benefit from IVRS services.

Clear and convincing evidence means that IVRS has a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in the civil system of law and is to be individually applied on a case-by-case basis. The term *clear* means unequivocal (e.g., the use of intelligence test result alone would not constitute clear and convincing evidence). Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability.

Trial work includes, but is not limited to, supported employment, on-the-job training, assistive technology and personal assistance services (as applicable) to accommodate the rehabilitation needs of the individual during the trial work experiences, except when it is not appropriate for an individual to participate in such an experience.

When a trial work experience is deemed not appropriate for an individual, IVRS must document in the case notes the circumstances for that determination.

The results of trial work experiences may demonstrate that there is sufficient evidence to conclude that the individual can benefit from the provision of IVRS services in terms of an employment outcome. The results may instead demonstrate there is clear and convincing

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evidence that due to the severity of the individual's disability, the individual is incapable of benefitting from the provision of vocational rehabilitation services in terms of an employment outcome and therefore is ineligible for IVRS services.

Upon completion of trial work, if it is determined that there is sufficient evidence to conclude that due to the severity of the individual's disability, the individual is incapable of benefitting from the provision of vocational rehabilitation services in terms of an employment outcome, then the IRSS closure code utilized is "Ineligible: Following Trial Work".

Trial Work Plans: Trial work plans must be completed by, and signed off by, an IVRS counselor. Trial work plans must be reviewed at least annually by an IVRS counselor, the individual with a disability, and the individual's guardian (when applicable). This review process allows IVRS to assess the individual's progress in trial work and assists in an eligibility decision. As a result, it is required that the counselor oversee this process.

- c. Nothing in this policy concerning service provision is to be construed to create an entitlement to any vocational rehabilitation service or support.
- d. The determination of eligibility for services requires that a qualified vocational rehabilitation counselor employed by IVRS perform a comprehensive analysis of the disabling conditions, impediments to employment, and justification of why the individual requires services from IVRS to be successfully employed. It can only be made by an IVRS vocational rehabilitation counselor and must be based on the following requirements:
 - i. The applicant has a physical or mental impairment:
 - 1. Demonstrated by a stated diagnosis from an individual or entity licensed and qualified to provide the diagnosis (see [Case](#))

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[Services Guidance](#) for a list of standards for consultants and service providers).

- ii. The applicant's impairment constitutes or results in a substantial impediment to employment for the applicant:
 - 1. Demonstrated by statements (e.g. from applicant, family member, teacher) regarding the impact the impairment causes the applicant in preparing for, obtaining, maintaining, regaining, or advancing in employment;
 - 2. Demonstrated by medical or educational records reporting impediments, applicant statements, and information received from family, supervisors, teachers, and others; or if necessary;
 - 3. Demonstrated by assessment information detailing the impediments and functional limitations.

The applicant demonstrates serious limitations in at least one of the functional impediment areas in terms of an employment outcome: communication, interpersonal skills, mobility, self-care, self-direction, work tolerance, and work skills. The following are examples of when the impediment is considered serious; this is not an all-inclusive list:

- 1. **Mobility:** The individual is unable to drive without modifications or specialized training; unable to ambulate without adaptive equipment or personal assistance; unable to climb one flight of stairs or walk 100 yards without pause on a permanent basis; unable to drive due to a physical impairment; unable to access public transportation due to a physical impairment.
- 2. **Self-Care:** The individual is unable to live without supervision impacting the ability to obtain or maintain employment; unable to plan or perform activities of daily living without personal assistance or rehabilitation technology as required for employment; requires an extended period of time beyond

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the norm to prepare for work due to physical or emotional impairments; requires assistive technology to perform essential daily living skills.

3. **Self-Direction:** The individual is unable to adjust to new work conditions, new work routines, or new work expectations without personal assistance, specialized training, or an extended transition period; unable to concentrate on the job for minimal periods of time in order to make appropriate work-related decisions, to problem-solve effectively on the job, and/or to complete multi-step work tasks without being easily distracted as a result of the disabling condition or medications prescribed that treat the condition; unable to make routine decisions that would affect work tasks and work performance without structured intervention, personal assistance or specialized training; unable to learn from the consequences of poor decision-making on the job which results in repeated job loss for long periods of unemployment.
4. **Work Skills:** The individual is unable to learn new work tasks, learn appropriate work behaviors and skills, and/or organize work functions on the job without direct intervention or specialized training; unable to utilize previous job training and skills because of disability-related impediments and retraining that is required; will require rehabilitation technology on a permanent basis in order to perform/resume job skills; requires compensatory strategies, created by a third party, such as visual cues, illustrations, color-coding, numbering, etc., in order to complete work tasks.
5. **Work Tolerance:** The individual is unable to perform sustained work activity for two or more hours without rest on a permanent basis beyond what is allowed for a regular work

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shift; requires a permanently modified work schedule or work environment for disability-related needs; unable to perform job tasks that require repetitive motion without modifications to the work environment in order to maintain employment; cannot work around chemicals, dust or fumes without having a serious reaction; unable to work around environmental extremes such as temperature changes, noise or visual stimuli without aggravating the disability and causing a reduction in stamina; unable to demonstrate the psychological stamina to work a full-time job due to the disability.

6. **Interpersonal Skills:** The individual is unable to establish or maintain appropriate interactions with coworkers and supervisors without specialized training and/or personal assistant; unable to establish or maintain appropriate interactions with coworkers and supervisors without prescribed medication; unable to maintain current or future employment due to a documented history of job loss resulting from on-the-job interpersonal problems; demonstrates a serious lack in maintaining appropriate eye contact, understanding visual cues and personal work space to the point it creates discomfort on the part of the person with whom the interaction occurs.
7. **Communication:** The individual is unable to perform/understand written or oral communications in the workplace without accommodation or interventions; unable to perform functional communications required for completing job applications and participating in interviews without accommodations or interventions; demonstrates job loss due to failure to communicate effectively, which caused misunderstandings and extreme difficulty in the work environment.



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- iii. The applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:
 - 1. Demonstrated by the eligibility justification by the VR counselor of record with a description of the need for services, the anticipated expectation of how those services will remedy or significantly impact the impediments so that competitive integrated employment will be achievable; and if applicable
 - 2. The relationship of additional assessment data to the individual's employment.
- e. The comprehensive assessment:
 - i. Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements:
 - 1. Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection;
 - 2. Information that can be provided by the individual and, if appropriate, by the family of the individual;
 - 3. Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and
 - 4. An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, including experiences in which the individual is provided appropriate supports and training.
 - ii. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the IPE of the eligible individual.

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- iii. The assessment may include an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment. To the maximum extent possible, it relies on information obtained from experiences in integrated employment settings in the community and in other integrated community settings.

3. AGENCY EXPECTATIONS

- a. Any individual who has been determined eligible for SSDI/SSI based upon their own personal disability is presumed eligible and considered to be an individual with a significant disability. Verification of the status from the Social Security Administration (SSA) is needed. This verification may be received through:
 - i. Telephone verification with the local Social Security office that the individual is a recipient due to their own disability. The contact person's name is documented in the case note.
 - ii. A letter or other correspondence provided by the individual that documents the receipt of a disability benefit. A copy of the letter or correspondence is retained in the case file.
 - iii. Verification of a disability benefit that is printed and retained in the case file from the individual's online Social Security account.
 - iv. Records received from the SSA from a signed SSA Release of Information verifying a disability benefit.

4. COMPLETION OF THE ELIGIBILITY FACE SHEET

The Eligibility Face Sheet must be completed for all decisions of eligibility and ineligibility. Instructions on how to complete this document are listed below:

Name

- a. Enter the name of the individual at the top of the sheet.



Eligibility

- a. If the individual is being found eligible based on SSI/SSDI benefits, check “Does” on line 1. Then proceed to the RSA Disability Coding section. If the individual does not have an SSI/SSDI benefit, proceed to lines 2.A. and 2.B.
- b. If the individual is not being made eligible based on SSI/SSDI benefits and is instead being found eligible based on the factors described in policy above, lines 2.A. and 2.B. (has an impairment that results in a substantial impediment to employment and can benefit from services) would have to be checked “Does” to be able to check “Yes” on the eligibility line in the Decision section of the form. If the individual is ineligible, mark “Does Not” on the appropriate line(s) (line 2.A. and/or 2.B.) and proceed to check “No” on the eligibility line in the Decision section of the form. If it is determined through trial work experiences that the individual is ineligible, the “Does Not” box on line 2.B. must be checked.

RSA Disability Coding

- a. For eligible individuals, list each applicable impairment, [the corresponding code](#), the date of the report, and the name of the source who provided the information. For presumptive eligibility, if Social Security Administration (SSA) has provided a diagnosis, indicate the diagnosis followed by “SSA Verification” and the date of the SSA verification. If no diagnosis was received, list the job candidate reported diagnosis followed by “SSA Verification” and the date of the SSA verification.

Functional Impediment Areas

Using the examples of when a limitation reaches a serious level outlined above, check whether the individual has limitations or serious limitations within each functional impediment area. For each functional limitation area checked, describe the functional impediments that are creating an impact for the individual to prepare for, obtain, maintain, or advance in employment. Considering the functional impediments described, list the services the individual will benefit from in order to assist with preparing for, obtaining, maintaining, or advancing in employment.

The eligibility face sheet will automatically calculate the number of limitations and serious limitations checked above.



Decision

Check “Yes” or “No” as outlined above to indicate whether the individual is eligible or ineligible for IVRS services.

Counselor and Supervisor Signature/Date

- a. The counselor must sign and date the face sheet certifying the decision that the individual is eligible or ineligible for services. For eligible individuals, the signature date represents the date of the initial eligibility decision and waiting list category selection. This date must be the same or earlier than the IPE-2 which outlines the first vocational goal and plan of services.
- b. For IVRS counselors in their probationary employment period, all IPEs must be signed off by their immediate supervisor. The eligibility decision is not considered complete until the supervisor’s signature is added. In these situations, the supervisor’s signature date represents the date of the initial eligibility decision and waiting list category selection.

Severity of Disability and Waiting List Category

Completing this section verifies the severity of the individual’s disability and places them into the appropriate waiting list category. The SD and MSD sections would only need to be dated and signed if/when the form is updated from a previous eligibility determination.

- a. If the individual does not require multiple services over an extended period of time, and/or has a significant, but not serious, impediment to employment, check the box that corresponds to the “6--Others Eligible” section. This section would not apply to individuals who are automatically eligible based on SSI/SSDI benefits as these individuals would be at least in the Significant Disability category.
- b. If the individual is considered to have a significant disability based on their SSI/SSDI benefits, then select the “4--Significantly Disabled” box. This box would also be checked if the individual will require multiple vocational rehabilitation services over an extended period of time and has serious limitations based on the established disability in one or two functional capacities.



- c. If the individual will require multiple vocational rehabilitation services over an extended period of time and has serious limitations based on the established disability in three or more functional capacities, the “2--Most Significantly Disabled” box must be checked.

5. ELIGIBILITY JUSTIFICATION

- a. The eligibility face sheet provides the information for the eligibility decision. A case note is also required (if applicable) providing the necessary additional information not included within the face sheet. Together these two items provide the eligibility justification required. Within IRSS, both the case note and the attached eligibility face sheet should be labeled “Eligibility” as the purpose of the note.
- b. The case note must address the following items (if applicable):
 - a. Any diagnoses not utilized as part of the eligibility process;
 - b. An explanation of whether IVRS is sending the individual for testing;
 - c. Whether IVRS is waiting on any additional information required to determine if an addendum to the face sheet is needed;
 - d. Any disabilities addressed in the intake that are not documented in the medical records;
 - e. The process by which IVRS will inform the individual of the eligibility decision; and
 - f. Any additional information the IVRS counselor believes is pertinent to the decision-making process.

6. TIMEFRAMES

- a. Eligibility should be completed by the 60th day after the application date entered into IRSS, unless an appropriate [Extension of Eligibility](#) is mutually agreed on.
- b. An [Extension of Eligibility](#) should be completed by the 45th day after the application date entered into IRSS, with a specific date noted by when the decision will be determined, the reason for the extension and approval of the job candidate and guardian, when applicable. If the applicant’s approval was not received through use of the Extension of Eligibility, the reason for the extension must be documented in the case notes.



7. EXCEPTIONS

- a. None

8. APPLICABLE FORMS/DOCUMENTS

- a. [Eligibility Determination Face Sheet](#)
- b. [Extension of Eligibility](#)
- c. [Statement of Diagnosis Request](#)
- d. [Trial Work Plan](#)
- e. [RSA Codes for Impairments](#)