

LRS CHAPTER 4, TECHNICAL ASSISTANCE & GUIDANCE MANUAL



Part	Name	Effective Date
410	Comparable Services and Benefits	*December 9, 2021**
Authorization Federal Register, Volume 81, Department of Education, 34 CFR 361, Part VI, State Vocational Rehabilitation Services Program, §361.37, 361.44, 361.45, 361.46, 361.48, 361.52, and 361.53.		

I. CONSIDERATION OF COMPARABLE SERVICES AND SIMILAR BENEFITS

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

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

1. The Counselor and the consumer must use all comparable services and similar benefits available to the consumer to directly offset in whole or in part the cost of the consumer's vocational rehabilitation program. Exceptions are listed below in I., A., 2., a. through f.
2. The Counselor is not required to use comparable services and similar benefits in the provision of the following vocational rehabilitation services:

- a. Assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;
- b. Counseling and guidance, including information and support services to assist an individual in exercising informed choice;
- c. *Referral and other services needed to secure necessary services from other agencies, including other components of the statewide workforce development system;
- d. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- e. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.
- f. *Post-employment services consisting of services in 2. a. – e. above.

3. Awards/Scholarships - Pell grants are identified as grant assistance through the FAFSA® and would be included in a search for comparable benefits. However, scholarships or awards based on merit or student loans do not count as grant assistance, for purposes of searching for comparable benefits, under the VR program. The VR program does not require a student to apply for merit-based scholarships or awards or apply for student loans. If a student accepts a merit-based scholarship that is restricted to specific costs, such as tuition, fees, room and board, LRS will take that reduction in expenses into consideration when calculating the amount LRS could pay to assist the student in order to avoid duplication in funding. One such example in Louisiana is the Taylor Opportunity Program for Students (TOPS). TOPS is a scholarship program for Louisiana residents who meet certain standard eligibility requirements for the scholarship and who attend one of the approved colleges, community colleges, proprietary schools or other institutions that are part of the Louisiana Association of Independent Colleges and Universities. In considering what assistance LRS will provide when a student receives TOPS, the counselor should discuss with the consumer what their TOPS funding is being applied toward. LRS cannot provide funding for the expenses being covered by TOPS.**

The Counselor will use the following guidelines:

- a. The Counselor and the consumer will jointly determine what necessary educational costs and other expenses are needed by the consumer to attend training. They will then jointly determine what resources are available to meet the consumer's needs, inclusive of any awards/scholarships. Documentation such as fee bills, grant award notifications, award letters should be obtained to verify amounts received. The Counselor and the consumer will negotiate how these resources will be applied.

- b. *The Counselor will list on the Plan/IPE how the Counselor and the consumer agreed to apply the awards/scholarships and provide the applicable verification and documentation in the case record.**

- B. *The Counselor must also provide vocational rehabilitation services without making a determination of the availability of comparable services and similar benefits if such a determination would interrupt or delay:**

1. The progress of the individual toward achieving the employment outcome identified in the IPE of the individual;
2. An immediate job placement; or
3. The provision of such service to any individual at extreme medical risk.

C. Similar Cash Benefits

1. *Counselors must advise consumers of available similar cash benefits and appropriately refer them to make application, such as:**
 - a. Pell Grant (Must be applied first to tuition)
 - b. SEOG
 - c. VA
 - d. Scholarships, Fellowships***
2. All consumers must avail themselves of any similar cash benefits available under any other program which will meet in whole or in part the cost of their vocational rehabilitation program. ***
3. The Counselor must first apply any similar cash benefit, such as Pell or other grants/awards to tuition. The remainder of the “spend down”, if any, can then be negotiated between the Counselor and the consumer. The Counselor and the consumer must use and “spend down” comparable services/similar benefits for all training-related services before LRS funds are used. (Examples: books, transportation, maintenance, training tools, supplies, etc.)
4. *All available similar cash benefits must be listed on a Plan/IPE.**

D. Similar Non-Cash Benefits and Comparable Services

1. *Counselors will advise consumers of available similar non-cash benefits and/or comparable services such as follows and appropriately refer the consumer to make application.** ***
 - a. Medicaid
 - b. Medicare
 - c. VA
 - d. Tuition Exemptions, Waivers, Non-Cash Scholarships
 - e. State Mental Health Services
 - f. *** Other Similar Non-Cash Benefits and Comparable Services
2. *All consumers are required to avail themselves of any comparable services and/or similar non-cash benefits available under any other program that are directly related to the services received.
3. All available similar non-cash benefits must be listed on Plan/IPE.

- E. *The Counselor is not required to obtain proof of denial of comparable services or similar benefits for which a consumer has been determined ineligible unless it involves the use of medical insurance or the application of Pell grants. If comparable

services or similar benefits exist under any other program, but are not readily available to the individual at the time needed to ensure progress of the individual toward achieving the employment outcome specified in the IPE, LRS must provide the required vocational rehabilitation service until such comparable service and/or similar benefit becomes available.

- F. The Counselor should demonstrate maximum efforts to secure documentation in the case record of either eligibility or ineligibility for grant assistance for all consumers with an IPE consisting of training services in institutions of higher education.**

*G. Transition Services

Providing transition services is a shared responsibility between the school and VR agency. Decisions about whether the service is related to an employment outcome or educational attainment, or if it is considered a special education or related service, as well as whether the service is one customarily provided under IDEA or the Rehabilitation Act are ones that are made at the State and local level by SEA, LRS and LEA personnel.

For example, work-based learning experiences, such as internships, short-term employment, or on-the-job trainings located in the community may be appropriate Pre-Employment Transition Services under the Rehabilitation Act or may be considered transition services under the Individuals with Disabilities Education Act (IDEA), as determined by the Individualized Education Program (IEP) Team, in collaboration with the VR counselor, and depending on the student's individualized needs. The mere fact that those services are now authorized under the Rehabilitation Act as Pre-Employment Transition Services does not mean the school should cease providing them and refer those students to the VR program. If these work-based learning experiences are not customary services provided by a Local Educational Agency (LEA), the VR agencies and LEA are urged to collaborate and coordinate the provision of such services.

410.1 UTILIZATION OF HEALTH CARE BENEFITS

I. MEDICARE

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

II. MEDICAID

- A. Entitlement - If a consumer receives SSI or Family Independence Temporary Assistance Program (FITAP) benefits, that consumer is eligible for Medicaid. As with Medicare, informed choice may be exercised by the consumer in choosing a provider. Some of the services that may be covered by Medicaid include bathroom aids, hospital beds, patient lifters, wheelchairs and wheelchair cushions, walking aids, prostheses, orthotic devices, some prescription medications, limited yearly doctors' visits, and limited days of hospitalization.
- B. Process of Medicaid Utilization
 - 1. * Informed choice may be exercised by the consumer in choosing a provider, therefore, a consumer may choose providers that do not accept Medicaid. The counselor should refer to approved rates of payment in the applicable portion of the service manual. The consumer may be responsible for costs in excess of the approved rate for the requested service unless an exception by

the Director is granted.** Following provision of the service and receipt of the invoice, payment should be authorized.

2. If the consumer chooses a provider that accepts assignment from Medicaid, the provider should deal directly with Medicaid. Services should not be inordinately delayed to access Medicaid. The LRS Counselor should track the consumer's receipt of the service to assure the consumer's needs are met.

III. PRIVATE INSURANCE

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

IV. PUBLIC HOSPITALS

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

410.2 POST-SECONDARY SUPPORT SERVICES ACCOMMODATIONS

I. PURPOSE

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

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

II COUNSELOR GUIDELINES

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

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

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

- C. Counselors will then complete the Post-Secondary Support Service Accommodation Request Form (RS-10). The Counselor will give the consumer the completed form and advise the consumer to bring this to the post-secondary program to request the needed accommodations.
 - 1. Items listed on this form should be those that LRS would traditionally provide when paying for support services. A list of the most common items traditionally needed by the consumer is found below. This list is provided to assist Counselors in identifying services that consumers may need and is not

meant to be inclusive, only a tool or guide. Support Services do not include personal care attendants or tutors.

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

2. Post-secondary programs have specific guidelines for the provision of various services for which LRS traditionally would not fund costs. ***

3. *Completion of the Form RS-10

When completing the RS-10, the Counselor must use reasonable judgment and only list those services that are traditionally funded by LRS. For example: Interpreting and real-time captioning should never be listed as being needed at the same time.**

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

4. The Counselor will also advise the consumer to request a copy of the post-secondary program's policy and procedures handbook for disabled students.

5. After the initial completion of this form, the Counselor must review it with the consumer at each annual review and complete a new form if services are still needed.

III CONSUMER'S RESPONSIBILITIES

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

A. Time Line for Consumers to Request Services

1. Consumers currently attending post-secondary programs - Counselors should advise consumers that they must request the needed support services no later than the end of the semester prior to the start of the next semester.

2. Consumers applying for the first time to a post-secondary program - Counselors should advise consumers to request the support services at the time of application for enrollment.

B. Consumers informed that Support Services are not available

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

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

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

C. Consumer Complaints of Unqualified Service Providers

1. When, for some reason, the consumer feels that the service provider is unqualified, Counselors are to advise the consumer to:
 - a. First contact the program and advise them of the situation and, if necessary, go through the grievance procedure outlined by the post-secondary program's policy and procedures handbook, which consumer should have previously received (refer to Subsection 410.2, II. C. 4. above).
 - b. Notify the Counselor at this same time that they are experiencing problems with their support services.
2. The Counselor should:
 - a. Refer the consumer to the Client Assistance Program to assist in this matter.
 - b. Review the situation and take appropriate action on a case-by-case basis, if for some reason the situation is not resolved and it affects the consumer's academic performance for that semester or quarter.

IV. LRS FUNDED SUPPORT SERVICE

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

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