

Nevada Rehabilitation Division
Summary of Policy Changes to Version 7.0 for the Nevada State Rehabilitation Council
February 9, 2021

Abbreviations:

- IPE: Individualized Plan for Employment S
- C&G: Counseling and Guidance
- AVRN: Assessment of Vocational Rehabilitation Needs
- Pre-ETS: Pre-Employment Transition Services
- RSA: Rehabilitation Services Administration (federal oversight agency for VR programs}
- WINTAC: Workforce Innovation Technical Assistance Center (VR technical assistance center)
- VR: Vocational Rehabilitation

Note: Minor changes, clarification or further instruction on current policy, as well as rearranging, re-formatting, or changes in wording that don't change the essence of the policy etc. are not summarized below. Policy changes that affect other sections of the policy may not be summarized in each section; however, it will be noted in the main section.

Section 1: Effective Communication

Topic:	Change:	Explanation:
Auxiliary Aids	Update: The participant's assigned vocational rehabilitation counselor will be the point of contact for requesting auxiliary aids and services and will be responsible for ensuring the participant receives appropriate auxiliary aids and services. At the time of the request for services, individuals will be informed of the availability of auxiliary aids and services, including their availability for all written and oral communications relating to the vocational rehabilitation program, such as scheduling, administering applications, conducting intake interviews and eligibility meetings, and providing benefits and services.	Informed of Auxiliary Aids at time of request for services as no longer have onsite orientation

Section 4: Referral of Participants

Topic:	Change:	Explanation:
Individuals Referred to VR	Update: Individuals referred to Vocational Rehabilitation (VR) will be contacted in a reasonable amount of time and invited: <ul style="list-style-type: none"> • To watch the online orientation video and complete a questionnaire through the online portal at DeQart m ent of Em Qlo yment Trainin g and Rehabilitation- Rehabilitation Division • To complete an application and attend an intake 	Online Application and Orientation process

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Section 6: Application and Intake

Topic:	Change:	Explanation:
Timeframe for eligibility	Timeframe for eligibility determination is still 60 days from the receipt of the application.	Application previously received at time of intake
Application submission	Added: Nevada has established an online process for application submission. Individuals interested in services are directed to watch the online orientation video and complete a questionnaire through the online portal at Department of Employment Training and Rehabilitation-Rehabilitation Division . After the questionnaire is submitted, an application link is sent to the individual to complete and digitally sign. After VR receives the completed application, the individual is scheduled and notified of their intake appointment and method with assigned counselor.	New online application process established A case is opened in AWARE at the time of the application is received
Choice to continue with intake	Applicants can make an informed choice on whether or not to continue with the intake process.	Versus to submit an application
I&D Statement	The Information and Disclosure Statement form, which includes the Fair Hearing Process, and Participant Bill of Rights and information on confidentiality will be provided to each applicant.	Previously provided at intake

Section 8: Eligibility Determination for VR

Topic:	Change:	Explanation:
Ineligibility Appendix	Added a guide for Ineligibility Determinations: Appendix A: Ineligibility Coding Instructions (See attachment) <i>** Note: AWARE update version 6.8 made it possible to process Ineligibility Determinations in the case management system.</i>	Reference for processing an Ineligibility Determination

Subsection 12.3 Scope of VR Services; Employment Development, Job Placement, Job Retention, Job Coaching and Service Coordination

Topic:	Change:	Explanation:
700-Hour Program	Add component for 700-hour Program Employment: 700-Hour <u>Program</u> Assists individuals with disabilities certified by the Rehabilitation Division to secure employment in State agencies. <ul style="list-style-type: none"> • Temporary position limited to 700 hours service • Priority hiring lists 	Define process and guidelines to increase success of permanent appointments in State employment

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<p>Resuming Job Search and Placement Services</p>	<ul style="list-style-type: none"> • Must be certified by a Rehabilitation Counselor employed by the Rehabilitation Division to be placed on a 700-hour list • Position may lead to a permanent appointment <ul style="list-style-type: none"> ▶ Time worked in 700-hour appointment counts toward probation period of the longer-term appointment • Must be able to perform the essential functions of the position with or without reasonable accommodation as per NRS 284.317 • Nevada Revised Statute (NRS) 284.327; and Nevada Administrative Code (NAC) 284.416 outline the provisions of the program <p>Guidelines:</p> <ul style="list-style-type: none"> • Follow the internal process for referring participants to the internal job developer for the 700-hour program. Paid providers are not to be utilized for placement in this program. • A 700-hour program participant can be placed in employed status when the client becomes employed, subject to the same parameters and employment verification requirements as any other placement. • If a participant leaves, terminated, or can't perform and wants to be placed back on the 700-hour list, the counselor and participant must sufficiently address the reasons and issues and it must be well documented in case notes. • The counselor, in conjunction with the internal job developer supervisor, has the discretion to not re-refer if they believe the participant is not ready for 700-hour program employment. The participant has the right to appeal the decision as stipulated in Section 22 and the Information and Disclosure Statement of this manual. • A 700- hour placement cannot be closed as employed in competitive integrated employment until the 700-hour "trial" period has passed, and the participant has successfully transitioned into "regular" state employment, with both the employer and participant being content with the employment. For example, full time employment, this is at least 123 calendar days. So, a 700-hour case cannot be closed after 90 days of monitoring and contacts. All pre-closure parameters and verification requirements must also be met, as with any successful closure. 	<p>Effort to decrease future job loss</p>
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Section 15: Self-Employment

Topic:	Change:	Explanation:
Business Enterprise Program	Change operator to blind licensee.	Bill draft request on behalf of the BEN program & NRS 426

Section 18: Purchases and Payments of Goods and Services, Authorizations, Cash Pays and Authority Levels

Topic:	Change:	Explanation:
Vendor/Provider Authorization Limits	Removed Rehabilitation Technician ability to issue authorizations and payment approvals.	Ensure expenditures and payments are appropriate

Section 21: Confidentiality- Protection and Release of Information

Topic:	Change:	Explanation:
Federal regulations (34 CFR 361.56 and CFR 361.47)	<p>Added additional component to Confidentiality with Electronic Communication :</p> <p>You may choose to communicate electronically with your counselor or other Rehabilitation staff; however, you assume the above risks in doing so. When virtual meetings are conducted, they are on an agency approved platform and in a secure environment. You may also attend a meeting on a virtual platform but using only a telephone. A secure virtual environment includes but is not limited to: video conference programs, use of a unique meeting access code or PIN, use of a virtual meeting waiting room, meeting attendee(s) are invited to join meeting by host invite, and all attendees present in meeting room, and anyone present with them, must identify themselves.</p> <p><i>**Note: This reference on electronic communication is updated on the " Information and Disclosure Statement" form under Confidentially Risks Associated With The Use Of Technology</i></p>	Updates in responses increased communication with participants electronically

Ineligibility Coding Instructions

To complete an Ineligibility Determination

1. Determine if participant is ineligible
2. Complete required procedures/documentation for Ineligibility Determination
3. Process Ineligibility Determination in AWARE
4. Process case closure in AWARE

1. **Determine if Participant is Ineligible:**

Ineligibility determination would be made if the applicant does not meet the Eligibility requirements listed in Section 8 Eligibility for VR, Subsection B.

- Applicant does **NOT** have a physical or mental impairment (disability);
- Physical or mental impairment(s) do **NOT** constitute or result in a substantial barrier to employment for applicant;
- Applicant does **NOT** require substantial VR services to prepare for, secure, retain, advance in, or regain employment consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- Applicant **Not** able to benefit from VR services in terms of an employment outcome. Prior to determining an individual is unable to benefit or is ineligible due to the severity of the disability trial work experiences, with appropriate supports, must be provided and results in the agency demonstrating this inability to benefit with clear and convincing evidence;
- Applicant does **NOT** have legal status to work in the United States; and
- Applicant does **NOT** intend to achieve a competitive integrated employment outcome consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Youth seeking subminimum wage employment who make an informed choice not to pursue competitive employment, may be determined ineligible for VR services because he or she does not intend to achieve an employment outcome as defined by the VR program. This applies whether they have either not yet been determined eligible or have previously been determined eligible. Follow the steps outlined in Section 14 Students and Youth with Disabilities under Youth Entering Subminimum Wage Employment.

Participants can also be determined no longer eligible based on a finding the individual is incapable of achieving a competitive integrated employment outcome due to the severity of the disability.

- Clear and convincing evidence must be obtained through utilization of trial work experiences.

2. Required Procedures/Documentation when determining Ineligibility:

- a. Participant (or as appropriate, his or her representative) must be provided an opportunity for a full consultation before the ineligibility determination is completed.
- b. File contains documentation indicating summary and supporting documents of trial work experiences (if applicable), and rationale for ineligibility determination in case notes.
- c. Provide the participant with the following:
 - i. Thoroughly completed ineligibility letter utilizing the Ineligibility Template, Ineligibility Statement, and The Fair Hearing Informational Statement.
 - ii. Community Resource list to provide participant with information for other programs that can address their needs.
- d. Documentation participant was provided a description of services available from Client Assistance Program and how to contact that program.
- e. Documentation supporting the ineligibility rationale with supporting data in case file must be completed in AWARE.
- f. If the applicant or participant was determined incapable of achieving an employment outcome due to the severity of the disability, a review of the determination must be conducted within 12 months after such determination was made and annually thereafter if requested. Review may be waived if meet criteria in Section 8 Eligibility for VR, Subsection B.
- g. Scan documents that support the rationale for ineligibility into the AWARE case file.
- h. Document closure information and rationale in case notes.

3. Processing Ineligibility Determination in AWARE

- a. To process an Ineligibility Determination in AWARE, navigate to Pages. Then click on the Eligibility Determination page.
- b. All required fields and Todos must be completed on this page before you can enter the date in the Ineligible Date field. Click on the ToDo Indicators tab to access required fields and Todos. Once these are completed enter the date in the Ineligible Date field and click Finish. Both date fields will now be greyed out which indicates it has been completed:

Eligibility Date

Ineligible Date

05/04/2020

- c. Once the Eligibility page is completed the case is ready to be closed.

4. Processing Ineligibility Case Closure in AWARE:

- a. To process case Closure in AWARE, navigate to Pages.
- b. Click on the Closure page.

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- c. Continue with closure by selecting the Other than Rehabilitated Tab.
- d. Once on the Closure page go to the Reason tab.
- e. Find and select the appropriate rationale for ineligibility determination from the list in the drop-down menu.
- f. Go to Documentation-Summarize the circumstances that support the reason for closure text field and enter the detailed summary and rationale for case closure.
- g. Complete any ToDo Indicators.
- h. Enter closure date. Click on Finish.