


CHAPTER 7: LRS Policy Manual

 <p>LOUISIANA WORKFORCE COMMISSION The Department of Labor</p>	Part 115	Name Financial	Effective Date *03/04/2022**	
	Authorization Federal Register, Volume 81, Department of Education, 34 CFR 361, Part VI, State Vocational Rehabilitation Services Program, §361.50, 361.53, and 361.54.			
	Owner Melissa Bayham, LRS Director		Signature Signature on File	
	Appointing Authority Ava Cates, Secretary		Signature Signature on File	

A. COMPARABLE SERVICES AND SIMILAR BENEFITS

1. Determination of Availability

- a. Prior to providing any vocational rehabilitation service to an eligible individual, except those services specified below in c.i. (a)-(f), LRS will determine whether comparable services and benefits are available under any other program (other than a program carried out under Title IV, Rehabilitation Act Amendments of 2014) unless such a determination would interrupt or delay;
 - i. the progress of the individual toward achieving the employment outcome identified in the IPE of the individual;
 - ii. an immediate job placement; or
 - iii. the provision of such service to any individual at extreme medical risk.
- b. Awards and Scholarships. For purposes of the determination of availability in A.1. above, comparable benefits do not include awards and scholarships based on merit.
- c. Exceptions to Use of Comparable Services and Benefits
 - i. The following vocational rehabilitation services can be provided without making a determination of the availability of comparable services and benefits;
 - (a) services provided through LRS' Information and Referral System;
 - (b) assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;

- (c) counseling and guidance, including information and support services to assist an individual in exercising informed choice;
- (d) referral and other services needed to secure necessary services from other agencies through cooperative agreements, if such services are not available from LRS;
- (e) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- (f) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

B. INDIVIDUAL'S PARTICIPATION IN THE COST OF VOCATIONAL REHABILITATION SERVICES

1. Neither a financial needs test nor a budgetary analysis of assets, income, and disability-related expenses shall be applied as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for social security benefits under title ii or title xvi of the social security act.
2. LRS will consider, through budgetary analysis of assets, income, disability-related expenses and comparable services and benefits, the financial need of eligible individuals; and individuals who are participating in trial work periods for purposes of determining the extent of the individual's participation in the costs of certain vocational rehabilitation services.
 - a. Neither a financial needs test, nor a budgetary analysis is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:
 - i. assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation to explore the individual's abilities, capabilities, and capacity to perform in work situations (trial work periods);
 - ii. assessment for determining vocational rehabilitation needs;
 - iii. counseling, guidance, including information and support services to assist an individual in exercising informed choice;

- iv. referral and other services to secure needed services from other agencies through cooperative agreements, if such services are not available from LRS;
 - v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
 - vi. rehabilitation technology assessments;
 - vii. supported employment;
 - viii. on-the -job training;
 - ix. assistive technology devices and services (except hearing aids¹);
 - x. personal assistance services provided simultaneously with any of the above-listed vocational rehabilitation services; (Examples include attendant, reader, scribe, interpreter, ASL, braille, note taker, and adjustment/orientation and mobility training services.)
- b. A financial needs test will be applied through budgetary analysis to determine the ability of the individual to financially contribute to the cost of the following vocational rehabilitation services;
- i. physical restoration and/or mental restoration;
 - ii. hearing aids;
 - iii. maintenance
 - iv. transportation;
 - v. books and supplies;
 - vi. occupational tools and equipment;
 - vii. cost services to other family members;
 - viii. occupational licenses;
 - ix. discretionary training fees such as car registration fees, student health service fees, etc. not included in tuition;

¹ Per the Administrative Procedures Act [R.S. 49:953(B)] Louisiana Rehabilitation Services invoked Emergency Rulemaking that placed Hearing Aids under a Financial Needs test effective 12/7/2007. Final Rulemaking completed 6/20/08.

- x. vocational and other training services, such as college/university, vocational and proprietary school training;
 - xi. other goods and services not specifically identified in item d. below;
 - xii. post-employment services consisting of the services listed above.
- c. The only exception to item x. above is as follows:
- i. To preserve LRS' Continuity of Services provision in the Order of Selection, LRS exempted those eligible individuals who had an IWRP/IPE in effect prior to July 20, 1999, which is the date of the adoption of this rule change; therefore, items x. in b. above will only apply to those individuals who had an IWRP/IPE developed after July 20, 1999.
- d. The following services are exempt from the application of a budget surplus, if the Counselor determines that a surplus exists:
- i. adjustment/orientation and mobility services
 - ii. attendant services
 - iii. reader services
 - iv. scribe, note taker/braille services,
 - v. interpreter services
 - vi. assistive technology services
- e. When it is determined by a counselor and an eligible client that self-employment, through establishment of a small business enterprise, is the best option for the client, the client must provide a minimum cash capital contribution of 20 percent of the total transaction. (Refer to LRS Policy on Small Business Enterprise.)
- f. Individuals who do not provide LRS with necessary financial information to perform the budget analysis will be eligible only for those vocational rehabilitation services that are not conditioned upon an analysis to determine the extent of the individual's participation in the costs of such services.
- g. Individuals who have defaulted on a student loan must make good faith efforts with the lender to clear the default or to defer payment before LRS will participate in the cost of the client's vocational rehabilitation program.

- h. Simultaneously with the comprehensive assessment, at the annual review of the IPE, and at any time there is a change in the financial situation of either the client or the family, the counselor will perform a budget analysis for each client requiring vocational rehabilitation services as listed above in §115. B.2.b.i. - xii. The amount of client participation in the cost of their vocational rehabilitation program will be based upon the most recent budget analysis at the time the relevant IPE or amendment is developed.
3. State and Departmental Purchasing Procedures. All applicable state, departmental and agency purchasing policies and procedures must be followed.
 - a. LRS does not purchase vehicles or real estate.
 - b. Fee Schedule. Services and rates of payment must be authorized in accordance with LRS' Chapter 6, Medical Fee Schedule and LRS' Technical Assistance and Guidance Manual, Chapter 5, Vendors, which lists approved service providers.
 - c. Approval of Service Providers
 - i. Any service provider approved by the agency must agree not to make any additional charge to or accept any additional payment from the client or client's family for services authorized by the agency.
 - ii. Relatives of vocational rehabilitation clients will not be approved as a paid service provider unless such individuals are professionally and occupationally engaged in the delivery of such services by offering their services to the general public on a regular and consistent basis.
 - d. Prior Written Authorization and Encumbrance
 - i. Either before or at the same time as the initiation or delivery of goods or services, the agency must be in possession of the proper authorizing document. The only exception is in an emergency situation.
 - ii. If oral authorization of approved services is made in an emergency situation, there must be prompt documentation, and the authorization must be confirmed in writing and forwarded to the provider of the services.
4. LRS shall determine an individual's financial need for certain vocational rehabilitation services based on the individual's disability related expenses, available assets, and a multiple of 250 – 500 percent of the current U.S. Department of Health and Human Services' poverty guidelines.²

² Per the Administrative Procedures Act [R.S. 49:953(B)] Louisiana Rehabilitation Services invoked Emergency Rulemaking that expanded the range of percentages used in determining a Financial Needs test effective 7/10/2020. *Final Rulemaking completed on 2/20/22.**